

City of Olympia
OLYMPIA HEARING EXAMINER
BRIGGS VILLAGE MASTER PLAN AMENDMENT
STAFF REPORT
December 16, 2013

Case: 13-0039, Briggs Village Master Plan Amendment

Applicant: Briggs Village, LLC
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**Type of Action
Request:**

Amend Briggs Urban Village Master Plan Ordinance 6299 (See Attachment #1) to:

- Reduce allowed office space from 113,850 sq. ft. to a range between 5,000 to 31,000 sq. ft.;
- Reduce allowed retail space from 60,240 sq. ft. to a range between 33,700 sq. ft. to 60,750 sq. ft.;
- Reduce the allowed grocer space from 50,000 sq. ft. to 30,285 sq. ft. (already permitted);
- Community Uses adding 3,900 sq. ft.
- Retain the associated minimum required parking ratios for residential and commercial and remove 272 underground parking and approximately 30 off-street parking spaces;
- Revise the required commercial building stories from 2 and 3 stories to allow 1-story with minimum 24-foot facade;
- Retain the allowed residential unit count (810-units) and adjust the building types by:
 - Reducing the number of single-family by 17-units & multifamily units by 78;
 - Increase the number of "Other housing units" by 95; and
- Revise and expand Building Design Guidelines

Legal Description: A complete legal description is on file with the CP&D Department.

Site Area: Approximately 133 acres

Zoning District: Briggs Urban Village OMC 18.05.120 (Ordinance 6299)

SEPA Compliance: On May 1, 2003, the City issued the Final Environmental Impact Statement (FEIS) in accordance with the requirements of the State Environmental Policy Act (SEPA) (on file with City of Olympia). An electronic copy will be provided to the Hearing Examiner as part of the amendment request and are available upon request (Attachment # 2).

Pursuant to the State Environmental Policy Act, a SEPA Checklist was submitted to the City on March 22, 2012 (Attachment # 3). On October 3, 2013, the City of Olympia issued a Determination of Non-significance (DNS - Attachment # 4). The comment deadline passed without comment on October 17, 2013. The appeal period expired on October 24, 2013 and no appeals were filed. The applicant modified the proposed amendments on November 27, 2013 to bring the proposal further into compliance with OMC 18.05. The SEPA Official determined that the modifications remained within the scope of the May 2003 FEIS and the October 2013 DNS and no further review is required.

- Notice:**
1. **Notice of Land Use Application** provided on April 2, 2013 pursuant to OMC 18.78.
 2. Notice of May 30, 2013 **Neighborhood Meeting** was mailed to all property owners within the village and within 300 feet of the entire site.
 3. **Public notice of the Design Review Board's** July 25th, August 8th and 22nd public meetings were provided on July 11, 2013; and notice of the Board's August 29th meeting was provided on August 19, 2013; to property owners within 300 feet, Recognized Neighborhood Associations and parties of record pursuant to OMC 18.78.
 4. **Hearing Examiner.** On November 29, 2013, notice of tonight's public hearing was posted on the subject site, mailed to property owners of record within Briggs Village and within 300 feet of the Briggs Village subject site, and published in *The Olympian* (On file with the Department) pursuant to OMC 18.78. (Note: This hearing was postponed twice. Public Notice was originally sent for a scheduled November 4, 2013 and again for a December 9, 2013 hearing.)

Staff Recommendation: Recommend to the City Council that the proposed amendment is consistent with the Comprehensive Plan and the Villages and Centers code OMC 18.05 and 18.05A. In addition, staff is recommending four conditions discussed in the staff report and summarized at the end of the staff report.

Existing Site Conditions: Briggs Village, an approved Master Plan Development, is located on the site of the former Briggs Nursery, north of the intersection of Henderson Boulevard and Yelm Highway. The site is approximately 133 acres. The site has six "kettles" (depressions formed by glaciers), ranging in size from one to nine acres. Some of the kettles have wetlands, with a combined total of approximately 9.5 acres. Ward Lake is adjacent to and east of the site; it is also a kettle. Steep slopes comprise approximately nine acres of the site and are generally found along the shores of Ward Lake and in the vicinity of the on-site kettles. Ordinance 6299 Briggs Master Plan Volume 1 and Volume 2 (Attachment # 5, 6 & 7) contains a complete overview of the approved project. Proposed amendments do not alter development codes addressing any site conditions.

To date, several Briggs Village residential projects and a grocer have been approved (Administrative short plats, Hearing Examiner long plat or Site Plan Review Committee) and range from occupied, under construction or permits have been issued for: all roads, utilities & infrastructure installed; 79 single-family residential; 81 townhomes; 14 duplexes; 288 market rate apartments and 200 senior apartments; grocer; twelve (12) Commercial Lots; Arboretum, trails and city park.

Surrounding Land Use: The site is bounded on the south by Yelm Highway and The Farm residential neighborhood, on the east by Ward Lake and single-family residential, on the north and northwest by Brigadoon and South Street residential neighborhoods, and on the west by a portion of the Deschutes residential neighborhood, a kettle, and an undeveloped area. The report focuses on amendments to the residential and commercial discussed below, no amendments are proposed to the associated streets, utilities, and services which have been installed nor the approximately 55 acres of the site occupied by parks, an arboretum, a “village green”, and other open spaces. Since 2003 the applicant is in the process to develop the site in five phases over a period time

I. Amendments are proposed to the approved residential, commercial and development standards:

In December 2003, the City approved Ordinance 6299 that provides 810 residential units; 224,000 sq. ft. of commercial retail and office; along with community uses (See attachment # 5 pages 1 and 4). As indicated above, the residential components continue to proceed and the commercial advanced with the City approving a 30,285 sq. ft. grocer (Case File 09-0093). One of the applicant’s primary goals in the proposed amendments is to reduce the amount of commercial retail and office to address the reality of the existing market conditions. The applicant has submitted market condition information supporting a reduction in the total amount of commercial (See Attachments #8 Economic Development Council; #9 Kidder Mathews correspondence, #10 Berschauer Group; # 11 Amoroso Background and History). The economic information is generally consistent with the more detailed work of the Thurston Regional Planning Council’s December 2013 “Creating Places and Preserving Spaces - A Sustainable Development Plan for the Thurston Region;” Eason/Owen “Creating Walkable Neighborhood Business Districts” and the “Investment Strategy - City of Olympia Opportunity Areas” by ECONorthwest (Each is on file with the City). As discussed below, the request is consistent with OMC 18.05.050 Table 5.02 that allows up to 225,000 sq. ft. of commercial only when the grocer is up to 50,000 sq. ft. (as originally envisioned and approved in Ordinance 6299), and up to 175,000 if the grocer is less than 35,000 sq. ft.

The applicant’s proposal is to retain the 810 residential units and reduce the commercial total to approximately 95,000 sq. ft. (to include the approved 30,285 sq. ft. grocer; 33,700 sq. ft. in retail; and 31,000 sq. ft. of office). This results in a total reduction of approximately 129,000 sq. ft. of commercial and office and its associated parking. To accomplish this also requires alterations in the residential unit count to meet the required 10% gross floor area of the village centers to be occupied by residential units contained in mixed residential/commercial buildings pursuant to OMC 18.50.050(C)(2). The other alternative would be for the applicant to submit an independent market study to the City demonstrating that the mixed use building is not feasible. The applicant has submitted market condition information supporting a reduction in the total amount of commercial space. The applicant did not provide information that indicates that mixed use building is not feasible. They do propose meeting the 10% residential over commercial requirement.

A. Residential The approved Briggs Village Master Plan calls for 810 total housing units containing six types of housing. The table below depicts the required split between single-family and multifamily and the percent of each of the now seven types of housing proposed (adding condos).

1. **Existing Ordinance.** The approved village (Ordinance 6299 Section 1(A) - Volume 1 Table 1) contains a required total of 496 housing units containing a mix of 250 single-family units (includes detached, townhouses and single-family over commercial totaling 50.4% of the required housing; and 246-units of multi-family (apartments & duplex) totaling 49.6%. As approved Volume 1 Table 1 also provides for additional 314 residential units including mixed use district (114-residential units) and 200 Senior Living pursuant to OMC 18.05.050(E)(1)(c)(i)(b).

Proposed Amendment- The proposed amendment to (Ordinance 6299 Section 1(A) - Volume 1 Table 1):

- Retain the overall 810-residential units;
- Retain a required mix of 233-units of single-family (58.1 %) and 168-units of multifamily (41.9%) by reducing the overall “Required single-family & multifamily” 95-units (from 496 units to 401 units):
 - Single-family by 17-units from 250 units to a new total 233 units
 - Multifamily by 78 from 246 to 168
- Increase the number of “other residential from 314-units to 409-units by:
 - Providing 72 Condos (10-units over commercial)
 - 137-Residential Apartments replacing a commercial building along Briggs Drive.

B. **Commercial.** The primary change is to significantly reduce the amount of commercial retail and office to address existing market conditions eliminating approximately 129,000 sq. ft. The table below provides an overview of what commercial office and retail was originally approved in December 2003 by Ordinance 6299 and proposed reductions that provide a new minimum and maximum range of office and commercial (grocer reduced by 19,715 sq. ft.; office reduced between 82,850 to 108,850 sq. ft.; retail reduced by 26,540 sq. ft.); and, associated commercial building floors reduced to allow one floor (instead 2 or 3); and, parking (keeping the parking ratios resulting in reducing the overall parking count in relation to the reduction of office and commercial).

	Requirement OMC 18.05 See Attachment 12	Approved Vol. 1 - Table 1 Att.#6 -Page 4		Revised Amendment		Change Ord. 6299 / Revised Amend
I. Total Residential – Units - All types	90% of all Res. Within ¼ mile of village.	810		810		810 No Change
Required Single & Multifamily	18.05.050(E)(1)(a) Table 5.03A	496		401		Reduce 95 units
A.Required Single-family (50% to 75%)	18.05.050(e)(1)(a) Table 5.03A	250	50.4%	233	58.1%	-17
1. Detached	Min. 5%	142	28.6%	135	33.6%	- 7
2. Townhome		82	16.5%	88	21.9%	+6
3. Single-family over Commercial		26	5.2%	10	N/A	-16
B.Required Multifamily (25% to 50%)	18.05.050(E)(1)(b) Table 5.03A	246	49.6%**	168	41.9%	-78
4. Duplex	Min 5%	42	8.4%	24	5.6%	-18
5. Apartments		204	41.2%	144	35.9%	-60
C.Other:	OMC 18.05.050(E)(1)(c)	314		409		+ 95
5. Apartments next to town square		114		137		+ 23 Relocated (new apt. bldg.)
6. Senior Living		200		200		-0-
7. Condominium		0		72		+ 72 New housing type

II. Commercial				
II. Commercial	OMC 18.05	Approved Mixed Use District Plan January 2001 (Attach # 13)	Proposed Amendment (Attach # 1 (page 4))	Change Ord. 6299 / Revised Amend
Community Uses	(Not to be included in commercial counts)			
- YMCA (Existing)	18.50.050(A)(4)	(51,300 sq. ft.)	(55,200 sq. ft.)	+3,900 Sq. Ft.
- Child Care (required)	18.50.050(F)(4) (@607/R)			
- Community Clubhouse	Meeting Area			
1. Grocer (Under 35,000 sq. ft. the Comm. Cap is 175,000)	Table 5.02 and OMC 18.50.060(C)	50,000 sq. ft.	30,285 sq. ft.	-19,715 (Permit Approved)
2. Retail	75 sq. ft./ Residential Unit (75*810 =60,750 SF)	60,250 sq. ft.	New Range* Min 33,700 Max 60,750	Range revised + 510 sq. ft. - 26,540 sq. ft.
3. Office	200 Sq Ft/Residential Unit (200SF *810= 162,000 SF)	113,850	New Range* Min 5,000 to Max 31,000	Range reduced - 82,850 sq. ft. -108,850 sq. ft.
Total Commercial	OMC 18.05.050 Table5.02 225K w/ 50K grocer 175K w/35K or less grocer	224,100 sq. ft.	*94,985 sq. ft.	-129,115 sq. ft.
*Proposed Amendment – Target of 30,285 (Grocer) +33,700 (Retail) + 31,000 (Office) = 94985 sq. ft. with Total office & retail combined not to exceed 64,700				
III. Commercial Dev. Standards				
Stories Mixed Use	2- 3 Story	2 & 3-Story	1-Story with 24-foot exterior facade	Elimination of 2 nd and 3 rd floor occupied
Height Mixed Use/Commercial	Mixed Use Structures 45-foot	45-foot	45-foot Residential & 24-foot Commercial	Commercial Height reduced by 21 feet
Parking - ratios retained	Ratios Pursuant to OMC 18.38 Parking	923 (includes 272 below grade)	No change in parking ratios 621	-302 (272 below grade stalls and 30 on-street. (Shopping Center std.)

II. **Review Process and Authority:** Pursuant to 18.57.080, the original Master Plan approval process included recommendations from the Design Review Board and the Hearing Examiner prior to the City Council Action. The Council approved the Briggs Master Plan in December 2003. The review process for amendments to an approved master plan is identified 18.57.080(F) as follows:

“Amendments. An approved Master Plan, or subsequent revision thereto, shall be binding as to the general intent and apportionment of land for buildings, stipulated use and circulation pattern. Amendments which change the character, basic design, density, open space or any other requirements and conditions contained in the Master Plan shall not be permitted

without prior review and recommendation by the Hearing Examiner, and approval by the City Council, of such amendment. Amendments shall be an amendment to the Official Zoning Map and shall be clearly depicted as a revision to the ordinance text and site plans.”

Staff Response and Recommended Findings: The amendments proposed by the applicant (outlined in the table above) substantially change the character and basic design contained in the Master Plan. A review and recommendation by the Hearing Examiner to the City Council is required. The review process for amendments follows OMC 18.57.080(F) to include the Examiner providing recommendations to the City Council. In the subject case, the amendments also included changes to the Design Guidelines and subsection (F) does not address design review process information. Therefore, the process outlined in the original Master Plan Review process, OMC 18.57.080 (A-D), provided administrative guidance as follows:

- A. **SEPA.** As stated above, on May 1, 2003, the City issued the Final Environmental Impact Statement (FEIS) in accordance with the requirements of the State Environmental Policy Act (SEPA) 2012 (Attachment # 2). The mitigation contained in the FEIS remains in full force and effect. Pursuant to the State Environmental Policy Act a new SEPA Checklist was submitted to the City on March 22, 2012 addressing the decrease in commercial office and retail. (See Attachment # 3). An update to the traffic analysis was provided to examine the impacts on the transportation system (On File with the City). In summary, the proposed amendment results in 276-fewer new PM peak hour trips (45% decrease). This information will be used in the future for determining transportation impact fees and subsequent traffic impact analyses for the individual land uses prior to permitting. Each project will need to a TIA to determine the impact to Henderson Boulevard and the potential need for traffic signals. On October 3, 2013, the City of Olympia issued a Determination of Non-significance (DNS -Attachment #4). The comment deadline passed without comment on October 17, 2013 and appeal the period expired without appeals on October 24, 2013.
- B. **Design Review Board.** Although OMC 18.57.808(F) is silent with regards to the Design Review Board, because the applicant proposed amendments to the Design Guidelines, staff determined that the Design Review Board’s expertise is warranted in order that the Examiner and Council properly consider the entirety of the amendment requests. Therefore, following the same review process as outlined in the original approval (OMC 18.57.080 (A-G), the Design Review Board reviewed the amendments to the Design Guidelines pursuant to OMC 18.57.080(B) which states:

”Design Review Board. A complete application including proposed draft design vocabulary and design guidelines (OMC Chapter [18.05A](#), Village and Center Design Guidelines), shall be submitted and reviewed by the Design Review Board for review and recommendation to the City Council. The Design Review Board shall not recommend approval of a Master Plan unless they determine that the proposed Master Plan complies with each of the applicable design guidelines contained in OMC Chapter [18.05A](#), Village and Centers Design Guidelines. The Design Review Board shall also review the applicant’s proposed design vocabulary and provide a recommendation to the City Council. The Design Review Board may schedule additional meetings to consider the proposed Master Plan, or recommend denial or approval with or without conditions of approval. Public notice of meetings shall be provided pursuant to OMC Chapter [18.78](#), Public Notification.

The Design Review Board initially completed their review of the design components of the Master Plan and voted to recommend approval with conditions in 2003. As discussed in more detail below, the Board reviewed proposed amendments on July 25, 2013 and August 8, 2013 and recommended approval of the applicant’s original proposal along with several additional amendments agreed upon by the applicant, staff and staff’s consultant at the Board’s August 29,

2013 public meeting. The Board further recommended that City Council initiate a future work program to incorporate many of the new design guidelines into the “City-wide Design Guidelines.”

- C. **Hearing Examiner.** There is no specific direction to the Examiner on considering amendments in Subsection (F). However, OMC 18.57.080(C) provides direction as to the Examiner’s role in the initial approval which can also be considered in amendments as follows:

Hearing Examiner. A complete Master Plan application, including the proposed draft ordinance, OMC Chapter 18.05 and schematic maps, shall be reviewed by the Hearing Examiner for recommendation to the City Council. Prior to the recommendation on a Master Plan application, the Hearing Examiner shall hold a public hearing thereon, and notices thereof shall be given as provided in OMC Chapter 18.78, Public Notification. The Hearing Examiner shall not recommend approval of a Master Plan unless the Examiner determines that the plan complies with the requirements of OMC Chapter 18.05, Villages and Centers. The Hearing Examiner may:

1. **Recommend terms and conditions of approval; or**
2. **Require the provision, and further public review, of additional information and analyses; or**
3. **Recommend denial.**

- D. **City Council.** The direction to City Council outlined in OMC 18.57.808(F) states that:

“Amendments which change the character, basic design, density, open space or any other requirements and conditions contained in the Master Plan shall not be permitted without prior review and recommendation by the Hearing Examiner, and approval by the City Council.”

The role of the City Council is established in OMC 18.57.080(D), the initial master plan approval as follows:

“The Board’s and the Examiner’s recommendations, together, with any conditions, shall be considered by the Council at a regular public meeting. Such consideration must be based upon the record established by the Design Review Board and the Examiner. If the Council finds that the Board’s or Examiner’s recommendation is in conflict with the City’s adopted plans, policies and ordinances; or insufficient evidence was presented as to the impact on surrounding area the Council may:

- a. **Deny the MPD application;**
- b. **Remand the matter back to the Design Review Board or Hearing Examiner for another hearing;**
- c. **Continue to a future date to allow for additional staff analysis desired by the Council;**

d. *Modify the Design Review Board's and Examiner's recommendation based on the applicable criteria and adopt their own findings and conclusions, and deny or approve the Master Plan; or*

e. *Schedule its' own open-record public hearing.*

If the Council determines there are no conflicts and sufficient evidence was presented as to the impact on the surrounding area, it shall adopt the Board's and Examiner's recommendation as their own and approve the Master Plan by ordinance. A date for Council action has not been scheduled. Notice of the meeting will be sent to "Parties of Record."

III. **Applicable Policies and Regulations:**

Numerous policies and standards apply to this proposed project amendment: Comprehensive Plan; Shoreline Chapter 14.10 and Shoreline Master Program for Thurston Region, Environmental Protection OMC 18.32 Critical Areas including subsections 200 (Drinking Water and Wellhead Protection), 500 (Wetlands), and 600 (Landslide Areas); the; Zoning Code including Chapters OMC 18.05 (Attachment # 12) & 18.05A, 18.57, Master Planned Development, and Ordinance 6299 (including Briggs Village Volume 1 and Briggs Village Design Guidelines) and Engineering Design & Development Standards (EDDS).

During the initial Master Plan approval process and again with regards to the proposed amendments, questions surface regarding the level of detail needed at the Master Plan review stage and what details are more appropriately set aside to be determined at the time of preliminary plat, binding site plan, or commercial development submittal. The response to this question was determined during the initial 2003 Master Plan approval process.

Clearly, consistency with the requirements of Comprehensive Plan and Olympia Municipal Code Chapters 18.05, 18.05A and 18.57 must be met. However, some of the requirements of 18.05 and 18.05A and the EDDS are at a level of detail so precise that it would be unreasonable to require at the Master Plan level. For example, pursuant to 18.05.050, the proposal is required to provide a certain number of residential units, with a certain mix between single-family and multifamily, and a certain variety and percentage of types of housing. In addition, the lot sizes, widths, and building setbacks are also stated. As agreed upon in 2003, staff continues to recommend that determining if the proposal meets the required number, type, and variety of units be considered as part of the Master Plan review. However, the final residential lot sizes, widths and setbacks, and building heights are deferred until the time of preliminary plat and building permit submittals.

Similarly, there are requirements other than zoning that have levels of detail that were previously and reasonably determined to defer until a specific land use application is submitted. For example, a stormwater system is necessary and required by the EDDS. The proposed stormwater system for the entire site was reviewed for general compliance with the Drainage Design and Erosion Control Manual; and the details of the stormwater system design for each phase or development has been and will continue to be reviewed at the time of application for that phase or development.

A. **Comprehensive Plan** - Chapter One - Land Use contains Goal LU 10 and Policies LU 10.1 through LU 10.17 relate to Urban Villages. The following policies provide direction on the proposed amendments:

LU10.3 Establish requirements for villages that provide a pleasant living, shopping, and working environment; pedestrian accessibility; a sense of community; adequate, well-

located open spaces; an attractive, well-connected street system; and a balance of retail, office, multifamily, single-family and public uses.

LU 10.8 “Minimize the amount of the village devoted to parking.” Subsection d. Design and size parking lots to avoid interrupting the pedestrian orientation of the village. Locate parking lots to the rear or side of commercial and multifamily buildings. Limit the size of parking lots fronting on a street (e.g., to 30 percent of the site’s street frontage).”

Staff Response and Recommended Findings:

No amendments are proposed to the Comprehensive Plan. The implementing regulations found in OMC Chapters 18.05 (Attachment # 13), 18.05A (On file with the City), and 18.57 (On file with the City) fully reflect all the Goals and Policies contained in the Land Use Chapter of the Comprehensive Plan. No amendments are proposed to the zoning regulations. The proposed amendments to Ordinance 6299 retain the overall residential density of 810-units (shifts the residential unit mix) and substantially reduce the commercial office, retail and related parking count from 224,100 sq. ft. to approximately 95,000 sq. ft. Pursuant to OMC 18.50.050 Table 5.02 (the approved grocer is smaller than 35,000 sq. ft.) therefore the overall commercial needed to be reduced from a maximum of 225,000 Sq. ft. to a new maximum of 175,000 sq. ft. The reduction in commercial square feet also results in a reduction in residential units in the town square. As proposed, the amendments comply with Ordinance 18.05. And the Design Review Board has recommended that the proposed amendments with the Design Guidelines comply with OMC 18.05A and thus the Comprehensive Plan.

- B. **Shorelines (OMC 14.10) - Shoreline Master Plan for Thurston Region, Section Two - General Goals and Policies, Part V. Regional Criteria** states, “All development within the jurisdiction of this Master Program shall demonstrate compliance with all the policies.”

Staff Response and Recommended Findings:

The proposed amendments do not alter or touch upon the Shoreline Master Plan. The Ward Lake Arboretum (Case Files 12-0057 and 09-0056) and trails have previously been approved. Pursuant to OMC 18.57.100, project approvals for commercial, residential and associated utilities, including stormwater must comply with the applicable regulations at the time of permitting.

- C. **Environmental Protection and Critical Areas (OMC 18.32)**. Although the site does contain wetlands and steep slopes, the proposed amendments do not alter these regulations, the site or previous conditions which shall remain in effect.

Staff Response and Recommended Findings:

The proposed amendments do not alter or touch upon Drinking Water and Wellhead Protection, Wetlands or Steep Slopes. Pursuant to prior approvals, each development and associated utilities, including stormwater regulations must comply with the applicable regulations at the time of permitting.

D. **ZONING**

1. **OMC 18.57.080, Master Planned Development - Master Plan applications shall be submitted to the Department for review.** The Design Review Board and Hearing Examiner shall forward their recommendations to the City Council.

Staff Response and Recommended Findings:

The proposed Briggs Village Amendments appear to comply with the general purposes and the amendments are following the review process and authority described above in Staff Report Section II above (OMC 18.57.080 (A-D &F). Sections E and G are addressed below:

- a. **OMC 18.57.080(E).** *“If the Master Plan is to be developed in phases, the project as a whole shall be portrayed on the Master Plan, and each phase may individually receive project review and approval accordingly to the procedures established herein.”*

Staff Response and Recommended Findings:

No amendments to the Phasing are proposed. The phasing was approved by Ordinance 6299, the Briggs Village is to be developed in five phases (Ordinance 6299 Section 1.A -See Volume I Table 1 and Section 1.D “Combined Conditions of Approval” - page 1 item II phasing conditions 3 - 8). These are shown on the Master Plan and each phase will be reviewed on its own merits for compliance with applicable City codes and for compliance with the Master Plan, when applications are submitted.

- b. **OMC 18.57.080(G) Expiration or Extension:** *There shall be no time limitation or extensions required of a master plan approval. However, if in the opinion of the City Council, the master plan does not continue to serve the public use and interest or comply with the Comprehensive Plan or other applicable laws or plans, the City Council may initiate an amendment or a rezone at any time.*

Staff Response and Recommended Findings

There is not a time limitation on the approved Master Plan and none are proposed with the amendments. However, as noted, the City Council could initiate an amendment or a rezone if the City Council determines that the master plan does not continue to serve the public use and interest or comply with the Comprehensive Plan. Staff does not make such a recommendation for the Examiner to consider.

- 2. **OMC 18.05, Urban Villages. 18.05.020 - Purposes.** There are eleven purposes for urban villages. In summary, these include a pattern of design that provides convenience for access from one home to another and from homes to businesses and transit by vehicles, bicycles, and pedestrians. They also require a variety of housing types, location, densities, and design compatibility within the urban village and with the existing neighborhoods. There are also requirements for open spaces.

Staff Response and Recommended Findings:

The approved Briggs Village met the general purposes for urban villages in 2003. The proposed 2013 amendments continue to meet each of these general purposes.

- 3. **OMC 18.05.040, Permitted, conditional, required and prohibited uses.** Table 5.01 lists those uses that are permitted outright, are subject to a conditional use permit, or are required in an Urban Village. Uses that are not listed are not permitted. And there are eight uses listed which are specifically not allowed.

Staff Response and Recommended Findings:

The approved Briggs Village proposal includes all the uses that are required and none of the uses that are not allowed. However, there will be a reduction in the amount of residential over commercial (From 57-Units See Attachment # 13 to 10-Units See Attachment #1 page 4).

As proposed pursuant to OMC 18.50.050(C)(2), the applicant proposes to provide slightly over the minimum 10% residential over commercial based upon the following calculation:

Grocer 30,285 sq. ft. + office up to 31,000 sq. ft. + retail up to 30,700 sq. ft. = 94,985 sq. ft. The proposal is to provide 11,000 sq. ft. for approximately 10-units.

The 10% residential is currently proposed in two separate buildings identified as “B” containing Commercial/Retail/Office/Other fronting on Magnolia Lane and Dogwood Drive (See Attachment # 1 Page 3).

4. OMC 18.05.050, General Standards.

- a. **Section A. Project Approval or Re-designation** outlines project approval, rezones, interim uses, and pre-existing uses.

Staff Response and Recommended Findings:

The approved Briggs Village met this section in 2003 and the proposed amendments are also following the process outlined in OMC 18.57.

- b. **Section B. Project Size.** Includes requirements for the size of a village project (between 40 and 200 acres).

Staff Response and Recommended Findings:

The approved Briggs Village at 133-acres continues to meet this section and the proposed amendments do alter the prior finding.

- c. **Section C.** Requires each village to have a village center that includes a village green or park, private and common open space, a sheltered transit stop, commercial development as market conditions allow, and civic uses. **At least 10 percent of the gross floor area of the village center must be residential.** Sixty percent of the total ground floor street frontage fronting on the square must be occupied by retail or services. A sheltered transit stop is required. The village green must be constructed before more than 50 percent of the commercial space is construction. The location of the Briggs Village center must be separated from a community-oriented shopping center by at least one mile and must abut an arterial street. The village must have the potential for modern-density residential development (7 to 14 units per acre) and for commercial uses sized to serve a 1 ½ mile radius.

Staff Response and Recommending Finding:

The Briggs Village streets, utilities and related infrastructure has been approved, permitted and constructed. Each of the requirements is achieved in the proposed amendments. There is a reduction in commercial space, reduction in residential over commercial, addition of one-commercial building on Henderson Boulevard, relocation of residential units to new apartment buildings along Briggs Drive, to the south of the commercial green, which will require new utility laterals (See Attachment # 1 Page 4) and a minor reduction in residential unit count in west residential. The total 810 residential units is unchanged and the number of units per acre is unchanged from the original approval.

- d. **Section D.** Includes Table 5.02, which lists the amount of commercial space allowed. This section also includes details on the location of commercial space and the maximum distance allowed from the village square.

Staff Response:

The proposal continues to comply with these minimum/ maximums as follows:

- The maximum total amount of total commercial floor space may not exceed 175,000 Sq. Ft. since the grocer is less than 35,000 Sq. Ft. The applicant proposes 94,985 Sq. Ft.
- The maximum amount of retail floor space allows 75-Sq. Ft./residence. The residential Unit Count of 810 units has not been reduced and the 75-Sq. Ft./residence would allow up to a maximum of 60,750 Sq. Ft. The amendment provides for a new range between 33,700 Sq. Ft. and 60,700 Sq. Ft. The intent is that if 31,000 Sq. Ft. of office is not feasible (see below) the area could be used as retail consistent with OMC 18.05.
- The maximum amount of combined office and service floor space allows 200-Sq. Ft./residence. The residential Unit Count of 810 units has not been reduced and the 200-feet/residence allow up to a maximum of 162,000 Sq. Ft. The amendment provides for a new minimum of 5,000 Sq. Ft. and maximum of 31,000 Sq. Ft.

The initial March 2013 proposal raised concerns primarily about the significant reduction in commercial office/retail space, whether the resulting one-story buildings would meet the overall vision and code for the Briggs Village site and the adequacy of the design guidelines. Former Mayor Gadbow, former Mayor Foutch along with former council members Hawkins and McPhee meet on two occasions with staff and the applicant to discuss the amendments and improvements. Many of the concepts, such as the minimum 24-foot exterior façade and improved specificity in the design guidelines are included in the revised November proposal. There is one provision not added which the applicant is not opposed.

The option is to retain the maximum flexibility, should the market return, to allow two and three story mixed use buildings (residential over commercial) around the town square. The concept is that the amending ordinance contain provisions for the one-story commercial structures to add floors or tear-down and rebuild to 2 or 3 stories as originally envisioned provided they contain the residential mix and meet the parking code.

In summary, Briggs Village commercial would provide approximately 95,000 Sq. Ft. commercial base as requested and provisions would be added to retain the 175,000 Sq. Ft. commercial cap contained in OMC 18.05 Table 5.02 of retail and combined office and services retail (since the grocer is less than 35,000 Sq. Ft). To accomplish this, addition housing above the 810-units would be built. The addition of residential over commercial is supported by the Comprehensive Plan and the underlying zoning code.

Staff Response and Recommended Findings:

The revised proposed amendments comply with the minimum/maximums provided in OMC 18.05.050 as follows:

- The maximum total amount of total commercial floor space may not exceed 175,000 Sq. Ft. since the grocer is less than 35,000 Sq. Ft. The applicant proposes 94,985 Sq. Ft.
- The maximum amount of retail floor space allows 75-Sq. Ft./residence. The residential Unit Count of 810 units has not been reduced and the 75-Sq. Ft./residence would allow up to a maximum of 60,750 Sq. Ft. The amendment provides for a new range between 33,700 Sq. Ft. and 60,700 Sq. Ft. The intent is that if 31,000 Sq. Ft. of office is not feasible (see below) the area could be used as retail consistent with OMC 18.05.
- The maximum amount of combined office and service floor space allows 200-Sq. Ft./residence. The residential Unit Count of 810 units has not been reduced and the 200-

feet/residence allow up to a maximum of 162,000 Sq. Ft. The amendment provides for a new minimum of 5,000 Sq. Ft. and maximum of 31,000 Sq. Ft.

In addition, further amendments to Ordinance 6299 to allow the proposed one-story commercial structures to add floors or tear-down and rebuild to 2 or 3 stories in the future to a maximum of 175,000 Sq. Ft. can be allowed pursuant to OMC 18.05.050 provided they contain at least the 10% residential mix (OMC 18.05.050(C) and meet the parking codes contained in OMC 18.38. Increasing the residential housing units above commercial is supported by the Comprehensive Plan and the underlying zoning code to include the minimum density of 7-units per acre and maximum average density of 13-units per acre and Maximum housing density of 24-units per acre contained in Table 5.05.

- e. **Section E.** Addresses the mix and location of residential uses and includes Tables 5.03A (Mix of Housing Types) and 5.03B (Required Variety of Dwelling Unit Types).

Staff Response and Recommended Findings:

The applicant's revised proposal and staff's recommended additional amendment, to allow up to the maximum 175,000 Sq. Ft. of commercial space with residential above comply with OMC 18.05. The applicant's amendments reduce the commercial space to approximately 95,000 Sq. Ft. This is 80,000 Sq. Ft. lower than allowed with a grocer under 35,000 Sq. Ft. The staff proposed amendment will provide for up to the maximum 175,000 Sq. Ft. in compliance with OMC 18.05.050 Table 5.02.

- 5. **Permitted or Conditional Uses.** OMC 18.04.040 Table 5.01.

Staff Response and Recommended Findings:

No change proposed. As noted in the staff report table above, the YMCA is allowed (preexisting) and a Child Day Care Center is required. Pursuant to OMC 18.50.050(F)(4), the child care facility must be constructed when 75% of the residential units are built (i.e., the 607 residential unit).

- 6. **Development Standards.** OMC 18.04.080 Table 5.04 - Commercial and Table 5.05 Residential

Staff Response: One change to the Commercial Table currently requiring 2/3-stories and a maximum building height of 45-feet is proposed. The applicants proposed amendment is to change this to 1-story. Instead of 1-story, staff will recommend that development table depict a commercial building height of not less than 24 feet (30 feet at the building corners) for a one-story building and continue to allow 2 or 3 stories to retain maximum flexibility for additional mixed-use commercial and residential in the commercial area of the village.

Pursuant to the commercial "Maximum Building Coverage" the existing maximum is 70% and increases to 85% only when the parking is under the structure or in a structure.

There are no changes proposed to the Residential Development Standards (height, setbacks etc).

Recommended Findings:

The applicant's proposed amendment to change the Commercial Table from 2/3-stories to 1-story should be revised to require commercial building height of not less than 24 feet and 30 feet at the corners on 1-story buildings and that 2 & 3 stories continue to be allowed to a height of 45-

feet retain maximum flexibility for future mixed-use buildings in the commercial area of the village.

7. **Urban Village Design Criteria.** As stated above, the proposal contains extensive revisions to the Briggs Village Design Guidelines Volume II. (On file with the City).

Staff Response: The Design Review Board conducted three public meetings and has recommended approval of the proposed amendments to the City Council. Generally, the amendments strengthen the Design Guidelines in the following areas:

- a. **Building Height** is changed from the current 2/3-story mixed use buildings to one story commercial. To retain a sense of place, the relationship between the size of the town square and the height of buildings becomes a challenge. The design guidelines have been revised to require single story buildings to be at least two stories in height by requiring a minimum of 24-foot exterior façade (and 30 feet tall at the corners) pursuant to OMC 18.05.080(M)(1) with a minimum 16-foot interior ceiling.

The approach is to recognize that initially one-story buildings will likely be proposed and add provisions to allow the opportunity for multi-story buildings sometime in the future (providing adequate parking can be provided pursuant to code). As currently configured and proposed, the amount of commercial, office and associated parking is significantly reduced.

- b. **Uniformity or Variety.** Consistent with master plans from the 1990's and 2000, the approved vision for Briggs Master Plan commercial areas generally calls for a high degree of uniformity in commercial building details. As recommended by the Board, the revised proposal provides for uniformity in concept and encourages diversity of building forms, materials and details as discussed below. In addition, the existing commercial guidelines lacked sufficient detail to ensure clarity for high quality development. The recommended amendments to the Design Guidelines provide significantly more specificity and detail.
 - i. **Roof form** is currently uniformly flat. With tall single story buildings the proposal is to allow variation in roof forms.
 - ii. **Articulation**- More detail and examples are added. Buildings will have similar articulation, within the town center, and within the Village. The building façade features of forms, edges, corners, and surface elements are better unified by their interconnectedness.
 - iii. **Primary Public Entry** requirements are added to clarify a hierarchy within the development that front the building toward the village green yet allows secondary access from the parking if requested. Entry to buildings along Henderson would be located on prominent corners.
 - iv. **Fenestration** - a hierarchy for windows and exterior openings is added. The hierarchy ensures that the buildings front the village green have the highest level of treatment (60%), side streets have the second highest, followed by parking areas and finally lesser along pedestrian corridors (up to 25%). A different hierarchy is provided for commercial buildings along Henderson.
 - v. **Weather Protection** (awnings and canopies) requirements are clarified and added that relate to the length of the façade and over entries.
 - vi. **Building Materials** substantial clarification and specificity has been added.
 - vii. **Building Details** substantial clarification and specificity has been added.

- viii. **Landscape** details have been added to buffer third tier frontage along parking areas
- ix. **Signage** clarification and specificity was added.
- x. **Utility Services** were not included in the initial adoption. Clarification and specificity has now been added. The proposal will address co-location of solid waste with screening and addressing utility meters and equipment along the buildings.

Recommended Findings:

The Design Review Board conducted three public meetings and has recommended approval of the proposed amendments to the City Council.

8. **Parking.** 18.05.100 identifies several other applicable zoning codes. Chapter 18.38 “Parking and Loading” is among them. As approved, each development within the Urban Village is to provide vehicular and bicycle parking built to the Parking Standards contained in OMC 18.38. Generally, the residential is to meet the standards based upon the type of residence and the commercial area is to meet the “Shopping Center” standards.

Staff Response and Recommended Findings:

No change is proposed in meeting the residential or shopping center standards contained in OMC 18.38. However, since there is a significant reduction in the proposed commercial square feet, there is a corresponding reduction in the number of required stalls. Pursuant to the proposed applicant’s amendments, it appears that the 272 underground stalls and other surface parking can be reduced. The additional staff proposed amendment to allow up to the maximum commercial square footage would also require associated parking pursuant to OMC 18.38. The specific parking determination will continue to be made on a case-by-case basis with each development application pursuant to OMC 18.57.100.

9. **Ordinance 6299 (including Briggs Village Volume 1 and Briggs Village Design Guidelines Volume 2)**

Staff Response and Recommended Findings:

The proposal is to amend several of the Ordinance 6299 and Volumes 1 and 2. The Examiner recommendations will be considered by the City Council at a future date. The City will prepare an amending ordinance for Council Consideration that incorporates each of the recommendations provided by the Design Review Board and Hearing Examiner.

10. **DEVELOPMENT GUIDELINES AND PUBLIC WORKS STANDARDS.** The following standards apply (water, sewer, streets) apply to projects within the Briggs Village:

- a. Olympia Municipal Code Title 12 - Chapter 12.02 Olympia Development Standards, Section 12.02.020 **Development Guidelines and Public Works Standards**
- b. Olympia Municipal Code Title 13 - Chapter 13.016 Storm and Surface Water Utility, Section 13.16.017 **Drainage Design and Erosion Control Manual,**

Staff Response and Recommended Findings: Each development proposal is required to meet the standards in place at the time of application. All the streets and utility infrastructure has been installed and generally considered complete. There will be some additional future driveway and utility relocations as a result of the amendments. A specific determination will be made on a case-by-case basis with each development application pursuant to OMC 18.57.100 when new applications are received.

Since the completion of the Henderson Boulevard and the Briggs Town Center Commercial private internal street network, the envisioned secondary YMCA driveway access at the easterly north-south street connection (Maple Lane) was to be constructed to provide the second access for the YMCA parking lot to mitigate the closure of the YMCA parking driveway access from Henderson Boulevard (See Attachment #14). As a result all the YMCA traffic enters and exits the western most driveway to access Yelm Highway via Briggs Drive and does not use the Town Center Access (Maple Lane). This causes delay and congestion on Briggs Drive and at its intersection with Yelm Highway.

To be consistent with the traffic circulation analysis for the Briggs Town Center Commercial Short Plat and Briggs Village Grocery, the secondary access needs to be constructed from the YMCA parking lot to the Briggs Town Center north-south private street (Maple Lane). This will help disperse traffic, mitigate the closure of the YMCA Henderson Boulevard driveway and lessen traffic impacts on Briggs Drive and Yelm Highway.

In addition, the existing 90- degree turn from Maple Lane (the very most southern east-west and north-south private street in the Town Center) is too narrow. Two vehicles cannot safely pass one another through the curve. This should be reconstructed to an intersection and allow the access to the YMCA parking lot described above. This alignment must be rebuilt to meet Public Works EDDS.

Staff Recommendation: Recommend to the City Council that the applicant's proposed amendments are consistent with the Comprehensive Plan and the Villages and Centers code OMC 18.05 and 18.05A and the following four conditions be added as follows:

1. Amend Ordinance 6299 to allow the proposed one-story commercial structures with a minimum 24-foot exterior façade (30-foot on building corners); and, continue to allow 2 or 3 stories commercial buildings to a maximum of 175,000 Sq. Ft. pursuant to OMC 18.05.050 provided they contain at least the 10% residential mix (OMC 18.05.050(C) and meet the parking codes contained in OMC 18.38.
2. The applicant shall construct the secondary access to the YMCA parking lot to the Briggs Town Center north-south private street (Maple Lane).
3. The applicant shall re-construct the existing 90- degree turn along Maple Lane to a three-way intersection and to allow the access to the YMCA parking lot described above. This re-alignment shall be rebuilt to meet Public Works EDDS.
4. The applicant shall be required to submit for Land Use Approval and Design Review with each future development and meet applicable requirements to include Brigg Village Master Plan & Amendments, OMC 18.05; 18.05A, 18.57, design review and Public Works EDDS.

Staff Report by: Steve Friddle, Principal Planner, on behalf of the Site Plan Review Committee comprised of Alan Murley, Engineering Review; Tom Hill, Building Official; and Rob Bradley, Fire Marshal.

Attachments:

1. Proposal (5-pages)
2. 2003 Briggs Master Plan FEIS
3. Environmental Checklist
4. SEPA DNS dated 10/3/13
5. Ordinance 6299

6. Briggs Master Plan Development - Volume I
7. Briggs Master Plan Design Guidelines - Volume II
8. Economic Development Council correspondence dated 8/15/13
9. Kidder Mathews, Ryan Haddock, correspondence dated 10/12/13
10. Berschauer Group, Ryan Clintworth correspondence dated 11/7/13
11. Amoroso Companies Business History and Project Experience
12. Olympia Municipal Code 18.05
13. Briggs Village Mixed Use District Plan January 2001
14. Briggs Village Short Plat Map. Diagram and Photo
15. Public Comments:
 - a. Lillian & Dave Dark, correspondence dated April 27, 2013
 - b. Will & Jeana Callicoat, email dated 10/1/13
 - c. YMCA by Michael West & Steven Hatton dated 12/2/13
 - d. Craig Adair, date stamped received 12/3/13
 - e. Lynn Adair, date stamped received 12/3/13
 - f. Notice of Appearance of Robert B. Shirley on behalf of Lynne A. McGuire, 11/30/13
 - g. Holly Gadbow, email dated 12/3/13
 - h. Mark Foutch, email dated 12/4/13

Additional Information Available on the City Web-site:

Prior Staff Report and Examiner Decision

- A. Hearing Examiner Staff Report dated June 30, 2003
- B. Findings & Recommendations of the Hearing Examiner, dated 8/15/2003
- C. Olympia Design Review Board Staff Report dated July 25, 2013
- D. Olympia Design Review Board Staff Report dated August 8, 2013
- E. Olympia Design Review Board Staff Report dated August 29, 2013

Economic Information/Reports

- A. “Creating Places and Preserving Spaces - A Sustainable Development Plan for the Thurston Region;” by Thurston Regional Planning Council’s, dated December 2013
- B. “Creating Walkable Neighborhood Business Districts by Greg Easton & John Owen dated June 2009
- C. “Investment Strategy - City of Olympia Opportunity Areas” by ECONorthwest dated 9/25/2013

