



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8447

Meeting Agenda City Council

Tuesday, March 18, 2014

7:00 PM

Council Chambers

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [14-0264](#) Presentation by Garden Raised Bounty (GRuB)

2.B [14-0226](#) Special Recognition - Mission Creek Watershed Restoration Project

Attachments: [Photo](#)

3. PUBLIC COMMUNICATION

*(Estimated Time: 0-30 Minutes) (Sign Up Sheets are Provided in the Foyer)
During this portion of the meeting, citizens may address the Council regarding only items related to City business, including items on the Agenda, except on agenda items for which the City Council either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days. Individual testimony is limited to three minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the Council will refrain from commenting on individual testimony until all public comment has been taken. The City Council will allow for additional testimony to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.*

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

4.A [14-0231](#) Approval of February 25, 2014 Special Study Session Meeting Minutes

Attachments: [Minutes](#)

4.B [14-0232](#) Approval of February 25, 2014 City Council Meeting Minutes

Attachments: [Minutes](#)

4.C [14-0265](#) Approval of February 27, 2014 Special City Council Meeting Minutes

Attachments: [Minutes](#)

5. PUBLIC HEARING

- 5.A [14-0245](#) Public Hearing and Approval of Boulevard Road/I-5 Area Annexation Ordinance

Attachments: [Boulevard I-5 Annexation Ordinance](#)
[Interlocal Agreement Method Handout](#)
[Annexation Frequently Asked Questions MLD 120613](#)
[Annexation Utilities-Taxes Info](#)
[Cost Differences Scenario](#)
[I-5 Annexation 2013 tax rate comparison](#)

6. OTHER BUSINESS

- 6.A [14-0252](#) Consideration and Approval of April 5, 2014 Urban Design Workshop and Community Renewal Area Planning Process

Attachments: [CRA Workshop Scope](#)

7. CONTINUED PUBLIC COMMUNICATION

(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes)

8. REPORTS AND REFERRALS**8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS****8.B CITY MANAGER'S REPORT AND REFERRALS****9. ADJOURNMENT**

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City of Olympia

City Council

City Hall
601 4th Avenue E.
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Presentation by Garden Raised Bounty (GRuB)

Agenda Date: 3/18/2014

Agenda Number: 2.A

File Number: 14-0264

File Type: recognition

Version: 1

Status: Recognition

..Title

Presentation by Garden Raised Bounty (GRuB)

..Recommended Action

Accept presentation.

Presenter(s):

Katie Rains, Executive Director, GRuB

Students

City of Olympia

City Council

City Hall
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360-753-8447

Special Recognition - Mission Creek Watershed Restoration Project

Agenda Date: 3/18/2014

Agenda Number: 2.B

File Number: 14-0226

File Type: recognition

Version: 1

Status: Recognition

..Title

Special Recognition - Mission Creek Watershed Restoration Project

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize community partners and City staff for their involvement in the 2013 Mission Creek Estuary Restoration Project

..Report

Issue:

The Mission Creek project represents a noteworthy example of community partnering to accomplish a long-sought environmental enhancement.

Staff Contact:

Michelle Stevie, Senior Program Specialist, Public Works Water Resources,
360.753.8336

Presenter(s):

Michelle Stevie, Senior Program Specialist, Public Works/Water Resources,

Background and Analysis:

The Mission Creek project removed an old, abandoned roadway and extensive fill material from the mouth of Mission Creek at the south edge of Olympia's Priest Point Park (see attached aerial photo). The roadway has restricted the tidal exchange at the mouth of the creek for approximately 100 years. This restriction caused a reduction in species using the estuary. The South Puget Sound ecosystem is dependent upon small estuaries like Mission Creek because they provide unique habitats for marine animals. Many of these small estuaries need to be restored. Unlike in past years, spawning salmon were seen entering the Mission Creek estuary this fall.

The multi-year project was completed on time and within budget thanks to the leadership of the Port of Olympia and strong support from Olympia Water Resources, Olympia Parks, Arts and Recreation Department, Squaxin Island Tribe, and the South Sound Salmon Enhancement Group. The Washington Salmon Recovery Board provided \$80,000 for the \$200,000 project.

Agenda Date: 3/18/2014
Agenda Number: 2.B
File Number: 14-0226

7/11/2006 2:11 PM





City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Meeting Minutes - Draft City Council

Information: 360.753.8447

Tuesday, February 25, 2014

5:30 PM

Room 207

Special Study Session

1. ROLL CALL

Present: 7 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer, Councilmember Jeannine Roe and Councilmember Cheryl Selby

2. COMMITTEE BUSINESS

14-0172 Comprehensive Plan Update Initial Direction

Community Planning & Development (CP&D) Deputy Director Leonard Bauer discussed the staff report and attachments highlighting the changes made to the Comprehensive Plan. He explained the differences between staff recommendations and the Planning Commission recommendations. He outlined how rezones occur and how the criteria for process code language should be drafted for a Land Use and Environment Committee (LUEC) referral.

Public Works Senior Planner Sophie Stimson discussed the pros and cons of a 20 mph or 25 mph speed limit.

The Council deliberated and indicated final placement of the following items:

Items for City Council Study Session

2. Street Connectivity
3. Connection of Park Drive SW
8. Urban Corridors
9. Design Review Jurisdiction

Items for Land Use and Environment Committee

4. Alleys (Alternative: Finance Committee)
6. Re-Zoning Criteria for Low Density Neighborhoods
7. High Density Neighborhoods Minimum Density Requirement
10. View Protection Goal and Policies
11. Urban Green Space and Tree Canopy

Items for Direct Action at Tonight's Council Meeting to Refer to a Future Public Hearing

1. Speed Limits
5. Action Plan Process
12. Disaster Planning (Subduction Earthquake Policies)
13. Locating Underground Utilities
14. Parks Maintenance and Operations Funding Consideration

The discussion was completed and forwarded to the City Council business meeting later in the evening.

3. ADJOURNMENT

The meeting adjourned at 6:43 p.m.



City of Olympia

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Meeting Minutes - Draft City Council

Information: 360.753.8447

Tuesday, February 25, 2014

7:00 PM

Council Chambers

1. ROLL CALL

Present: 7 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer, Councilmember Jeannine Roe and Councilmember Cheryl Selby

1.A ANNOUNCEMENTS

Mayor Buxbaum announced the Council met in Special Study Session at 5:30 p.m. to discuss the Comprehensive Plan.

1.B APPROVAL OF AGENDA

Mayor Buxbaum asked to add an Executive Session after Other Business to discuss potential litigation. He expects the Executive Session to last no more than 30 minutes, and he will reconvene the regular meeting afterward. The Council agreed.

Mayor Pro Tem Jones moved, seconded by Councilmember Langer, to approve the agenda as amended. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Selby

2. SPECIAL RECOGNITION - None

3. PUBLIC COMMUNICATION

Mr. Tom Dorian, 2434 Columbia St SW, spoke against the proposed downtown location for the low barrier shelter. He asked the Council to collaborate with Thurston County to come up with a better location.

Ms. Midge Welter, 410 Capitol Way N, spoke of increased problems over the last year at the Boardwalk Apartments due to vandalism, homeless people trespassing in the apartments, and human waste issues. She suggested the old Bailey's location as a site to consider for the proposed low barrier shelter or somewhere on the edge of town.

Mr. Patrick Barnes, Gull Harbor Rd, asked for City assistance to keep Behavioral

Health Resources open as a viable business.

Mr. Bill Carson, 606 Columbia St NW, asked the Council to consider downtown neighborhood residents before supporting the current proposed location for the People's House.

Mr. Don Carlson spoke in support of the People's House project but not at the current proposed location. He noted security and used needles as a few of the issues.

Olympia Timberland Regional Library Librarian Sara Pete` discussed efforts to help adults keep up with technology and highlighted library adult programs and classes.

Mr. Fred Silsby, 510 Capitol Way, said he lives at the Boardwalk Apartments and has pledged to help homeless people in our community. He stated managed care is better than no care for homeless people.

Mr. Steve Parrott, 209 Thurston Ave NE, discussed concern with the proposed downtown location for the People's House.

Ms. Mary Husted, 410 Capitol Way N, discussed other vulnerable community members, including seniors and children, who will be impacted if the downtown location is selected for the People's House.

Ms. Jessica Archer discussed the heroin epidemic and said downtown Olympia is not the place for the People's House. She indicated services that drug addicts need are not located downtown, so the shelter shouldn't be there either.

Interfaith Works and People's House representative Meg Martin thanked the Council and speakers for participating in the public process. She provided highlights from the public forum February 19 and said progress comes with growing pains. She said the status quo is not acceptable, and she looks forward to continued dialogue and solutions.

Mr. Chris van Daalen, 3703 Lorne St SE, asked the Council to support the Sustainable Thurston Plan work and quick implementation toward the vision. He spoke in support of funding for sub-area planning and other sustainable actions.

Mr. Jim Reeves discussed earthquakes, volcanic eruptions, and public safety.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

Mayor Buxbaum thanked Ms. Pete` for programs and services offered at the library. Councilmembers Roe and Langer thanked speakers for comments on the People's House and the used needles issue.

4. CONSENT CALENDAR

- 4.A 14-0166** Approval of February 11, 2014 City Council Meeting Minutes

The minutes were adopted.

- 4.B 14-0180** Approval of Bills and Payroll Certification

Payroll check numbers 86726 through 86749 and Direct Deposit transmissions: Total: \$2,321,393.77; Claim check numbers 342426 through 344152: Total: \$12,323,934.69.

The decision was adopted.

- 4.C 14-0170** Approval of Resolution in Support of the Regional Plan for Sustainable Development

The resolution was adopted.

- 4.D 14-0157** Authorization to Apply for Watershed Protection and Restoration Grant in the Amount of \$350,000

The decision was adopted.

- 4.E 14-0167** Authorization to Apply for Washington Department of Ecology Grant in the amount of \$35,000

The decision was adopted.

- 4.F 14-0171** Amendment of the 2013 Community Development Block Grant (CDBG) Action Plan to Redirect Use of \$25,650 for the Downtown Ambassador Program

The decision was adopted. Councilmember Langer abstained from voting on this item.

- 4.G 14-0165** Approval of the 2014 Finance Committee Work Plan

The decision was adopted.

- 4.H 14-0060** Approval of the 2014 General Government Committee Work Plan

The decision was adopted.

SECOND READINGS

- 4.I 14-0096** Approval of Ordinance Amending OMC 18.06.808 Related to High Density Corridor Zoning

The ordinance was adopted on second reading.

FIRST READINGS - None

Approval of the Consent Agenda

Councilmember Roe moved, seconded by Councilmember Hankins, to adopt the Consent Calendar. Councilmember Langer abstained from voting on Item 4F. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Selby

5. PUBLIC HEARING - None

6. OTHER BUSINESS

6.A 14-0172 Comprehensive Plan Update Initial Direction

Community Planning & Development (CP&D) Deputy Director Leonard Bauer indicated tonight's discussion is to primarily review 14 Planning Commission and City Manager recommendations to the Comprehensive Plan update and receive Council direction on next steps in moving forward toward a public hearing.

1. Speed Limits

Public Works Senior Planner Sophie Stimson reviewed the recommendations.

Council Discussion:

- In certain areas, such as the downtown core, staff proposes experimenting with other ways to bring speeds down besides posting signage.

The Council agreed to move the City Manager recommendation forward to the public hearing draft.

2. Street Connectivity and 3. Connection of Park Drive SW

Mayor Buxbaum suggested taking items 2 and 3 together because he believes a work session is needed prior to the Council giving staff direction. Ms. Stimson reviewed the recommendations.

Council Discussion:

- Neighborhood testimony impacted the Planning Commission's recommendation.
- Council support for a work session to discuss current and new neighborhoods in terms of emergency access.

The Council agreed to schedule a work session and requested that staff provide other criteria, such as physical environment characteristics and options for emergency access, rather than just neighborhood opposition when a street connection is proposed.

4. Alleys

Ms. Stimson reviewed the recommendations.

Council Discussion:

- Suggest a referral to the Land Use & Environment Committee (LUEC) for discussion of environmental issues, then possibly to the Finance Committee for financial considerations.
- Suggest differentiating between residential, commercial and downtown alleys, as well as stormwater management.

The Council agreed to a referral to the LUEC.

5. Action Plan Implementation Strategy Process

CP&D Associate Planner Stacey Ray discussed the recommendations.

Council Discussion:

- In September 2012 the LUEC discussed having oversight and providing direction to staff, with assistance from the Planning Commission.
- Need flexibility; support LUEC oversight.
- Supportive of the City Manager recommendation. Planning Commission language is too restrictive; however, there is a benefit in identifying partners.
- Suggest following the City Manager recommendation, but also identify the LUEC, Planning Commission, neighborhood associations, business community, and environmental groups as the target of partners to provide guidance, not as exclusive groups involved, but to provide direction on who the partners are.
- Suggest an ongoing discussion with the Planning Commission; continue to get their input, along with the LUEC.
- Suggest leaving who the partners will be as open as possible.
- Support partnering with advisory boards and community, but leave language as broad as possible so that a certain group doesn't feel left out.
- Prefer the word "partner" to listing specific groups, because it is broad.
- It's important to set a policy intent with a feedback loop, to say something like, "On an annual or regularly occurring basis..."
- The implementation strategy is an ongoing partnership, not an annual or quarterly partnership. Continue working with all groups with an interest in continuing to build the community.
- The LUEC has been working to operationalize the implementation strategy, including an annual report to the public.
- Keep it aspirational and state what the goal is in the implementation strategy.

The Council agreed to refer this back to staff for additional work and then bring it back for Council direction. Include comments from tonight, clarify how public participation outreach will work, and how to ensure/monitor the process.

6. Re-Zoning Criteria for Low Density Neighborhoods Land Use Designation

Mr. Bauer provided a brief background on zoning districts and reviewed the recommendations.

The Council agreed to refer this item to the LUEC.

7. High Density Neighborhoods Minimum Density Requirements

Mr. Bauer reviewed three areas with a proposed zoning change and discussed minimum density requirements. He summarized the recommendations.

The Council agreed to refer this item to the LUEC.

8. Urban Corridors

Mayor Buxbaum indicated this is a substantive issue and suggested a Study Session.

The Council agreed to schedule a Study Session on this item.

9. Design Review Jurisdiction

Mr. Bauer briefly reviewed the current design review process and outlined the recommendations.

Council Discussion:

- Suggest removing single family residences from the design review process.

The Council agreed to refer this item back to staff for further conversation with the Planning Commission to ensure their intent. Then bring it back for Council direction.

10. View Protection Goal and Policies

Mr. Bauer outlined the recommendations.

Council Discussion:

- Not only are there concerns about how to represent the visualization, but there is also a need to discuss the process for identifying viewsheds and understanding what implementation would look like.
- Preserve the public participation component, which the Planning Commission recommendation includes.

The Council agreed to refer this item to the LUEC.

11. Urban Green Space and Tree Canopy

Ms. Ray outlined the recommendations.

The Council agreed to refer this item to the LUEC.

12. Disaster Planning (Subduction Earthquake Policies)

Deputy Fire Chief and Emergency Management Coordinator Greg Wright discussed the recommendations.

Council Discussion:

- Discussion of the federal and state standards for all-hazard disaster planning.

- Support something similar to City Manager recommendation but in the implementation plan be sure we are addressing all hazards, including subduction earthquake policies.
- Suggest doing more than the City Manager recommendation; disaster preparedness shouldn't be centered just on earthquakes. The role of citizens, City, County, and federal government in responding to a large disaster should be reinforced.
- Hesitant to zero in on a single type of disaster or take on more than the City is capable of. Helping our citizens take care of themselves for 72 hours should be a goal.
- The Planning Commission supports a preparedness for a subduction earthquake because there is a higher frequency for this type of disaster in our part of the country. It would be helpful to acknowledge it while planning for all kinds of disasters.
- Planning Commissioner Judy Bardin clarified that a cascadia subduction zone earthquake can impact a large region. She said we might not be able to get services for a long time, so having three days of supplies would not be enough for the risk in Washington.
- Planning Commissioner Roger Horn clarified concern about planning for a longer-term disaster, not just from an earthquake, but other disasters as well.
- The underlying issue is what the City's role is. Don't want to add language in the Comp Plan that supplants other work.
- It might help to talk about a timeframe for multi-disasters, in terms of preparedness for perhaps more than 72 hours. Craft better language to reach a conclusion.

The Council agreed to refer this item back to staff to redraft a proposal to come back to the Council.

13. Locating Underground Utilities

Public Works Director Rich Hoey reviewed the recommendations.

Council Discussion:

- Encourage co-location whenever possible or practical.

The Council agreed to refer this item back to staff for improved language and bring it back for Council direction.

14. Parks Maintenance and Operations Funding Consideration

Parks, Arts & Recreation Program Manager Dave Okerlund reviewed the recommendations.

Council Discussion:

- How would we ever purchase land for future parks if the maintenance costs have to be acquired up front?
- Uncomfortable with the wording "ensure." Suggestion to strike "ensure" and replace with "evaluate the availability of adequate park maintenance..." in PR 6.5.
- Agree ensure is not the right word, but the Planning Commission recommendation is closer to what we're looking for. We need to be flexible enough to be able to purchase property when it becomes available for a good price. The word "acquired"

also sets the wrong tone.

- Don't want to be limited in the ability to acquire future park land, even if it can't be developed for a long time.
- It's important to evaluate maintenance costs so we enter into agreements with eyes wide open. Support an evaluation process but agree with flexibility to be able to take advantage of purchase opportunities.

The Council agreed to refer this item back to staff to work on revisions to use the edits suggested to strike and replace the word ensure (as noted in the second line under Council Discussion of this topic) and to strike the word "acquired" as Council's initial direction. Also, there should be some reference to the proposed projects and programs for the next 10 years; need to list progress and efforts in some way.

Council Additional Items and How to Handle

1. Urban Agriculture; Carbon Footprint and Greenhouse Gases; and Sea Level Rise

The Council agreed to have staff schedule a Study Session for each of the three topics and provide an interpretation of the Planning Commission recommendations in the Study Session.

2. Public Health, Arts, Parks and Recreation Chapter

Council Discussion:

- No reference to goals for public health in the chapter. Consider adding the following somewhere in the chapter where staff thinks it fits. "While we're not the public health authority by law, the City of Olympia will take an active role when appropriate in influencing regional health policy where it relates to Olympians."
- A second point would be that Olympia will advocate for a review of the current health policy governance structure in Thurston County and look for modifications in that governance that include local municipal corporations having a voice at the table.
- Like the idea of a statement and support for public health, but Olympia's role is secondary to the County Board of Health per state law.
- Okay with a broad statement (it doesn't have to be in the Comp Plan) but want Olympia to advocate abolishing the County Board of Health structure in support of a different model that works better.
- Public Health is worth having an additional dialogue because the current Comp Plan chapter is somewhat hollow.

3. Dark Skies

The Council agreed to have staff schedule a Study Session to look at the dark skies issue; consider stronger language in the Comp Plan or at least take a look at it; and review what Tumwater is doing to see if Olympia can do something similar.

The discussion was completed.

6.B 14-0168 Community and Economic Revitalization Committee (CERC) Report

CP&D Director Keith Stahley gave a report from the February 12 CERC meeting. He discussed the Community Renewal Area (CRA) planning process, highlighted various dates in the upcoming meetings schedule, and recapped feedback from a February 6 meeting with isthmus property owners. He showed a map of the isthmus planning area and discussed urban design workshop principles he's heard discussed in meetings over the last year.

Mayor Buxbaum reported isthmus area property owners made a direct request to meet with Councilmembers. He encouraged Councilmembers to meet with them to build relationships.

Council Discussion:

- The next CERC meeting is scheduled for March 6, so Council has time to digest the urban design workshop principles.
- The scope laid out by ECONorthwest is clear, but it only takes the City to a certain point. Budget impacts will need to be considered as part of the future work.
- There is \$20,000 remaining out of the total budget of \$105,000, which will cover the workshop process and related work through June. July through December work will require approximately \$50,000 more.
- Discussion of the goal for the next 5 years (ECONorthwest page 5, Item C), still in the process of being determined.
- Each element with the consultant and Citizens Advisory Committee (CAC) will help answer questions about what goals to accomplish with a CRA and what the ordinance might contain.
- Discussion about moving forward after the workshop and meetings. The intent is to bring a plan to Council for adoption, which will include implementation measures that have yet to be defined.
- Observation that the isthmus planning map shows the short-term moorage property divided up; may wish to consider it in its entirety as part of the district.

The report was received.

7. CONTINUED PUBLIC COMMUNICATION - None

EXECUTIVE SESSION

14-0208 EXECUTIVE SESSION

Mayor Buxbaum announced the Council will recess to Executive Session with City Attorney Tom Morrill to discuss potential litigation for up to 30 minutes. He indicated no action will be taken during the Executive Session and said if the Council is going to take action, it will do so after the conclusion of the Executive Session during the regular business meeting. He added that if the Executive Session is going to take longer than 30 minutes, he will come back and report the new estimated time.

The meeting was recessed at 9:48 p.m. At 10:21 p.m. Mayor Buxbaum returned to announce the Council will remain in Executive Session for up to 15 more minutes.

Mayor Buxbaum reconvened the meeting at 10:47 p.m.

No decisions were made.

OTHER BUSINESS - NEW ITEM ADDED DURING MEETING

Mayor Buxbaum asked to amend the agenda to add a new item regarding proposed changes to the adult entertainment ordinance.

Councilmember Langer moved, seconded by Councilmember Hankins to amend the agenda as requested. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Selby

- 6.C 14-0209** Approval of Emergency Ordinance Amending Chapter 5.16 of the Olympia Municipal Code Relating to Adult Oriented Businesses - Added to Agenda

City Attorney Tom Morrill reported staff reviewed Olympia Municipal Code (OMC) 5.16 regarding adult oriented businesses. He said the code is consistent, in general, with codes in other cities in Washington, but it hasn't been updated since 1997. He recommended procedural changes to the ordinance and noted the City has received an application for an adult entertainment business. He provided Council with a copy of the current regulations, as well as a proposed ordinance, and reviewed the proposed amendments in detail. He indicated this is an emergency ordinance, so five votes are needed to pass the ordinance. The normal practice for a first and second reading are suspended, so this action will be a first and final reading. If passed, the ordinance will go into effect tomorrow.

Council Discussion:

- Clarification regarding the process for getting a temporary license while the application is under City review.
- Discussion of renewal time period and associated fees.
- Is \$500 non-refundable application fee still reasonable? It's the same as 20 years ago.
- It makes sense to increase the fee based on the change in value of the dollar. What used to cost \$500 would cost \$750 today. Staff has spent significant amounts of time already reviewing the applications.
- Proposal to increase the initial application fee from \$500 to \$1,500 and increase the annual renewal fee from \$500 to \$750.
- Discussion of Tacoma's initial application fee of \$2,400.
- Support a higher initial fee of \$2,400 and an annual renewal fee of \$750 to reflect current costs similar to what Tacoma has done.
- Support higher fees for managers and entertainers from \$100 to \$150 based on the change in the value of the dollar.

- Request for staff, at a later date, to look at the ordinance again and propose improvements to address the temporary license issue.

Mayor Buxbaum summarized the proposed changes to the application and other fees.

Councilmember Roe moved, seconded by Councilmember Langer, to adopt an emergency ordinance amending OMC 5.16 relating to adult oriented businesses, and that the Council suspend its practice of first and second reading and adopt this ordinance on first and final reading. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Selby

Mr. Morrill noted another provision in the code that deals with appeals for denials of business licenses coming before a Tax Hearing Examiner, which the City Council has not hired. He recommended authorizing the City Manager to amend the Hearings Examiner's contract to include acting as both the Tax Hearings Examiner and the City's Hearings Examiner and to handle all appeals having to do with licenses and renewals.

Councilmember Cooper moved, seconded by Councilmember Hankins, to amend the existing contract with the Hearings Examiner to add the duties of the City Tax Hearings Examiner. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Selby

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers agreed to postpone most of the reports due to the lateness of the hour.

Councilmember Langer reported he was appointed as the LOTT Alliance Board President. He also reported the LUEC reviewed a civic center drug free zone, which he will report more about next week.

Mayor Buxbaum reported he testified before the Senate Ways and Means Committee in support of the 1063 Capitol Way building.

8.B CITY MANAGER'S REPORT AND REFERRALS - None

9. ADJOURNMENT

The meeting adjourned at 11:40 p.m.



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Meeting Minutes - Draft City Council

Information: 360.753.8447

Thursday, February 27, 2014

5:00 PM

512 Washington St. SE

Special Meeting - The Washington Center Dedication

1. ROLL CALL

Present: 7 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer, Councilmember Jeannine Roe and Councilmember Cheryl Selby

2. DEDICATION

14-0181 The Washington Center Dedication Celebration

Mayor Buxbaum opened the ceremony and welcomed all attendees. Mr. Ed Echtle, local historian, provided a historical overview of The Washington Center from its inception to present day. Ms. Jill Barnes, Executive Director of The Washington Center, and Mr. George LaMasurier, Board President, thanked those in attendance for coming and thanked the event sponsors, board members, and supporters.

The ceremony concluded with entertainment provided by local groups.

The celebration was received.

3. ADJOURNMENT

The meeting adjourned at 7:15 p.m.



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Meeting Minutes - Draft City Council

Information: 360.753.8447

Tuesday, March 4, 2014

7:00 PM

Council Chambers

1. ROLL CALL

Present: 7 - Mayor Stephen H. Buxbaum, Mayor Pro Tem Nathaniel Jones, Councilmember Jim Cooper, Councilmember Julie Hankins, Councilmember Steve Langer, Councilmember Jeannine Roe and Councilmember Cheryl Selby

1.A ANNOUNCEMENTS

Mayor Buxbaum noted the Council met earlier in Study Session regarding Sea Level Rise.

1.B APPROVAL OF AGENDA

Councilmember Hankins moved, seconded by Councilmember Selby, to approve the agenda. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Selby

2. SPECIAL RECOGNITION

2.A 14-0200 Recognition of Olympia's Nominee for the AWC Center for Quality Communities Scholarship

Mayor Buxbaum introduced this item. Mr. Blue Peetz, teacher at Olympia High School, introduced Katie Gubbe, the nominee for the AWC Center for Quality Communities scholarship, and reviewed her qualifications.

Ms. Katie Gubbe, a senior at Olympia High School, shared her background and future plans in agriculture.

Mayor Buxbaum said he will work with Communications Manager Cathie Butler to complete the application.

3. PUBLIC COMMUNICATION

New Moon Cafe Co-Owner Simon Gorbaty, 113 4th Ave. W, read a letter regarding the proposed 7-story building to be developed by Columbia Heights LLC in downtown

Olympia. He stated there may be erroneous information in the application and requested the City restart the application process. He also noted that many nearby businesses were not notified of this proposed development.

Behavioral Health Resources (BHR) Adult Case Manager David Lindseth asked for help so the BHR employees can continue to provide help to its clients. He asked for help to increase public awareness and work with management to save BHR from bankruptcy.

Mr. Jim Reeves spoke of an impending earthquake.

Mr. T. J. Johnson spoke on urban agriculture and food security. He said he is concerned because CP&D is not going to staff this program until 2016. He said climate change is impacting agricultural products. He asked the City to prioritize urban agriculture in its budget and the Comprehensive Plan. Mr. Johnson invited Councilmembers to attend presentations at the Evergreen State College next week regarding urban agriculture.

COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

City Attorney Tom Morrill spoke on the Columbia Heights issue and said notices are sent to property owners not businesses. He said staff will reach out to the business owners.

Councilmembers thanked those who came forward to speak.

Councilmember Langer said he is not sure what the City can do to help BHR, but if it does close, it will impact the City.

4. CONSENT CALENDAR

- 4.A 14-0201** Approval of January 10 and January 11, 2014 City Council Annual Retreat Minutes

The minutes were adopted.

- 4.B 14-0189** Approval of Interlocal Agreement with Thurston County and Fire District #3 Concerning Boulevard Road / I-5 Area Annexation

The decision was adopted.

SECOND READINGS - None

FIRST READINGS

- 4.C 14-0199** Approval of Appropriations Ordinance in the Amount of \$142,200 for the Artesian Commons Fleet Parking Construction

The ordinance was approved on first reading and moved to second reading.

Approval of the Consent Agenda

Councilmember Langer moved, seconded by Mayor Pro Tem Jones, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Selby

5. PUBLIC HEARING - None

6. OTHER BUSINESS

6.A 14-0114 Approval of a Resolution Regarding Climate Change

Public Works Director Rich Hoey introduced this item and provided background on the Thurston Climate Action Team (TCAT). He reviewed Olympia's emissions and actions being taken to reduce emissions, including adding electric cars to fleet operations, fuel reduction, energy and water improvements within City facilities, using solar panels, pumping efficiencies, green power purchases, recycling, use of LED streetlights and traffic signals, support for transit, and use of pathways.

Mayor Buxbaum stated work done so far is good but we need targets, we need to step it up. He challenged the Council to think about the following:

- How we can establish meaningful targets for the entire community?
- Do something about the built-out environment.
- Determine how we are tracking emissions.
- Move more rapidly to renewables.
- Encourage TCAT to think about how the community and region can do more in a tangible way to achieve targets.
- Determine the methodology to establish measurements.

Councilmember Langer moved, seconded by Councilmember Roe, to approve the resolution. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Selby

6.B 14-0178 Approval of Interlocal Agreement with Port of Olympia for West Bay Environmental Restoration Assessment

Public Works Director Rich Hoey introduced this item. He reviewed the three main components:

- Shoreline restoration assessment,
- Stormwater analysis, and
- Lagoon alternatives analysis.

He then reviewed the main elements of the agreement.

Councilmember Hankins moved, seconded by Councilmember Langer, to approve and authorize the Mayor to sign an interlocal agreement with the Port of Olympia for the West Bay environmental restoration assessment. The motion carried by the following vote:

Aye: 7 - Mayor Buxbaum, Mayor Pro Tem Jones, Councilmember Cooper, Councilmember Hankins, Councilmember Langer, Councilmember Roe and Councilmember Selby

7. CONTINUED PUBLIC COMMUNICATION

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmember Selby reported on local events she attended.

Councilmember Langer said he attended The Washington Center rededication event.

Councilmember Roe reported on highlights of the General Government Committee, the Thurston County HOME Consortium meeting, The Washington Center Board meeting, and the Heritage Committee retreat and meeting.

Mayor Pro Tem Jones stated he attended The Washington Center rededication event, and the 2014 Distinguished Leaders Award. He reported on the work of 200 4-H volunteers at Decatur Woods Park. He also reported on highlights of the Intercity Transit Authority Board meeting.

Councilmember Hankins reported on highlights of the Parking and Business Improvement Area (PBIA) meeting, and the Bicycle and Pedestrian Advisory Committee (BPAC) meeting.

Mayor Buxbaum shared scheduling suggestions for future discussions on the Comprehensive Plan. He suggested Study Sessions take the place of some Council business meetings over the next few weeks. Council agreed.

8.B CITY MANAGER'S REPORT AND REFERRALS

City Manager Steve Hall asked for an Executive Session related to potential litigation following tonight's business meeting. Council agreed.

9. EXECUTIVE SESSION FOLLOWED BY ADJOURNMENT

Mayor Buxbaum recessed the meeting to Executive Session at 9:00 p.m. pursuant to

RCW 42.30.110(1)(i) to discuss potential litigation. He announced no decisions will be made, the meeting is expected to last no longer than 30 minutes, and the Council will adjourn immediately following the Executive Session. The City Attorney will be present at the Executive Session.

City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Approval of Lease Agreement Renewal for Little DaNang Restaurant (301 W. 4th)

Agenda Date: 3/18/2014

Agenda Number: 4.E

File Number: 14-0115

File Type: contract

Version: 1

Status: Consent Calendar

..Title

Approval of Lease Agreement Renewal for Little DaNang Restaurant (301 W. 4th)

..Recommended Action

Committee Recommendation:

Not referred to a Committee.

City Manager Recommendation:

Move to approve an additional two-year Lease Agreement with Mr. Dung Nguyen, and authorize the City Manager to sign the attached Lease. Direct staff to continue to deposit the rental payment into the existing account dedicated to the maintenance of City-owned properties in the Fountain Block.

..Report

Issue:

Determine whether to enter into another lease agreement with Mr. Nguyen for the building in which the Little Da Nang Restaurant is located.

Staff Contact:

Dave Okerlund, Parks, Arts & Recreation Department, Planning & Design Manager, 360.570.5855

Presenter(s):

None.

Background and Analysis:

The City purchased the Little DaNang Restaurant property at 301 W. 4th on November 14, 2007. At closing, the City assumed an existing lease agreement between the seller and Mr. Nguyen (Lessee) for operation of the Little DaNang Restaurant and also assumed Mr. Nguyen's security deposit of \$3,000.00. In 2010 and again in 2012 the City approved new lease agreements with Mr. Nguyen, under the same terms. The current lease will expire on March 31, 2014. All rental receipts have been deposited into an account that is dedicated to the maintenance of this building and the adjacent GHB building that is already in City ownership.

Mr. Nguyen would like to renew the lease for an additional two years. Staff recommends that the City continue leasing the site to Mr. Nguyen. Should the City desire to terminate the lessee at some point during the lease term, this can be accomplished by providing a 120-day written notice to the lessee.

Agenda Date: 3/18/2014

Agenda Number: 4.E

File Number: 14-0115

Since purchasing the property, the City has charged Mr. Nguyen a rental fee of \$1,063.45 per month plus applicable state leasehold excise tax (currently 12.84% - \$136.55). Staff proposes to continue charging this amount for the proposed two-year term. The lease also stipulates that the tenant shall maintain comprehensive liability insurance in the amount of \$2,000,000 for personal injury or death and \$1,000,000 for property damage, with the City named as an additional insured.

The attached Lease Agreement has been reviewed by City Legal staff and has been reviewed and approved by Mr. Dung Nguyen, operator of the Little DaNang Restaurant.

Neighborhood/Community Interests (if known):

At the time of purchase, this property was one of two parcels needed to fully implement the Heritage Fountain Block site plan. Acquisition of the Fountain Block and construction of the Heritage Fountain and plaza is Olympia's commitment to the State of Washington as a partner in the development of the North Capitol Campus Heritage Park.

Options:

Option 1: Move to approve and authorize the City Manager to sign the attached Lease. Direct staff to continue to deposit the rental payment into the existing account dedicated to the maintenance of City-owned properties in the Fountain Block.

Implications

1. Mr. Nguyen will be able to continue operating his business at its current location.
2. The City will receive a lease payment that can be expended for maintenance of the structure.
3. An occupied structure is less likely to be vandalized.

Option 2: Do not approve the lease.

Implications:

1. Mr. Nguyen would have to move his business to another location.
2. The City would not receive a lease payment.
3. Continued maintenance of the building would not be necessary.
4. The property could be vandalized until such time as it is razed.

Financial Impact:

The condition of the building (particularly the roof) is deteriorating. During this lease term it is likely that significant repairs will be required to keep the building in rentable condition. At that time, staff will review options on whether it is more cost-effective to repair or raze the structure. Staff will keep the lessee informed of all actions related to

Agenda Date: 3/18/2014
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File Number: 14-0115

the property.

LEASE AGREEMENT

THIS LEASE made and entered into as of the ____ day of March, 2014, by and between the **City of Olympia**, a Washington municipal corporation ("Lessor") and **Dung Nguyen**, sole proprietor of the Little Da Nang Restaurant ("Lessee").

WITNESSETH: The parties hereto, for the consideration hereinafter mentioned, covenant and agree as follows:

1. PREMISES: Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, upon the terms and conditions hereinafter set forth, those certain following-described premises:

That building known as Little Da Nang Restaurant, located at 301 W 4th Avenue, Olympia, Washington, together with adjacent parking ("the Premises). The Little Da Nang Restaurant is located on real property legally described as Lot 1 in Block 66 of Olympia Tidelands, as platted and filed of record on the 17th day of May 1892, in the Office of the Commissioner of Public Lands, at Olympia, Washington. EXCEPTING THEREFROM that portion deeded to the City of Olympia for right of way purposes in Statutory Warranty Deed recorded March 7, 2002 under Auditor's file No. 3417655. Parcel No. 91003600000.

2. USE: The Premises may be used and occupied only for restaurant purposes by Lessee's officers, directors, staff, agents and employees, and no other purpose or purposes without the written consent of Lessor. Lessee shall not use the leased premises for the purposes of storing, manufacturing, or selling any explosives, flammables, or other inherently dangerous substance, chemical, thing, or device. No use shall be made of the Premises, no act done in or about the Premises, which is illegal, unlawful, or which will increase the existing rate of property insurance upon the Little Da Nang Restaurant Building. Lessee shall not commit or allow to be committed any waste upon the Premises, or any public or private nuisance or other act or thing which disturbs the quiet enjoyment of any other Lessee in the Building or the Lessor's use described in Section 2 above, nor shall Lessee, without the written consent of Lessor, use any apparatus, machinery or device in or about the Premises which shall cause any substantial noise or vibration. If any of Lessee's machines and equipment should disturb the quiet enjoyment of any other Lessee in the Premises or anyone outside the Premises, then Lessee shall provide adequate insulation, or take such other action as may be necessary to eliminate the disturbance. Lessee shall observe such reasonable rules and regulations as may be adopted and published by Lessor for the safety, care and cleanliness of Premises or the Little Da Nang Restaurant Building and the preservation of good order therein.

3. TERM: The Premises shall be leased until March 31, 2016 (the "Term"). The Term shall commence on April 1, 2014, and shall terminate upon the sooner of a date specified in a written notice by either party to the other, or on March 31, 2016. Delay in commencement notwithstanding said commencement date. Any holding-over after the

expiration of the Term hereof, with the consent of the City, shall be construed to be a tenancy from month- to-month and shall otherwise be on the terms and conditions herein specified, so far as applicable. If for any reason Lessor cannot deliver possession of the Premises to Lessee on said date, Lessor shall not be subject to any liability therefore, nor shall such failure affect the validity of this Lease or the obligations of Lessee hereunder. In such case, the date of commencement shall be extended a period of time equal to the period of any delay in delivery of possession of the Premises. Upon the expiration of the initial Term, future term extensions may be considered by the City on a year-to-year basis. The rental rate for any future term extension(s) will be based upon prevailing local lease rates for similar commercial uses at that time. Should the City elect to terminate this agreement, the City will provide Lessee One Hundred and Twenty (120) days written notice. Lessee may, without penalty, elect to terminate this agreement with 30 days written notice to the City.

4. ASSIGNMENT/SUBLEASE: Lessee shall not assign this lease nor sublet the premises and shall not permit the use of the premises by anyone other than Lessee, its officers, directors, employees, agents, without written consent of the City.

5. LESSEE CONSIDERATIONS: Lessee shall provide and pay for restroom supplies, paper products, hand soap, light bulbs, total janitorial service, and all utilities (including without limitation water, sewer, solid waste, storm water, electricity, natural gas (if any), telephone equipment and service, internet access, and cable TV). In addition, Lessee shall carry insurance of all building contents, including personal and company equipment, furnishings, etc.

6. MAINTENANCE AND REPAIR: Lessee agrees by taking possession of Premises that Premises are then in a tenantable and good condition, and that Lessee will maintain the Premises in as good or better condition during the entire term of the Lease, damage by fire or other casualty excepted. Further, during said Lease term Lessee shall make, at Lessee's expense, all repairs necessary to maintain Premises in a tenantable and good condition, including but not limited to minor plumbing problems, floors, walls, ceilings, light ballasts, and other parts of the leased premises damaged or worn through normal occupancy, except for major mechanical systems or the roof. Lessee will promptly perform any maintenance or repair items identified during periodic scheduled walk-through inspections with City maintenance staff, as per Section 7 below. Lessee hereby waives any right to make repairs at Lessor's expense. The Lessee shall pay for the replacement of doors or windows of Premises which are cracked or broken by Lessee, its employees, agents or invitees. Lessee shall be responsible for the removal of any graffiti or "tagging" within 24-hours of its occurrence. Lessee shall also be responsible for the maintenance of the items of personal property listed in Exhibit "A" (attached). The City shall make, at the City's expense, necessary repairs to major mechanical systems (including HVAC), the roof, exterior windows, doors, and door hardware (locks). The City may elect to terminate this lease if the cost of these repairs exceeds Five Thousand Dollars (\$5,000.00). Lessee may elect to pay the overage of repair costs in excess of \$5,000.00 or terminate the lease as per Section 3 above. City facility maintenance staff is not to be considered "on-call", and are available only during their regular business hours,

6:30 am to 4:30 pm Monday through Friday, excluding holidays. City will not be responsible for any loss of revenue resulting from City-performed maintenance downtime. The City will waive the rent during any City-performed downtime on a per diem basis at a rate per day equal to one 365th part of the annual rent. For City maintenance items, please contact:

Paul Hanna
Fleet and Facilities Supervisor
City of Olympia Public Works
Office: (360) 753-8256
Mobile: (360) 239-0995
E-mail: phanna@ci.olympia.wa.us

7. ENTRY: The City shall have the right to enter upon the leased premises at reasonable hours to for the purpose of maintenance inspections, cleaning, repairing, altering or improving Premises or the Little Da Nang Restaurant Building. When reasonably necessary for such purposes, Lessor may close entrances, doors, corridors, elevators or other facilities without liability to Lessee by reason of such closure and without such action by Lessor being construed as an eviction of Lessee or relieve the Lessee from the duty of observing and performing any of the provisions of this Lease. Lessor shall exercise its rights of entry provided herein in such a way as to not thereby unreasonably interfere with Lessee's business on the Premises.

8. FIXTURES: Lessee shall have the right during the existence of this lease with the written permission of the City (such permission shall not be unreasonably withheld) to make alterations, attach fixtures, and erect additions, structures, or signs, in or upon the premises hereby leased. In taking any actions under this Section, Lessee shall comply with all applicable governmental regulations and building codes, including obtaining any necessary permits.

9. ALTERATIONS/IMPROVEMENTS: With 15 days notice to the City, Lessee, at Lessee's expense, shall have the right (with written City consent) to redecorate and make replacements of and to all or any part of the Premises from time to time as Lessee may deem desirable, provided the same are made in a workmanlike manner and utilizing good quality materials. Any major remodeling or addition to the Premises is prohibited.

10. RENTAL RATE: Lessee shall pay the City for the premises rent at the following rate: One Thousand Sixty-three and 45/100 Dollars (\$1,063.45.00) plus state leasehold excise tax due pursuant to RCW 82.29A.030. Payment shall be made on or before the fifth day of each month delivered or mailed to the address listed below. If the Term commences on any day other than the fifth day of a calendar month, rent for the fractions of a month at the commencement or end of the Term are calculated and payable on a per diem basis at a rate per day equal to one 365th part of the annual rent. Payments made after the 10th day of the month shall incur an additional \$25.00 per day late fee, which shall be paid and included as part of the rent.

City of Olympia
Attention: Accounts Receivable
PO Box 1967
Olympia, WA 98507-1967

11. **DISASTER:** In the event the leased premises are destroyed or damaged by fire, earthquake, or other casualty so as to render the premises totally unfit for occupancy, or the City neglects and/or refuses to restore said premises to their former condition, Lessee may terminate this lease and shall be reimbursed for any unearned rent that has been paid. In the event said premises are partially destroyed by any of the aforesaid agencies, the rent herein agreed to be paid shall be abated from the time or occurrence of such destruction of damage until the premises are again restored to their former condition, and any rent paid by Lessee during the period of abatement shall be credited upon the next installment or rent to be paid. It is understood that the terms "abated" and "abatement" mean a prorate reduction of area unsuitable for occupancy due to casualty loss in relation to the total rented area.

12. **REIMBURSEMENT FOR DAMAGE TO PREMISES:** Lessee hereby agrees to reimburse the City for damages caused by the acts of negligence of its employees, clients, and agents, but in no event shall this paragraph be construed as diminishing the City's duty to make repairs set forth in preceding paragraphs of this lease or to maintain in full force and effect a policy of personal property insurance on its personal property within the leased premises.

13. **DEFAULT:** In addition to termination provided in Section 4 above, if default shall at any time be made by Lessee in the payment of rent when due to the City as herein provided, and if said default shall continue for fifteen (15) days after written notice thereof shall have been given to Lessee by the City, or if default shall be made in any of the other covenants or conditions to be kept, observed, and performed by Lessee, and such default shall continue for thirty (30) days after notice thereof in writing to Lessee by the City without correction thereof then having been commenced and thereafter diligently prosecuted, the City may declare the term of this lease ended and terminated by giving Lessee written notice of such intention, and if possession of the leased premises is not surrendered, the City may reenter said premises. The City shall have, in addition to the remedy above provided, any other right or remedy available to the City on account of any Lessee default, either in law or equity.

14. **COMPLIANCE WITH LAW:** Lessee shall comply with all laws, orders, ordinances, and other public requirements now or hereafter pertaining to Lessee's use of the leased premises. The City shall comply with all laws, orders, ordinances, and other public requirements now or hereafter affecting the leased premises.

15. **NOTICES:** All notices hereunder may be delivered or mailed. If mailed, they shall be sent to the following addresses:

CITY: City of Olympia
Attention: Tom Morrill, Esq.
PO Box 1967
Olympia, WA 98507-1967

LESSEE: Mr. Dung Nguyen
4321 3rd Ave. NW
Olympia, WA 98502

16. INDEMNIFICATION: Lessee shall hold harmless, defend and indemnify the City from and against any and all claims, liability, damages, costs, expenses (including attorneys' fees), or legal actions resulting from Lessee's use of the Premises or the act, omission, or negligence of Lessee, or the officers, contractors, licensees, agents, servants, employees, guests, invitees, or visitors of Lessee in or about the Premises, or arising from any accident, injury, or damage, howsoever and by whomsoever caused, to any person or property, occurring in or about the Premises, except those claims solely related to the City's sole negligence or nonperformance of any duty assigned to the City by this Lease.

17. INSURANCE. Lessee, at its sole expense, shall procure and maintain in full force and effect, general comprehensive public liability insurance in responsible companies qualified to do business in the State of Washington, which shall insure Lessee, its agents, employees, officers, directors, members and invitees against all claims which Lessee has indemnified Lessor in Section 16 above, including claims for injuries or death to persons, or property damage, occurring in or about the Premises, in the amount of at least \$1 million (\$1,000,000.00) combined single limits. The City shall be named as additional insured on all such insurance policies, with the exception of professional liability and workers' compensation coverage(s). The insurance provided to the additional insured shall be primary. Contractor shall provide certificates of insurance and an Additional Insured endorsement, concurrent with the execution of this Lease, evidencing such coverage and, at City's request, furnish the City with copies of all insurance policies and with evidence of payment of premiums or fees of such policies. All insurance policies shall contain a clause of endorsement providing that they may not be terminated or materially amended during the Term of this Agreement, except after thirty (30) days prior written notice to the City. As stated in Section 6 above, the City shall not be responsible for loss of revenue resulting from maintenance down-time, and Lessee shall carry insurance against such loss. As stated in Section 5 above, Lessee shall carry insurance for all building contents, including personal and company equipment, furnishings, etc. Lessee's failure to maintain such insurance policies shall be grounds for the City's immediate termination of this Agreement.

18. HAZARDOUS CONDITIONS: Lessee agrees to remove any and all hazardous defects or conditions caused by the Lessee or restaurant operation. Lessee will immediately notify the City of any other hazardous conditions it observes on the premises. The City will address these conditions subject to the provisions of Section 6 above.

19. STATE OF WASHINGTON: This lease shall be governed by and its terms and conditions construed in accordance with the laws of the State of Washington, and venue shall be in the Thurston County Superior Court.

20. NON-WAIVER: Waiver by Lessor or Lessee of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant, or condition, or of any subsequent breach of the same or any other term, covenant or condition herein contained. The subsequent acceptance of rent hereunder by Lessor shall not be deemed to be a waiver of any preceding breach by Lessee of any term, covenant, or condition of this lease, other than the failure of Lessee to pay the particular rent so accepted regardless of Lessor's knowledge of such preceding breach at the time of acceptance of such rent.

21. PERSONAL PROPERTY: A list of the personal property of the Lessee that is located within the Premises is attached as Exhibit "A". All personal property shall be removed from the premises upon conclusion of the lease Term.

22. ACCESS FOR ENVIRONMENTAL CLEAN-UP: Prior to purchasing the Premises, the City performed a Phase 2 Environmental Site Assessment of the Premises. The report indicates that the eastern ¼ of the Premises is contaminated with gasoline-range hydrocarbons at concentrations greater than MTCA Method A cleanup levels. Should the Department of Ecology require that the City clean-up the Premises during the lease Term, Lessee will allow City reasonable access to the Premises to perform the clean-up activity. City will not be responsible for any loss of revenue resulting from the clean-up activity. The City will waive the rent during any City-performed downtime on a per diem basis at a rate per day equal to one 365th part of the annual rent.

23. SECURITY DEPOSIT: Upon closing of the purchase of this property from Mr. Trinh, Lessor assumed Mr. Nguyen's security deposit of \$3,000. Lessor may withhold the security deposit to:

- (1) Remedy any default in the payment of rent.
- (2) Repair damages to the premises, except ordinary wear/tear, caused by Lessee.
- (3) Clean the premises if necessary.

Lessee may not, without Lessor's prior written consent, apply this security deposit to the last month's rent or any other sum due under this agreement. Within 14 days after the Lessee has vacated the premises, returned the keys and provided Lessor with a forwarding address, Lessor will return the deposit in full or give Lessee an itemized written statement of the reasons for and the dollar amount of, any of the security deposit retained by Lessor, along with a check for any deposit balance. The security deposit will be held by the Lessor and Lessor will not be required to pay any interest earned on this security deposit.

STATE OF WASHINGTON

}
}
}

SS.

County of Thurston

I certify that I know or have satisfactory evidence that Steven R. Hall is the City Manager of the City of Olympia, who appeared before me, and said person acknowledged that she/he signed this instrument and acknowledged it to be her/his free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: _____, 2014.

Name (typed or printed): _____
NOTARY PUBLIC in and for the State of
Washington
Residing at _____
My appointment expires: _____

EXHIBIT "A"

Personal Property of Dung Nguyen

- Stove
- Refrigerator
- Drapes
- Blinds
- Hood fan
- Freezer
- Tables
- Chairs
- Sundry utensils
- Equipment
- Supplies
- Implements
- Food stocks

Heritage Park Fountain Block

330 5th Ave SW



4TH AVE W

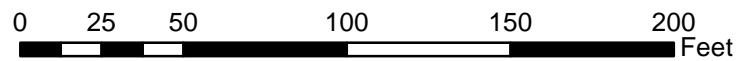
Little DaNang Restaurant

Heritage Park Fountain

SYLVESTER ST SW

WATER ST SW

5TH AVE SW



Experience It!
OLYMPIA
PARKS • ARTS • RECREATION

City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Approval of Lease with Lacey Fire District 3 for Use of Storage and Self Contained Breathing Apparatus (SCBA) Building at the Fire Training Center

Agenda Date: 3/18/2014

Agenda Number: 4.F

File Number: 14-0225

File Type: contract

Version: 2

Status: Consent Calendar

..Title

Approval of Lease with Lacey Fire District 3 for Use of Storage and Self Contained Breathing Apparatus (SCBA) Building at the Fire Training Center

..Recommended Action

City Manager's Recommendation:

Move to authorize the mayor to sign the lease when the building is complete; authorize the City Manager to sign all documents needed to construct the Storage and SCBA Building; and authorize the Fire Department to receive the \$205,000 from Lacey Fire District 3 for this project.

..Report

Issue:

Whether to approve construction of an additional building and at the Fire Training Center that will provide for storage of equipment and recharging of firefighter's breathing air. The construction cost of the building will be offset by funds received from Lacey Fire District 3. In return, the District will be able to use the building to store a fire engine for the next 35 years under a lease agreement.

Staff Contact:

Greg Wright, Deputy Fire Chief, 360.753.8466

Background and Analysis:

When the City first considered developing a Fire Training Center, Lacey Fire District 3 had hoped to be a partner. Unfortunately, funding issues at the District prevented that from happening. The City voters approved a bond for the construction of a forth fire station and a fire training facility. The District has since become a customer of the City at the Fire Training Center and the District has continued to look for ways to use the center.

The District has \$205,000 in Capitol funds and the need for a place to store a fire engine. They would like to store a fire engine at the training center and be able to use that engine when training at the center. They have offered the funds to Olympia in exchange for a 35 year lease of a portion of the building in which they would store the engine.

Olympia Fire has developed a plan for a pre-engineered metal building large enough to hold the engine for the District, provide much needed storage space for Olympia

Agenda Date: 3/18/2014

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Fire Department's use and house a Self Contained Breathing Apparatus (SCBA, firefighter's air bottle) compressor on existing property at the Fire Training Center.

This building could be constructed and the SCBA compressor purchased with the funding from the District and the funds remaining from the bond used to build fire station 4 and the training center. Lacey will receive a pre-paid 35 year lease that will begin upon completion of construction. Language in the lease accounts for insurance, maintenance, early termination, as well as other standard lease terms. The building is the property of City of Olympia. This project continues the cooperative spirit fostered by the two departments over the years. The two departments train together and respond together on many calls. This co-locating of tools is an extension cooperation enjoyed by both parties that benefits the citizens of both communities.

The building was designed and sent out to bid. Nine bids were opened on February 12, 2014. Bids showed a large range with low bid coming in 11% higher than the engineer's estimate which was prepared approximately 6 months ago. This bid is well within the available budget. Apparent low bidder meets all the supplemental bidder requirements and their references have been checked. They are a local company.

The contract is for less than \$300,000, which would not normally require City Council approval but because this is a package with a lease requiring City Council approval, both are being brought before Council for approval. For the District to turn over the funds, the City must build a building.

Finally, the Fire Department is asking for authorization to take delivery of funds from the District from the District in the amount of \$205,000. These funds will be placed in an appropriate City account that can be accessed for construction of the Storage and SCBA Building (planning, permits, fees, professional services, construction, materials testing, labor, materials, SCBA compressor, etc.) and no other purpose.

Neighborhood/Community Interests (if known):

None.

Options:

Accept the City Manager's recommendation to:

- Authorize the mayor to sign the lease with Lacey Fire District 3 upon completion of the Storage and SCBA building. The lease will be in substantially the same form as the draft lease, attached.
- Authorize the City Manager to sign the contract with Berschauer Construction Incorporated and all associated documents.
- Authorize the Fire Department to accept \$205,000 from Lacey Fire District 3 and place it in the appropriate City account.

Do not accept the City Manager's recommendation.

Agenda Date: 3/18/2014

Agenda Number: 4.F

File Number: 14-0225

Lacey Fire District 3 will not offer the \$205,000. There will be no SCBA compressor for the Fire Training Center and no permanent storage area constructed.

Financial Impact:

None to the operating budget. The Fire Department will expend the last of the bond funds from their construction budget (approximately \$70,000) which is a bond requirement; they will also spend the balance of the \$205,000 received from Lacey Fire District 3 on the Storage and SCBA Building project, nothing more.

LEASE AGREEMENT
Draft as of (March 4)-2014
(Modified Gross)

THIS LEASE AGREEMENT ("Lease") is made as of the date set forth below between the **City of Olympia**, a Washington municipal corporation, a Washington municipal corporation ("Landlord"), and **Fire Protection District No. 3, Thurston County** ("Tenant"). Landlord and Tenant hereby agree:

BASIC LEASE TERMS

1) BASIC LEASE INFORMATION AND EXHIBITS. The following terms as used herein shall have the meanings provided in this Section 1, unless otherwise specifically modified by provisions of this Lease:

- a) Commencement Date: _____
- b) Tenant: Lacey Fire Protection District No. 3
- c) Address of Tenant: 1231 Franz St SE
Lacey, WA 98503
- d) Landlord: City of Olympia
- e) Address of Landlord: City of Olympia
Attn: Fire Chief
100 Eastside St NE
Olympia, WA 98506-4081
- f) Premises: Lease of The Storage and SCBA Building (the "Building") located at 1305 Fones Road SE, Olympia, Washington 98501 having approximately 1,200 square feet and SCBA compressor, all of which is situated on the land legally described in Exhibit A attached hereto.
- g) Term: 35 years
- h) Basic Rent: \$6.50 per square foot for a total of \$5,850 per year (exclusive use of 600 square feet at \$6.50/foot = \$3,900, together with shared use of 600 square feet at \$3.25/foot = \$1,950).
- i) Additional Rent: All other costs, other than Basic Rent, payable by Tenant to Landlord hereunder.
- j) Security Deposit: n/a
- k) Permitted Use: Fire protection vehicle, fire apparatus and Tenant vehicle(s) and equipment storage in 600 square feet

exclusive to Tenant, and equipment storage in a portion of the remaining 600 square feet jointly shared with Olympia, and access to use of an SCBA compressor, if any, and for no other use or purpose without Landlord's prior consent.

l) Exhibits:

Exhibit A – Legal Description of parcel of Land upon which the building is located.

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GENERAL LEASE TERMS

- 2) PREMISES. Landlord does hereby lease to Tenant, and Tenant does hereby lease from Landlord, upon the terms and conditions set forth herein, the Premises described in Section 1, located on the land legally described on Exhibit A attached hereto. Landlord represents to Tenant that (i) fee title in the Premises is vested in Landlord, and (ii) Landlord has the authority to enter into this Lease.
- 3) COMMENCEMENT AND TERMINATION DATES. The Initial Term of this Lease shall commence on the Commencement Date set forth in Section 1 above.
- 4) RENT; RENT CREDIT. Tenant shall pay Landlord \$5,850 per year based on the following: 600 square feet of area for exclusive use by the Tenant and joint use of the remaining 600 square feet of the Building. Together the rented space is expressed as 900 square feet, which has been calculated at \$6.50 per square foot = \$5,850. Rent will be exclusively paid by Tenant through Landlord annual deduction from a Tenant credit of \$205,000 ("Rent Credit") previously transferred to the Landlord for the construction of the Building in 2014. This is estimated to be exhausted at thirty five (35) years.
- 5) ADDITIONAL RENT. Any additional amounts shall be paid directly to Landlord by Tenant and shall not be taken from the Rent Credit in Section 4.
 - a) Modified Gross Lease. It is the intention of Landlord and Tenant that this Lease is a modified gross lease, so that all costs of owning, operating and maintaining the Building, the SCBA compressor and Premises shall be borne by Landlord except as set forth herein. Tenant shall remain responsible for, and shall pay all costs of repair of damage caused by Tenant's negligence or misuse of the Premises, which shall be deemed Additional Rent hereunder, and shall be payable to Landlord upon demand.
 - b) Personal Property and Lease Excise Taxes. Unless exempt, Tenant shall also pay, prior to delinquency, all personal property taxes and lease excise taxes payable with respect to all property of Tenant located on the Premises, Building or Land, including any improvements paid for by Tenant, and promptly, upon request of Landlord, shall provide written proof of such payment or exemption.
- 6) TERM. Thirty five (35) years.
- 7) EARLY TERMINATION OF LEASE. If the Landlord requests early termination of the Lease, the Landlord will provide the Tenant 90 days' written notice and a calculation of Rent Credit remaining will be made and refunded to the Tenant as provided in the table below. If Tenant requests early termination of this Lease before 10 years from the commencement date, any refund is at the discretion of the Landlord. If after year 10, the Tenant requests early termination of the lease, the Tenant will provide the Landlord 90 days' written notice. A calculation of Rent Credit remaining will be made using the table below. Rent Credit will be applied to the end of the calendar year and then the balance of the Rent Credit remaining will be refunded to the Tenant.

Rent Credit Table

Funding received from Tenant = \$205,000

	Year 1-10	Year 11-35
Tenant requesting to end lease	No refund of funds transferred by Tenant to Landlord, except at the discretion of Landlord.	Rent Credit = number of full lease years remaining X \$5,850
Landlord requesting to end lease*	Rent Credit = number of months remaining X \$487.50	Rent Credit = number of months remaining X \$487.50

* Includes early termination under Lease Articles 18 and 19.

8) **SERVICES AND UTILITIES.**

- a) **Standard Services.** Landlord shall furnish the Premises with electricity service. Tenant understands that there are no other utilities to the building, specifically, no water or sewer. There is no janitorial, trash removal, or any other service provided by Landlord.
- b) **Interruption of Services.** Except to the extent caused by the gross negligence or intentional misconduct of Landlord or its agents, employees or contractors, failure by Landlord to any extent to furnish or cause to be furnished anything described in this Lease, or any cessation or interruption thereof, resulting from any cause, including without limitation, mechanical breakdown, overhaul or repair of equipment, strikes, riots, acts of God, shortages of labor or material, compliance by Landlord with any voluntary or similar governmental or business guidelines, governmental laws, regulations or restrictions, or any other similar causes, shall not render the Landlord liable in any respect for damages to either person or property, for any economic loss or other consequential damages incurred by Tenant as a result thereof, be construed as an eviction of Tenant, result in an abatement of rent, or relieve Tenant from its obligation to perform or observe any covenant or agreement contained in this Lease.

9) **SECURITY DEPOSIT.** There is no Security Deposit requirement under this Lease.

10) **USES.** The Premises are to be used only for the Permitted Uses set forth in Section 1 above and for no other business or purpose. Tenant shall not commit any act that will increase the then existing rate of insurance on the Building and will immediately pay any such increase to Landlord as Additional Rent. Tenant shall not use the area around the Premises for parking vehicles for extended periods. Tenant shall not commit or allow to be committed any waste upon the Premises, or any public or private nuisance or other act which is unlawful. Tenant shall, at Tenant's expense, comply promptly with all applicable statutes, ordinances, rules, regulations, orders and requirements, including without limitation laws and regulations prohibiting discrimination on the basis of race, gender, religion, national origin, age or disability, or any other status protected by law, in effect during the term hereof, including without limitation the Americans With Disabilities Act, regulating the use, occupancy or improvement of the Premises.

11) **CHANGES OF USE BY THE LANDLORD.** Changes of use by the Landlord are allowed without alteration to this Lease

as long as such changes do not prevent the Tenant exclusive use of 600 square feet of the building for vehicle storage and joint use of the remaining 600 square feet of whatever the new use of the building may become.

- 12) IMPROVEMENTS. Upon expiration or sooner termination of this Lease, all improvements and additions to the Premises, except Tenant's trade fixtures, shall be deemed the property of Landlord.
- 13) ACCEPTANCE OF PREMISES. Tenant hereby accepts the Premises and the Building "as-is" in their condition existing as of the date of the execution hereof, and that Landlord shall have no obligation of any kind to alter, repair, improve, or rebuild the Premises in connection with Tenant's occupancy thereof except to the extent specifically set forth elsewhere in this Lease. Tenant acknowledges that neither Landlord nor Landlord's agent has made any representation or warranty as to the suitability of the Premises for the conduct of Tenant's business, and Tenant hereby waives any rights, claims or actions against Landlord under any express or implied warranties of suitability.
- 14) CARE OF PREMISES. Landlord shall maintain the structural portions of the Building in reasonably good order and condition, except for damage occasioned by act or omission of Tenant or its contractors, agents, invitees, licensees or employees, the repair of which damage shall be paid by Tenant. Tenant shall, at Tenant's sole cost and expense, keep every other part of the Premises in good condition and repair, damage thereto from causes beyond the reasonable control of Tenant and ordinary wear and tear excepted. If Tenant fails to perform Tenant's obligations under this Section, Landlord may at Landlord's option enter upon the Premises after ten (10) days' prior notice to Tenant and put the same in good order, condition and repair and the cost thereof together with interest thereon at the rate of 12% per annum shall be due and payable as Additional Rent to Landlord together with Tenant's next installment of Basic Rent. All structural repairs required to be made by Landlord shall be those reasonably determined by Landlord as necessary to maintain the structural integrity of the Premises and the Building.
- 15) ALTERATIONS AND ADDITIONS.
 - a) Tenant shall not make any alterations, improvements, additions, or utility installations in or about the Premises (collectively, "Alterations") without first obtaining the written consent of Landlord and, where appropriate, in accordance with plans and specifications approved by Landlord. Any alterations required to be made to the Premises by any applicable building, health, safety, fire, nondiscrimination, or similar law or regulation shall be made at Tenant's sole expense and shall be subject to the prior written consent of Landlord. Tenant shall reimburse Landlord for any sums expended for examination and approval or architectural or mechanical plans and specifications of the Alterations. Landlord may require a lien and completion bond for such construction, or require the improvements be removed at the expiration of the Term. Landlord's approval of the plans, specifications and working drawings for Tenant's alterations shall create no responsibility or liability on the part of Landlord for their completeness, design sufficiency, or compliance with all laws, rules and regulations of governmental agencies or authorities.
 - b) Tenant shall pay, when due, all claims for labor or materials furnished to or for Tenant at or for use in the Premises, which claims are or may be secured by any mechanics' or material suppliers' liens against the Premises or any interest therein.
 - c) Unless Landlord requires their removal, all Alterations (other than trade fixtures and movable equipment) which may be made on the Premises shall become the property of

Landlord and remain upon and be surrendered with the Premises at the expiration of the term.

- 16) ACCESS. Tenant shall permit Landlord and its agents to enter the 600 foot area exclusively leased by Tenant on the Premises at all reasonable times for the purpose of inspecting, repairing, altering or improving the Premises or the Building. Landlord may temporarily close any portion of the Building or Premises without liability to Tenant by reason of such closure, and such closure shall not constitute an eviction of Tenant or release Tenant from any Rent hereunder.
- 17) DAMAGE OR DESTRUCTION. If all the Premises or such portions of the Building as may be required for the reasonable use of the Premises are damaged by fire or other casualty, this Lease shall automatically terminate as of the date of such casualty. In the event of casualty to a material part, but less than all, of the Building, where Landlord shall determine that the remaining portions of the Building cannot be economically and effectively used by it (whether on account of physical, economic, aesthetic or other reasons) or where Landlord determines the Building should be restored in such a way as to materially alter the Premises, Landlord shall forward a written notice to Tenant of such determination not more than sixty (60) days after the date of such damage. The term of this Lease shall expire upon such date as Landlord shall specify in such notice but not earlier than sixty (60) days after the date of such notice. If this Lease is not terminated as aforesaid, it shall continue in full force and effect and the Rent shall be equitably reduced during such reconstruction, unless the casualty was due to the negligence or intentional misconduct of Tenant, in which event Rent shall not be abated. If this Lease is terminated as aforesaid, no damages, compensation or claim shall be payable by Landlord for inconvenience, loss of business or annoyance arising from any damage or destruction to any portion of the Premises or the Building. Landlord will not carry insurance of any kind on any Tenant improvements or on Tenant's furniture, furnishings, fixtures, equipment or appurtenances of Tenant under this Lease and Landlord shall not be obligated to repair any damage thereto or replace the same. Landlord shall insure the Building.
- 18) CONDEMNATION.
- a) Entire Taking. If all of the Premises or such portions of the Building as may be required for the reasonable use of the Premises are taken by eminent domain, this Lease shall automatically terminate as of the date title vests in the condemning authority. In the event of a taking of a material part, but less than all, of the Building, where Landlord shall determine that the remaining portions of the Building cannot be economically and effectively used by it (whether on account of physical, economic, aesthetic or other reasons) or where Landlord determines the Building should be restored in such a way as to materially alter the Premises, Landlord shall forward a written notice to Tenant of such determination not more than sixty (60) days after the date of taking. The term of this Lease shall expire upon such date as Landlord shall specify in such notice but not earlier than sixty (60) days after the date of such notice. In the case of taking of a part of the Premises, or a portion of the Building not required for the reasonable use of the Premises, then this Lease shall continue in full force and effect and the Rent shall be equitably reduced based on the proportion by which the floor area of the Premises is reduced.
- b) Awards and Damages. Landlord reserves all rights to damages to the Premises for any partial, constructive, or entire taking by eminent domain, and Tenant hereby assigns to Landlord any right Tenant may have to such damages or award, and Tenant shall make no claim against Landlord or the condemning authority for damages for termination of the leasehold interest or interference with Tenant's business. Tenant shall have the right,

however, to claim and recover from the condemning authority compensation for any loss to which Tenant may be put for Tenant's moving expenses or taking of Tenant's personal property, provided that such damages may be claimed only if they are awarded separately and not out of or as part of the damages recoverable by Landlord.

19) INDEMNIFICATION.

- a) Indemnity. Tenant shall indemnify, defend and hold Landlord harmless from and against all loss, cost and expense, including attorneys' fees, arising from any act, omission, or negligence of Tenant or its officers, contractors, licensees, agents, servants, employees, guests, invitees, or visitors in or about the Building, Premises or Land or arising from any injury or damage to any person or property, occurring in or about the Building, Premises or Land as a result of any act, omission or negligence of Tenant, or its officers, contractors, licensees, agents, employees, guests, or visitors or arising from any breach or default under this Lease by Tenant. The foregoing provisions shall not be construed to make Tenant responsible for loss, damage, liability or expense resulting from injuries to third parties caused solely by the negligence or intentional misconduct of Landlord, or its officers, contractors, licensees, agents, employees, invitees or other tenant of the Building.
- b) Exemption of Landlord from Liability. As a material part of the consideration to Landlord, Tenant hereby agrees that, notwithstanding anything to the contrary in Section 19(a) above, Landlord shall in no event be liable for injury to Tenant's business or assets or any loss of income therefrom or for damage to Tenant's employees, invitees, customers, or any other person in or about the Premises, whether such damage, loss or injury results from conditions arising upon the Premises or upon other portions of the Building of which Premises are a part, or from other sources or places, and regardless of whether the cause of such damage, loss or injury or the means of repairing the same is inaccessible to Tenant. Tenant further agrees that notwithstanding anything to the contrary in Section 19(a) above, Landlord shall in no event be liable for any injury or damage to any person or property of Tenant, Tenant's employees, invitees, customers, agents or contractors arising from any act or neglect of any tenant or occupant of the Building or any other third person. The foregoing provisions shall not be construed to make Tenant responsible for loss, damage, liability or other expense resulting from injuries to third parties caused solely by the negligence or intentional misconduct of Landlord, or its officers, contractors, licensees, agents, employees, invitees or other tenant of the Building.
- c) Waiver of Subrogation. Landlord and Tenant each waive any and all rights to recover against the other, or against the officers, directors, shareholders, partners, joint ventures, employees, agents, customers, invitees or business visitors of such other third party, for any loss or damage to such waiving party arising from any cause covered by any property insurance required to be carried pursuant to this Lease or any other property insurance actually carried by such party. Industrial Insurance Act Waiver. Solely for the purpose of effectuating Tenant's indemnification obligations under this Lease, and not for the benefit of any third parties (including but not limited to employees of Tenant), Tenant specifically and expressly waives any immunity that may be granted it under applicable federal, state or local Worker Compensation Acts, Disability Benefit Acts or other employee benefit acts. Furthermore, the indemnification obligations under this Lease shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable to or for any third party under Worker Compensation Acts, Disability Benefit Acts or other employee benefit acts. The parties acknowledge that the foregoing provisions of this Section have been specifically and mutually negotiated between the parties.

20) HAZARDOUS SUBSTANCES. Tenants shall be solely responsible and liable for, and shall indemnify, defend and hold harmless Landlord for, from and against any and all Hazardous Substances existing on the Premises, or present in or on the air, ground water, soil, buildings or other improvements or otherwise in, on, under or about the Premises or any other property, resulting from the handling by Tenant of any Hazardous Substance during the period of Tenant's occupancy or use of the Premises. Without limiting the generality of the foregoing, Tenant shall, at any time during the term of the Lease and at the end of the term of the Lease, perform all work necessary to render the Premises or any other property "clean" and free of all Hazardous Substances handled by Tenant, in accordance with all present and then-applicable laws. As used herein, the term "Hazardous Substance" means any hazardous, toxic or dangerous substance, waste or material which is or becomes regulated under any federal, state or local statute, ordinance, rule, regulation or other law now or hereafter in effect pertaining to environmental protection, contamination or cleanup, including without limitation any substance, waste or material which now or hereafter is designated as a "Hazardous Substance" under the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601 et seq.), or under any local or state rule or regulation. Without limiting the foregoing, Hazardous Substances shall include, but not be limited to, any substance which after being released into the environment and upon exposure, ingestion, inhalation, or assimilation, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavior abnormalities, cancer and or/genetic abnormalities. In addition, Tenant agrees to indemnify, defend and hold harmless Landlord against any and all loss, cost and expense (including, without limitation, consultant fees, attorneys' fees and disbursements) which may be imposed on, incurred or paid by, or asserted against Landlord or the Building, Premises or land by reason of, or in connection with (i) any misrepresentation, breach of warranty or other default by Tenant under this Lease, or (ii) the acts or omissions by Tenant under this Lease, or (ii) the acts or omissions of Tenant, or any sublessee or other person for whom this Tenant would otherwise be liable, resulting in the release of any hazardous waste or materials.

21) INSURANCE.

- a) General. Tenant shall, throughout the term of this Lease and any renewal or extension hereof, and at its own expense, keep and maintain in full force and affect the following:
 - i) Commercial general liability insurance on an occurrence basis with at least Five Million Dollars (\$5,000,000) per occurrence limit and Ten Million Dollars (\$10,000,000) general aggregate limit;
 - ii) Property insurance covering its leasehold improvements to the Premises, furniture, fixtures, equipment, inventory and other personal property located on the Premises in an amount which is not less than one hundred percent (100%) of the insurable replacement value with no coinsurance penalty; and
 - iii) Fire Legal Liability coverage in the amount of \$300,000.

- b) Policy Requirements. Coverage may be achieved through the use of VFIS risk pool which meets the requirements of this Section. Tenant shall deliver to Landlord an "Evidence of Coverage" letter prior to delivery of the Premises to Tenant, for all insurance required to be carried by Tenant hereunder. All policies of insurance provided for herein shall not contain a deductible greater than \$1,000 or any self-insured retention unless expressly approved in writing by Landlord. All liability and property policies of Tenant shall be written as primary

policies, not contributing with, and not in excess of coverage which Landlord may carry, and in no event shall the policy limits of such insurance policy or policies be deemed to limit the liability of Tenant thereunder. As often as any such policy shall expire or terminate, renewal or additional policies shall be procured and maintained by Tenant pursuant to the terms of this Section so that at no time shall the insurance coverage required hereby lapse. All policies of insurance delivered to Landlord must contain a provision that the company writing such policy will give to Landlord and/or Landlord's property manager at least thirty (30) days' notice in writing in advance of any cancellation or lapse or the effective date of any reduction in the amount of or other material change of insurance.

- c) Adequacy of Insurance. Landlord makes no representation or warranty to Tenant that the amount of insurance to be carried by Tenant under the terms of this Lease is adequate to fully protect Tenant's interests. If Tenant believes that the amount of any such insurance is insufficient, Tenant is encouraged to obtain, at its sole cost and expense, such additional insurance as Tenant may deem desirable or adequate. Tenant acknowledges that Landlord shall not, by the fact of approving, disapproving, waiving, accepting, or obtaining any insurance, incur any liability for or with respect to the amount of insurance carried, the form or legal sufficiency of such insurance, the solvency of any insurance companies or the payment or defense of any lawsuit in connection with such insurance coverage, and Tenant hereby expressly assumes full responsibility therefor and all liability, if any with respect thereto.
- d) Landlord's Right to Obtain Insurance. If Tenant fails to acquire or maintain any insurance or provide any certificate or policy required by this Section, Landlord may, but shall not be required to, obtain such insurance for Landlord's benefit and Tenant shall reimburse Landlord for the costs of the premiums of such insurance within ten (10) days of receipt of a written request for reimbursement from the Landlord. Such amounts shall be Additional Rent payable by Tenant hereunder and in the event of non-payment thereof, Landlord shall have rights with respect to such non-payment as it has with respect to any other non-payment of rent hereunder.

22) ASSIGNMENT AND SUBLETTING. Neither this Lease nor any interest therein may be assigned, mortgaged, transferred or encumbered, nor shall all or any part of the Premises be sublet except with the prior written consent of Landlord, which may be withheld in Landlord's sole and absolute discretion. Any assignee or subtenant (each, a "Transferee") shall assume all of Tenant's obligations under this Lease and be jointly and severally liable with Tenant hereunder. No assignment, mortgage, transfer, encumbrance or sublease, whether consented to by Landlord or not, shall effect any release of Tenant's liability hereunder.

23) LIENS AND INSOLVENCY. Tenant shall keep its interest in this Lease and any property of Tenant (other than unattached personal property) and the Premises, the land and the Building free from any liens arising out of any work performed or materials ordered or obligations incurred by or on behalf of Tenant and hereby indemnifies and holds Landlord harmless from any liability from any such lien. Tenant shall have no right or authority to cause or allow the Premises, Building or land to be subjected to any such lien. Tenant shall provide Landlord written notice of intended construction, alteration or repair work at least twenty (20) days before the commencement thereof to afford Landlord an opportunity to post notices of non-responsibility.

24) DEFAULT.

- a) Default By Tenant. The occurrence of any one or more of the following events shall constitute a material default and breach of this Lease by Tenant: (i) the failure by Tenant to

make any undisputed payment required to be made by Tenant hereunder, and such failure continues for more than five (5) days after written notice from Landlord (provided that a dispute not giving rise to a default hereunder is made in good faith); (ii) the failure by Tenant to observe or perform any of the other covenants, conditions or provisions of the Lease, where such failure shall continue for a period of twenty (20) days after written notice from Landlord, provided, however, if more than 20 days are reasonably required for its cure then Tenant shall not be deemed to be in default if Tenant commences such cure within said 20-day period and thereafter diligently prosecutes such cure to completion; (iii) the making by Tenant of any general assignment or general arrangement for the benefit of creditors; (iv) the filing by or against Tenant of a petition to have Tenant adjudged bankrupt or a petition for reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against Tenant, the same is dismissed within sixty (60) days; (v) the appointment of a trustee or receiver to take possession of substantially all of Tenant's assets located at the Premises or of Tenant's interest in the Lease, where possession is not restored to Tenant within thirty (30) days; (vi) the attachment, execution or other judicial seizure of substantially all of Tenant's assets located at the Premises or of Tenant's interest in this Lease, where such seizure is not discharged within thirty (30) days, or (vii) the assignment or other transfer of all or any interest of Tenant in this Lease, or the subletting of all or any portion of the Premises, in either case which is in violation of Section 20 above. All notice and cure periods set forth above are in lieu of and not in addition to any notice required pursuant to applicable unlawful detainer/eviction statutes.

- b) Landlord's Remedies upon Tenant Default. All rights and remedies of Landlord herein enumerated shall be cumulative, and none shall exclude any other right or remedy allowed by law or in equity, and all of the following may be exercised with or without legal process as then may be provided or permitted by the laws of the state in which the Premises are situated:
- i) Upon any default under this Lease, Landlord may reenter the Premises and remove or put out Tenant or any other persons found therein. No such reentry shall be construed as an election on Landlord's part to terminate this Lease unless a written notice of such intention is given to Tenant.
 - ii) Landlord may elect to re-let the Premises or any part thereof upon such terms and conditions, including rent, term and remodeling or renovation, as Landlord in its sole discretion may deem advisable. To the fullest extent permitted by law, the proceeds of any reletting shall be applied: first, to pay Landlord all costs and expenses of such reletting (including without limitation, costs and expenses incurred in retaking or repossessing the Premises, removing persons or property therefrom, securing new tenants, and, if Landlord maintains and operates the Premises, the costs thereof); second, to pay any indebtedness of Tenant to Landlord; and third, the residue, if any, shall be held by Landlord and applied in payment of other or future obligations of Tenant to Landlord as the same may become due and payable, and Tenant shall not be entitled to receive any portion of such revenue.
 - iii) Landlord may also elect to terminate the Lease and all rights of Tenant by giving notice to Tenant of such election. If Landlord elects to terminate the Lease, Landlord shall have the right to reenter the Premises and remove all persons, and to take possession of and remove all equipment and fixtures of Tenant in the Premises. Tenant hereby waives all damages that may be caused by Landlord's reentering and taking possession of the Premises or removing or storing the property thereof, and Tenant shall save Landlord harmless therefrom, and no such reentry shall be considered a forcible entry. If

Landlord so elects to terminate the Lease, Landlord may also recover from Tenant any amount necessary to compensate the Landlord for all the detriment proximately caused by the Tenant's failure to perform its obligations under the Lease or which in the ordinary course of things would be likely to result therefrom and at Landlord's election, such other amounts in addition to or in lieu of the foregoing that may be permitted from time to time by applicable law.

- c) Nothing in this Section 22 shall be deemed to affect Landlord's right to indemnification for liability or liabilities arising prior to termination of this Lease for personal injury or property damage under the indemnification provisions or other provisions of this Lease.

25) SURRENDER OF POSSESSION. Subject to the terms of Section 15 relating to damage and destruction, upon expiration of the term of this Lease, whether by lapse of time or otherwise, Tenant shall promptly and peacefully surrender the Premises to Landlord "broom-clean" and in as good condition as when received by Tenant from Landlord or as thereafter improved, reasonable use, wear and tear excepted. Tenant shall remove all of its personal property and trade fixtures from the Premises at the expiration of the term; any property not so removed shall be deemed abandoned and may be sold or otherwise disposed of as Landlord deems advisable.

26) NON-WAIVER. Waiver by Landlord of any term, covenant or condition herein contained or any breach thereof shall not be deemed to be a waiver of such term, covenant, or condition or of any subsequent breach of the same or any other term, covenant, or condition herein contained.

27) LANDLORD'S LIABILITY. Anything in this Lease to the contrary notwithstanding, covenants, undertakings and agreements herein made on the part of Landlord are made and intended not as personal covenants, undertakings and agreements for the purpose of binding Landlord personally or the assets of Landlord except Landlord's interest in the Premises and Building, but are made and intended for the purpose of binding only the Landlord's interest in the Premises and Building, as the same may from time to time be encumbered.

28) TRANSFER OF LANDLORD'S INTEREST. In the event of any transfer of Landlord's interest in the Premises or in the Building, the transferor shall be automatically relieved of any and all obligations and liabilities on the part of Landlord accruing from and after the date of such transfer and such transferee shall have no obligation or liability with respect to any matter occurring or arising prior to the date of such transfer. Tenant agrees to attorn to the transferee.

29) RIGHT TO PERFORM. If Tenant shall fail to pay any sum of money required to be paid by it hereunder or shall fail to perform any other act on its part to be performed hereunder, and such failure shall continue for ten (10) days after notice thereof by Landlord, Landlord may, but shall not be obligated to do so, and without waiving or releasing Tenant from any obligations of Tenant, make such payment or perform any such other act on Tenant's part to be made or performed as provided in this Lease.

30) GENERAL.

- a) Headings. Titles to Sections of this Lease are not a part of this Lease and shall have no effect upon the construction or interpretation of any part hereof.
- b) Successors and Assigns. All of the covenants, agreements, terms and conditions contained in this Lease shall inure to and be binding upon the Landlord and Tenant and their respective administrators, successors and assigns.

- c) Authority. Each individual executing this Lease on behalf of Tenant represents and warrants that he or she is duly authorized to execute and deliver this Lease on behalf of Tenant, and that this Lease is binding upon Tenant in accordance with its terms.
- d) No Brokers. Tenant represents and warrants to Landlord that it has not engaged any broker, finder or other person who would be entitled to any commission or fees in respect of the negotiation, execution or delivery of this Lease and shall indemnify and hold harmless Landlord against any loss, cost, liability or expense incurred by Landlord as a result of any claim asserted by any such broker, finder or other person on the basis of any arrangements or agreements made or alleged to have been made by or on behalf of Tenant.
- e) Entire Agreement. This Lease is the final and complete expression of Landlord and Tenant relating in any manner to the leasing, use and occupancy of the Premises, to Tenant's use of the Building and other matters set forth in this Lease. No prior agreements or understanding pertaining to the same shall be valid or of any force or effect and the covenants and agreements of this Lease shall not be altered, modified or added to except in writing signed by both Landlord and Tenant.
- f) Severability. Any provision of this Lease which shall prove to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof and the remaining provisions hereof shall nevertheless remain in full force and effect.
- g) Force Majeure. Except for the payment of Rent, Additional Rent or other sums payable by Tenant to Landlord, time periods for Tenant's or Landlord's performance under any provisions of this Lease shall be extended for periods of time during which Tenant's or Landlord's performance is prevented due to circumstances beyond Tenant's or Landlord's control, including without limitation, embargoes, shortages of labor or materials, governmental regulations, acts of God, war or other strife.
- h) Notices. All notices under this Lease shall be in writing and delivered in person or sent by registered or certified mail, postage prepaid, to Landlord and to Tenant at the addresses provided in Section 1 ; or such other addresses as may from time to time be designated by any such party in writing. Notices mailed as provided in this section shall be deemed given on the date of such mailing.
- i) Costs and Attorney's Fees; Waiver of Jury Trial. If Tenant or Landlord shall bring any action for any relief against the other, declaratory or otherwise, arising out of this Lease, including any suit by Landlord for the recovery of Rent, Additional Rent or other payments hereunder or possession of the Premises each party shall, and hereby does, to the extent permitted by law, waive trial by jury and the losing party shall pay the prevailing party a reasonable sum for attorneys' fees in such suit, at trial and on appeal, and such attorneys' fees shall be deemed to have accrued on the commencement of such action. If Landlord retains an attorney in connection with the default of Tenant hereunder, Tenant shall pay Landlord's reasonable attorneys' fees whether or not suit is filed.
- j) Governing Law; Venue. This Lease shall be governed by and construed in accordance with the internal laws of the State of Washington. The venue for any action arising under the Lease shall be the Superior Court of Washington in Thurston County.
- k) Recording. Tenant shall not record this Lease or a memorandum hereof without Landlord's prior written consent and such recordation shall, at the option of Landlord, constitute a non-curable default of Tenant hereunder.
- l) Waivers. No waiver by Landlord of any provision hereof shall be deemed a waiver of any other provision hereof or of any subsequent breach by Tenant of the same or any other

provision. Landlord's consent to or approval of any act shall not be deemed to render unnecessary the obtaining of Landlord's consent to or approval of any subsequent act by Tenant. The acceptance or Rent hereunder by Landlord shall not be a waiver of any preceding breach at the time of acceptance of such Rent.

- m) Time of Essence. Time is of the essence for the performance of all of the obligations specified hereunder.
- n) Quiet Enjoyment. Subject to other terms of this Lease, Landlord covenants that Tenant shall, and may peacefully have, hold and enjoy the Premises for the Term free of any claims by any party claiming by, through or under Landlord, provided that Tenant pays the rent to be paid by Tenant under this Lease and performs all of Tenant's covenants and agreements herein provided.
- o) Merger. The voluntary or other surrender of this Lease by Tenant, or a mutual cancellation thereof, shall not work a merger and shall, at the option of Landlord, terminate all or any existing sub-tenancies or may, at the option of Landlord, operate as an assignment to Landlord of any or all such sub-tenancies.

DRAFT

EXHIBIT A

LEGAL DESCRIPTION OF LAND

ALL THAT PORTION OF PARCEL 3 OF THE CITY OF OLYMPIA SHORT SUBDIVISION NO. SS-5803, AS RECORDED JULY 22, 1996 UNDER AUDITOR'S FILE NO. 3042139, THURSTON COUNTY, WASHINGTON;

EXCEPT THAT PORTION OF SAID PARCEL 3 LYING NORTH OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 1 WEST, W.M., OF SAID COUNTY;

TOGETHER WITH ALL THAT PORTION OF THE WEST 85.00 FEET OF THE EAST 120.00 FEET OF THE SOUTH 212.00 FEET OF THE HEREINABOVE DESCRIBED PORTION BEING EXCEPTED FROM SAID PARCEL 3.

CONTRACT NUMBER:

Storage and SCBA Building
Project No. F10004

**CITY OF OLYMPIA
CONTRACT**

THIS AGREEMENT is entered into between the City of Olympia (the "City") and Berschauer Construction Inc. of Olympia, Washington, (the "Contractor"), for the project known as the Storage and SCBA Building (the "Project"), Contract Number _____.

PROJECT DESCRIPTION. This Project provides for project structural engineering, construction, erection and finishing of a pre-engineered metal building all in accordance with the Contract Documents.

IN CONSIDERATION OF THE TERMS AND CONDITIONS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

CITY RESPONSIBILITIES. The City agrees to engage the Contractor to perform all work necessary to complete the Project according to the Project plans and specifications under the terms and conditions contained in this agreement. The City agrees to pay the Contractor according to the Project plans and specifications and the schedule of unit or itemized prices outlined in the Contractor's bid proposal at the time, in the manner and upon the conditions provided for in this agreement. The contract bid amount is \$168,234.00, which includes any applicable sales or use tax.

CONTRACTOR RESPONSIBILITIES. The Contractor shall perform all work and furnish and bear the expense of all tools, materials, equipment and labor as may be required for the transfer of materials and for construction and completion of the Project, except as is otherwise designated in the Project plans and specifications, "to be provided by the City." The Contractor agrees to perform any necessary alterations in or additions to the work as required by the City. The Contractor shall complete the Project in accordance with and as described in the Project plans and specifications, and the edition of the Washington State Standard Specifications for Road, Bridge, and Municipal Construction (WSDOT Specifications) referenced in the Project specifications. Contractor binds himself, his heirs, executors, administrators, successors and assigns.

PROJECT TIMELINE. Work on the Project shall begin on the date provided in the Notice to Proceed and shall be completed in the number of working days outlined in the Project specifications.

LIQUIDATED DAMAGES. If the Project is not completed within the allotted working days, the Contractor agrees to pay to the City liquidated damages in the amount calculated per the WSDOT Specifications for each day the Project remains uncompleted after expiration of the Project timeline.

DOCUMENTS INCORPORATED BY REFERENCE. The documents incorporated by reference, as if fully set forth in this agreement, include the Project plans and specifications, the Contractor's bid proposal, and the edition of the Washington State Standard Specifications for Road, Bridge, and Municipal Construction referenced in the Project Specifications.

INDEMNIFICATION. The Contractor agrees to indemnify, defend, and hold harmless the City and its officers and employees, from any claims, suits, actions, damages or liability whatsoever which may result from or arise out of the Contractor's work under this agreement. This provision shall not apply to those claims or damages that are determined to have been caused by the sole negligence of the City, its officers, or employees.

EFFECTIVE DATE. The parties to this agreement have caused it to be fully executed on the date of the last authorizing signature below.

CITY OF OLYMPIA

CONTRACTOR

I certify by signing below that I am a duly authorized signatory for the Contractor:

City Manager

Date

(Signature)

Date

Approved as to form:

(Printed Name)

City Attorney

(ACA)

Date

(Printed Title)

[Handwritten Signature] *3-28-2014*

City of Olympia

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

City Council

Approval of a Utility Easement for Sanitary Sewer Odor and Corrosion Control Facility

Agenda Date: 3/18/2014

Agenda Number: 4.G

File Number: 14-0138

File Type: contract

Version: 1

Status: Consent Calendar

..Title

Approval of a Utility Easement for Sanitary Sewer Odor and Corrosion Control Facility

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve and authorize the City Manager to sign the Utility Easement with the Indian Summer, LLC, property owner of Parcel A.

..Report

Issue:

Whether to approve a Utility Easement with the Indian Summer, LLC. The easement is needed to construct and maintain odor and corrosion control systems on Indian Summer Golf Course property.

Staff Contact:

Ladd F. Cluff, PLS, City Surveyor, Public Works Engineering, 360.753.8389

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

There are approximately 750 residential and 23 commercial Septic Tank Effluent Pumping tanks (S.T.E.P.) in the area around Indian Summer Golf & Country Club. If untreated, S.T.E.P. systems cause odor and corrosion problems which results in the gradual destruction of sewer pipes. The proposed facility will introduce oxygen into the system to reduce odor and corrosion.

The proposed easement is located on the south side of Yelm Highway at the west end of the Indian Summer Golf Course (see attached map).

Neighborhood/Community Interests (if known):

- The odor and corrosion control facility reduces odor and protects and extends the life of City sewer pipes.
- An easement provides access to construct the facility and ensures City staff has access to complete ongoing operation and maintenance.

Agenda Date: 3/18/2014

Agenda Number: 4.G

File Number: 14-0138

- Indian Summer, LLC supports the project and has signed the easement.

Options:

1. Approve and authorize the City Manager to sign the Utility Easement with the Indian Summer, LLC, property owner of Parcel A.
 - a. Will be able to complete the project as originally planned and communicated with the Indian Summer neighborhood.
 - b. City staff will be able to properly access the facility to complete ongoing operation and maintenance duties.
2. Do not approve the Utility Easement.
 - a. The City will need to re-design the facility and find a new location delaying the project.
 - b. Until work is complete, City infrastructure will deteriorate and surrounding neighborhoods could be inundated with septic odor.

Financial Impact:

The City is purchasing the easement and the purchase price has been approved with the project budget.

After recording return document to:
City of Olympia
Attention: Legal Department
P.O. Box 1967
Olympia, WA 98507-1967

Document Title: UTILITY EASEMENT
Grantor(s): Indian Summer, LLC
Grantee(s): City of Olympia
Legal Description: Parcel A, BLA-03105182-TC, AFN 3574065
Assessor's Parcel Number: 55610100501

EASEMENT FOR SANITARY SEWER FACILITIES

THIS EASEMENT FOR SANITARY SEWER FACILITIES is needed to treat the effluent flowing from the Indian Summer Country Club and surrounding residential neighborhoods to prevent odor and corrosion of the downstream sanitary sewer system (hereinafter, "Easement") and is hereby executed by and between the City of Olympia, a Washington municipal corporation organized under Title 35A RCW (hereinafter, "Grantee"), and Indian Summer, LLC, a Washington limited liability company (hereafter, "Grantor").

WITNESSETH:

Grantor, for and in consideration of \$2,500.00 and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby conveys and grants to Grantee:

A perpetual, non-exclusive easement for sanitary sewer facilities, specifically limited to the following: a prefabricated metal building with approximate dimensions of 12' x 14', to house odor control equipment connected to the existing 6-inch Septic Tank Effluent Pump (STEP) force main, access improvements from Yelm Highway to the building, and a gravel parking area for maintenance vehicle parking (collectively, "Grantee's Facilities"), under and on the real property described as Parcel "A" of Boundary Line Adjustment Number BLA-03105182-TC, recorded under Auditor's file Number 3574065, Thurston County records, (hereinafter, "the Property"). The location

of said easement upon the Property (hereinafter, "Easement Area") shall be as described and depicted in Exhibit "A", attached hereto and incorporated herein by reference.

Grantor and Grantee further covenant and agree to the following terms, provisions and conditions:

1. ***Right of Access and Use.*** Grantee and its agents, contractors, designees, or assigns shall have the right, at such reasonable times as Grantee deems necessary, to install, construct, access, repair, replace, reconstruct, remove, operate, monitor, and maintain Grantee's Facilities within the Easement Area, and to enter upon the Property for such purposes, without incurring any legal obligation or liability therefore. Grantee's rights hereunder shall be exercised in a manner that prevents unnecessary destruction or unreasonable disturbance of existing improvements upon the Property, except as provided hereunder.

2. ***Noninterference.*** Grantee's access to and across the Easement Area shall be reasonable and such access shall in no event interrupt the play of golf on the surrounding property. Grantor shall make reasonable efforts to avoid and prevent interference with and/or obstruction of the Easement Area and Grantee's Facilities. Such noninterference shall be subject to the following:

A. Grantor shall not deposit, or allow to be deposited, any excavated material within the Easement Area.

B. Grantor shall not dig, tunnel, or excavate, or allow any digging, tunneling, or excavation, within ten feet (10') of Grantee's Facilities.

C. Grantor shall not construct or install, or allow to be constructed or installed, any structures, facilities, or other objects, specifically including without limitation any underground utility infrastructure, other than Grantee's Facilities, inside or within ten feet (10') of the Easement Area without Grantee's prior written authorization, which consent shall not be unreasonably withheld.

E. Grantor shall not in any manner unreasonably block, restrict, or impede, or allow to be blocked, restricted, or impeded, Grantee's access to or use of the Easement Area; provided, however, that Grantee's sole access to the Easement Area shall be from Yelm Highway.

F. Grantor shall not damage, harm, remove, obstruct, impede, or otherwise interfere with Grantee's Facilities.

G. Grantor shall not convey to any third party any easement, license, or other interest or right of use involving the Easement Area that would violate this easement or impair, interfere with, or limit the easement rights granted herein.

3. **Maintenance; Removal of Encroachments and Obstructions.** Grantee shall be and remain exclusively responsible for maintaining Grantee's Facilities. In the event of any encroachment, obstruction, or interference of or upon the Easement Area or Grantee's Facilities, Grantee may require removal and/or termination thereof, and the same shall be accomplished promptly at Grantor's expense. Alternatively, Grantee may take such action as deemed necessary in Grantee's reasonable discretion to accomplish such removal and/or termination, and may charge to Grantor all expenses incurred therefor. Grantee's failure to require removal or termination of any encroachment, obstruction, or interference shall neither constitute a waiver of Grantee's rights nor preclude any other remedy available to Grantee.

4. **Site Remediation.** Any existing improvements upon the Property that neither encroach upon, nor conflict with, the rights conveyed to Grantee hereunder that may be disturbed or destroyed by Grantee's Facilities, or Grantee's activities related thereto, shall be replaced, repaired, or otherwise restored as reasonably practicable, to the pre-event condition by and at Grantee's expense.

5. **Warranty of Title.** Grantor represents and warrants that Grantor is the lawful owner of the Property; that the rights and privileges set forth herein do not breach or otherwise violate the legal rights of any third-party; and that Grantor is fully authorized to execute and grant this Easement.

6. **Indemnification.** Grantee shall indemnify, defend, and hold harmless Grantor from and against any and all claims, losses, costs, suits, and causes of action, including attorneys' fees, for any injury, damage, loss, or expense arising out of or otherwise resulting from Grantee's use of the Easement Area. Grantor shall indemnify and hold harmless Grantee from and against any and all claims, losses, costs, suits, and causes of action, including attorneys' fees, for any injury, damage, loss, or expense arising out of or otherwise resulting from any breach or violation by Grantor hereunder. Each party's obligations under this section shall apply only to the extent such injury, damage loss, or expense is caused by the negligence or misconduct of that party or the party's agents or invitees.

7. **Legal.** This Easement shall be governed by the laws of the State of Washington. The exclusive venue for any litigation arising out of this Easement shall be the Superior Court for Thurston County, Washington.

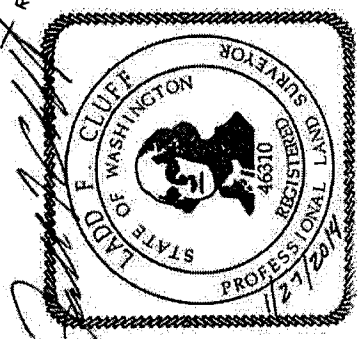
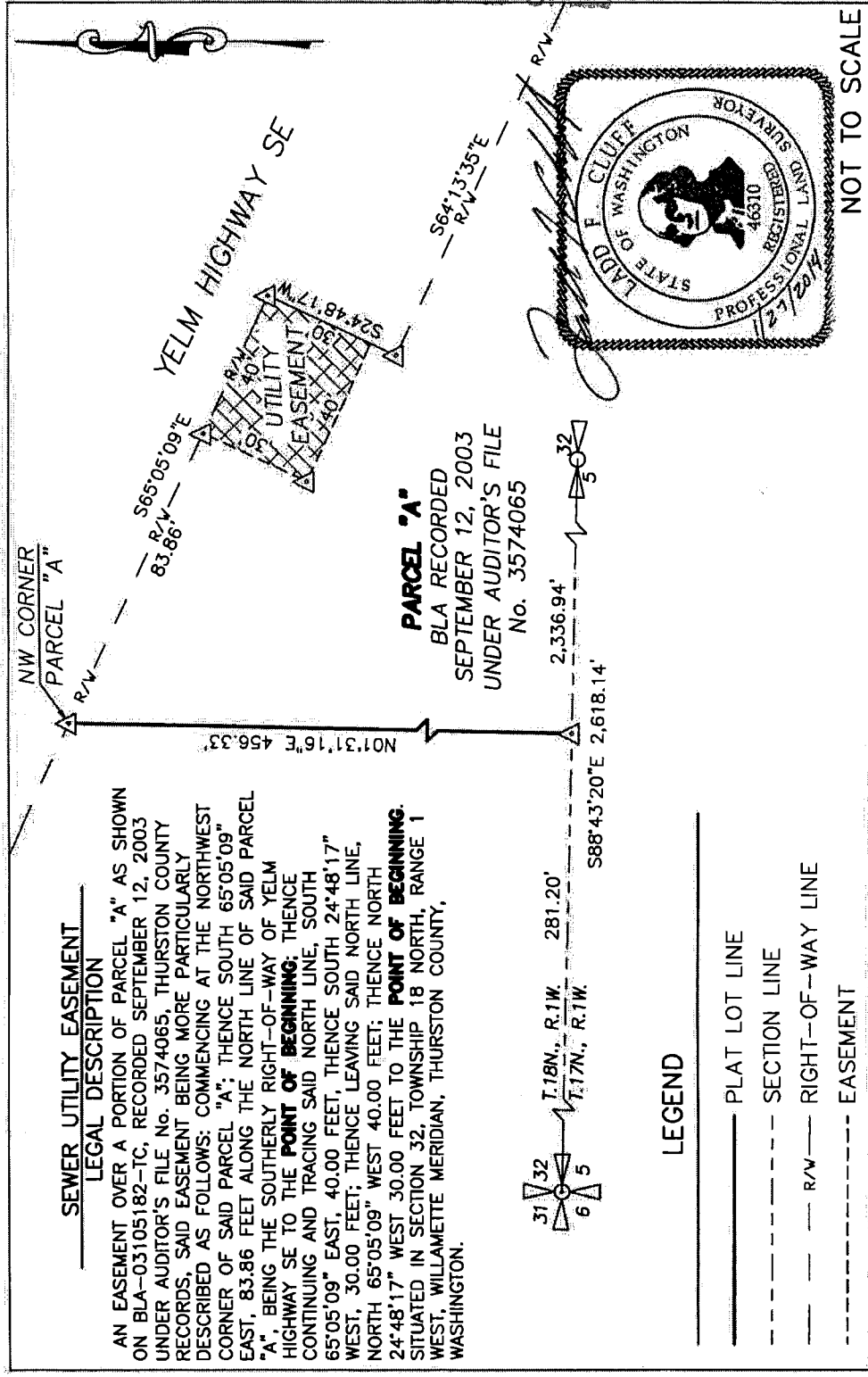
8. ***Binding Effect; Modification.*** This Easement, and each of the terms, provisions, conditions, and covenants set forth herein shall run with the land and be binding upon and apply to the benefit of the parties hereto and their respective successors, agents, designees or assigns. This Easement may be modified only by a recorded, written instrument mutually executed by the parties hereto or their respective successors or assigns.

9. ***No Third-Party Beneficiary.*** The right, duties, and obligations set forth in this Easement are for the exclusive benefit of the signatory parties and their respective successors, agents, designees, or assigns, and may only be enforced thereby. Nothing herein shall be construed as vesting any rights for or in any third-party.

10. ***No Admission.*** Nothing herein shall be construed in any manner as an admission by either Grantor or Grantee of any responsibility or liability for environmental contamination of any type or description that may be present on, under, or in the vicinity of the Property.

11. **Costs and Attorney's Fees.** In any legal action, arbitration or other proceeding related to or arising out of this Agreement, the prevailing party or parties shall be entitled to recover from the other party reasonable attorney's fees and other costs incurred. Attorney's fees covered by this paragraph include, without limitation, fees incurred in bankruptcy proceedings to modify or vacate any automatic stay of such legal action or proceeding, in appeals, and in post-judgment collection or enforcement proceedings. Costs covered by this paragraph include, without limitation, the costs of searching records, obtaining title reports (including foreclosure reports), surveyors' reports, appraisal fees, expert witness fees and title insurance premiums.

SIGNATURES APPEAR ON THE FOLLOWING PAGE



PARCEL "A"
BLA RECORDED
SEPTEMBER 12, 2003
UNDER AUDITOR'S FILE
No. 3574065

NOT TO SCALE

**SEWER UTILITY EASEMENT
LEGAL DESCRIPTION**

AN EASEMENT OVER A PORTION OF PARCEL "A" AS SHOWN ON BLA-03105182-TC, RECORDED SEPTEMBER 12, 2003 UNDER AUDITOR'S FILE No. 3574065, THURSTON COUNTY RECORDS, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL "A"; THENCE SOUTH 65°05'09" EAST, 83.86 FEET ALONG THE NORTH LINE OF SAID PARCEL "A"; BEING THE SOUTHERLY RIGHT-OF-WAY OF YELM HIGHWAY SE TO THE **POINT OF BEGINNING**; THENCE CONTINUING AND TRACING SAID NORTH LINE, SOUTH 65°05'09" EAST, 40.00 FEET, THENCE SOUTH 24°48'17" WEST, 30.00 FEET; THENCE LEAVING SAID NORTH LINE, NORTH 65°05'09" WEST 40.00 FEET; THENCE NORTH 24°48'17" WEST 30.00 FEET TO THE **POINT OF BEGINNING**. SITUATED IN SECTION 32, TOWNSHIP 18 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, THURSTON COUNTY, WASHINGTON.

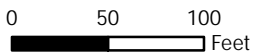
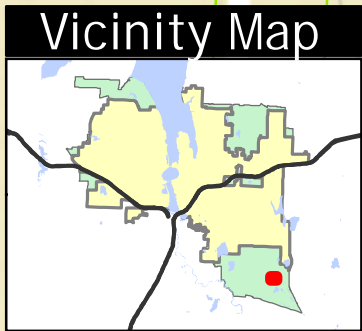
LEGEND

- PLAT LOT LINE
- SECTION LINE
- R/W —— RIGHT-OF-WAY LINE
- EASEMENT

DRAWN		BAM	PROJECT NO.	CITY OF OLYMPIA	
QC REVIEW		LFC	DATE	EXHIBIT "A"	
SCALE		N.T.S.	JANUARY 2014	SEWER UTILITY EASEMENT	
				SECTION 32, T. 18 N., R. 1 W., W.M.	
				DRAWING NAME	
				EASMT REVISED	
				SHEET 1 OF 1	

Indian Summer, L.L.C.

S.T.E.P. Odor and Corrosion Control Facility Easement



1 inch = 100 feet

Map printed 2/27/2014

For more information, please contact:
Ladd Cluff, City Surveyor
(360) 753-8389.

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.



City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Approval of a Right-Of-Way Permit Agreement between the City of Olympia and Vine Street Investors, LLC.

Agenda Date: 3/18/2014

Agenda Number: 4.H

File Number: 14-0146

File Type: contract

Version: 1

Status: Consent Calendar

..Title

Approval of a Right-Of-Way Permit Agreement between the City of Olympia and Vine Street Investors, LLC.

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve and authorize the City Manager to sign the Right-of-Way Permit Agreement with Vine Street Investors, LLC.

..Report

Issue:

Whether to renew the current right-of-way permit agreement between Vine Street Investors, LLC and the City of Olympia which expires on March 23, 2014 for four years.

Staff Contact:

Ladd F. Cluff, PLS, City Surveyor, Public Works Engineering, 360.753.8389

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

In 1998 Vine Street Investors requested use of a portion of Quince Street, between 8th and 9th Avenues, for parking associated with an office building located at 927 8th Avenue SE. This portion of Quince Street is unopened right-of-way that has not been improved for public roadway purpose.

Vine Street Investors and the City have maintained this Agreement for a period of sixteen years, renewing it every four years. The Agreement allows Vine Street Investors to use the unopened right-of-way for parking purposes until such time as the City decides to use the right-of-way for street purposes. As a condition of the permit, Vine Street Investors is responsible for maintaining the property and constructing public roadway improvements if and when the City deems it necessary.

Neighborhood/Community Interests (if known):

Agenda Date: 3/18/2014

Agenda Number: 4.H

File Number: 14-0146

- Vine Street is currently using the right-of-way for parking for its adjacent office building.
- There are no plans in the Capital Facilities Plan for a transportation improvement project, nor any known private development projects that will necessitate a change in the use of the right-of-way.

Options:

1. Approve and authorize the City Manager to sign the Right-of-Way Permit Agreement with Vine Street Investors, LLC.
 - a. The agreement generates revenue annually for the General Fund.
 - b. Allows for continued use of the Quince Street right-of-way by the adjacent office for parking purposes.
 - c. The City's interests are not negatively impacted.
2. Do not approve the Right-of-Way Permit Agreement.
 - a. Reduces revenue to the General Fund.
 - b. Requires the owner of the office building to find parking at an alternate location.
 - c. Places the burden of maintenance of the right-of-way back on the City.

Financial Impact:

The Right-of-Way Permit Agreement generates \$4,890 a year for the General Fund.

**RIGHT-OF-WAY PERMIT AGREEMENT
BETWEEN THE CITY OF OLYMPIA
AND VINE STREET INVESTORS, LLC**

THIS AGREEMENT is made and entered into the ____ day of _____, 2014, by and between the City of Olympia, a Washington municipal corporation, hereinafter referred to as "Olympia" and Vine Street Investors, LLC, a Washington limited liability company, J. Brent McKinley, Managing Partner, hereafter referred to as "Vine Street." This agreement is intended to provide the terms by which Vince Street may use the unopened City right-of-way for parking purposes.

WITNESSETH:

1. There exists within the City of Olympia a platted right-of-way known as Quince Street, southerly of 8th Avenue and northerly of the south line of 9th Avenue, which right-of-way has never been opened for public use.
2. Vine Street is a developer of private buildings and the owner of the underlying fee over which said unopened right-of-way runs. Vine Street sees to use the property in question for parking for Vine Street customers until such time as Olympia elects to vacate the street or requires it to be opened and used as a public street.
3. Olympia has determined that use of unopened right-of-way for parking purposes is consistent with proper use of said right-of-way.

THE PARTIES HEREBY AGREE AS FOLLOWS:

1. Olympia hereby grants to Vine Street the right to temporary use the unopened right-of-way of, as described below, for parking purposes:

That part of Quince Street lying South of the South line of Eighth Avenue and North of the South line of Ninth Avenue, said street being adjacent to Blocks 33, 34, 45 and 46 of Swan's Addition to Olympia as recorded in Volume 1 of Plats, Page 37, Records of Thurston County. In the City of Olympia, Thurston County, Washington. Parcel No. 78203300500

2. The term of this Agreement will be for four (4) years from the date of this Agreement unless it is terminated by the City prior to that data. The City can terminate this Agreement as its discretion by providing written notice of such termination. The effective date of such a termination will be 120 days after the date of receipt by Vine Street of the notice of termination. Upon receipt of a termination notice, Vine Street shall take the necessary action to ensure that the street may be

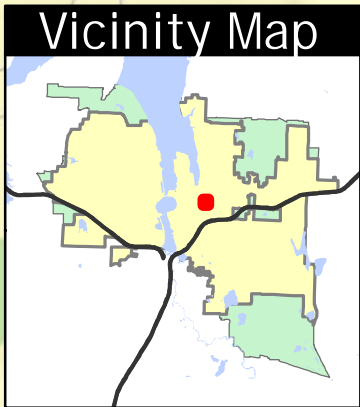
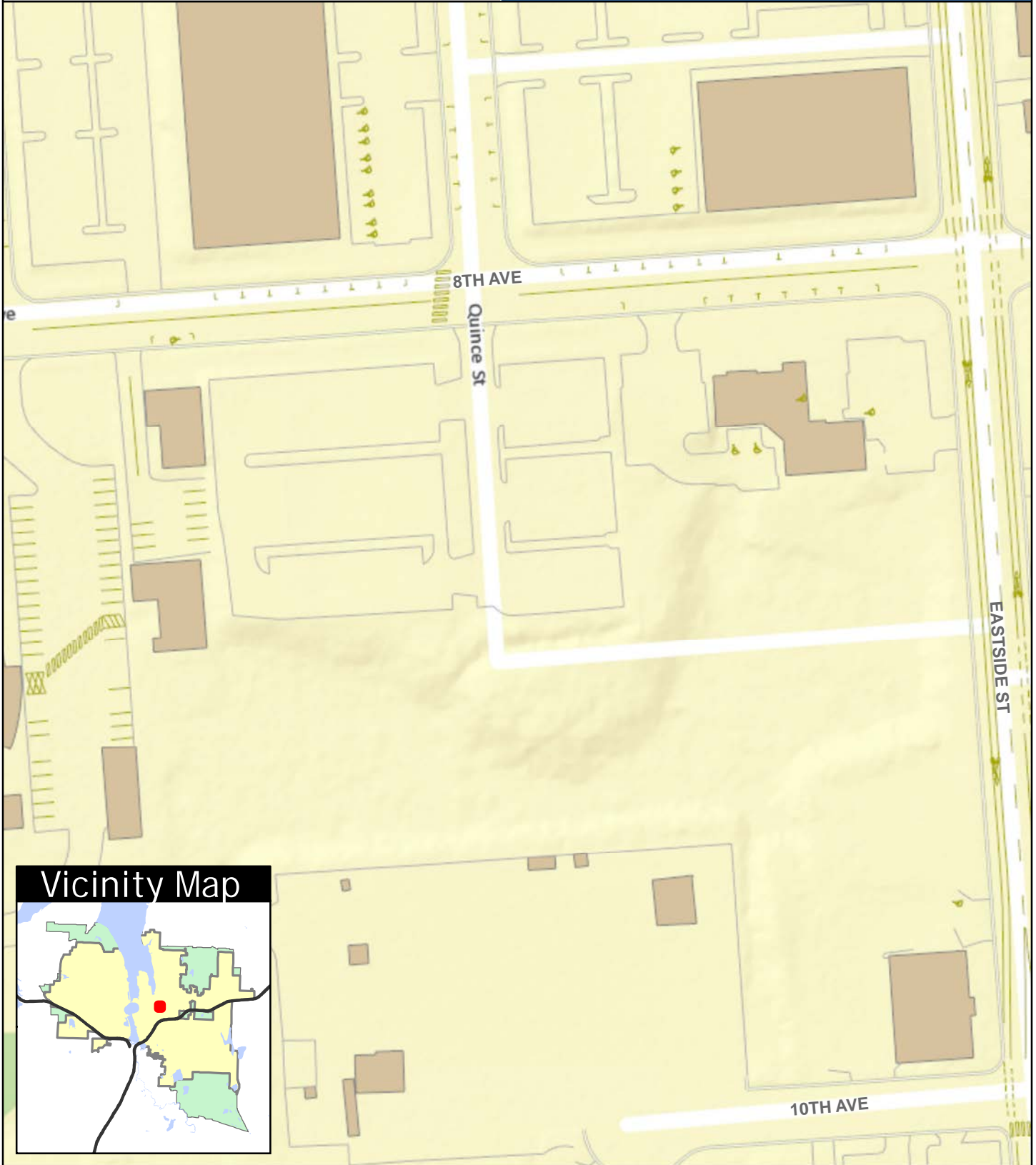
opened when the termination notice becomes effective. Required street improvements shall be per paragraph 10 of this Agreement.

3. In consideration therefor, Vine Street shall annually pay to Olympia, on or before October 1 of each year, the amount of Four Thousand Eight Hundred Ninety Dollars and No Cents (\$4,890.00). Said amount shall be proportionately discounted or reimbursed if this Agreement is terminated within any year prior to October 1. At Vine Street's options, the above amount may be paid in two installments, to wit, Two Thousand Four Hundred Forty-Five Dollars(\$2,445.00) on October 1 and April 1 of each year. The annual payment shall be adjusted each year based upon the Consumer Price Index (CPI) published by the U.S. Bureau of Labor Statistics for the preceding year.
4. Vine Street shall construct and maintain parking on said right-of-way at its own expense and shall maintain said facilities in good repair. Olympia is to be liable for no costs or expense of construction, maintenance, or otherwise by reason of this Agreement.
5. Olympia retains the right to construct underground utilities through the entire length and breadth of the right-of-way, but shall, upon completion of any such construction during the term of this Agreement, restore to site to the condition created by the developer.
6. Vine Street, its successors and assigns, agrees to defend, indemnify, and hold Olympia harmless from any claim, suit, action, damages, liability, or expense incurred by reason of Vine Street's construction, use, or maintenance of the property for parking facilities. The intent of this paragraph is that vine Street, its successors, or assigns, will have full, complete, and exclusive care and responsibility for the premises, its construction and use; therefore, ensuring that Olympia will incur no expense by reason of Vine Street's use of the property. Vine Street shall maintain insurance in sufficient amounts to ensure liability coverage.
7. It is recognized that Vine Street may impose restrictions on the use of the temporary parking facilities, including limited the use to be made thereof.
8. This Agreement may be assigned by Vine Street to any successor in interest taking fee ownership in the surrounding property. To secure a release from liability under this Agreement, Vine Street shall advise Olympia of such change and secure Olympia's consent in writing to the assignment of this Agreement. Such consent shall not be unreasonably withheld if the assignee is a purchaser for value of the surrounding property.

9. Vine Street has the option to petition again for the vacation of the right-of-way described herein and if said petition be granted, the vacated right-of-way shall be sold to abutting property owners as provided under Olympia's Municipal Code.
10. The possibility exists that the public interest required that Quince Street be opened for use as a public right-of-way in which event Vine Street shall improve the right-of-way to Olympia Standards for the length of Vine Street's abutting property. Vine Street shall take immediate action to open the street and construct same to Olympia Commercial Collector Street standard upon notice given by Olympia to Vine Street that the street, if not vacated, is needed for right-of-way purposes. If the street construction is required, it shall be landscaped in accordance with criteria for landscaping parking lots.
11. Vine Street shall post a bond in the form of an assigned savings account or stand-by irrevocable letter of credit in an amount equal to 125% of the cost of improving the referenced right-of-way plus landscaping to Olympia standards. The Public works Director shall set the amount of bond and Vine Street shall have the opportunity to occupy and use the right-of-way as provided in this Agreement only after the bond has been posted.

The bond referenced in the paragraph above may be released upon the happening of either of two events: (a) Olympia takes such action as is required to vacate the reference right-of-way, or (b) Olympia has accepted, in writing, the roadway that is constructed by Vine Street after receiving notice pursuant to paragraph 10 of this Agreement.

12. If this Agreement shall be determined invalid by a court of competent jurisdiction, the parties agree that Olympia shall not be liable to Vine Street or its successors in interest for any damages occasioned thereby and Vine Street and successors in interest hereby specifically waive any claim therefor.



0 50 100 Feet 1 inch = 100 feet

Map printed 2/27/2014
For more information, please contact:
Ladd Cluff, City Surveyor
(360) 753-8389.

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.



City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Approval of Appropriations Ordinance in the Amount of \$142,200 for the Artesian Commons Fleet Parking Construction

Agenda Date: 3/18/2014

Agenda Number: 4.I

File Number: 14-0199

File Type: ordinance

Version: 1

Status: Second Reading

..Title

Approval of Appropriations Ordinance in the Amount of \$142,200 for the Artesian Commons Fleet Parking Construction

..Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the attached appropriation ordinance in the amount of \$142,200 for the construction of fleet parking as part of the Artesian Commons project.

..Report

Issue:

Appropriation of funds for the addition of charging stations and fencing for fleet parking as part of the Artesian Commons construction project.

Staff Contact:

Jay Burney, Assistant City Manager, 360.753.8740

Presenter(s):

N/A

Background and Analysis:

The Artesian lot was purchased as part of the New City Hall construction project with the intent to both preserve and protect the Artesian well on the site and provide parking for City fleet and other related City parking needs. A portion of the balance of funds in the New City Hall construction fund were set aside for improvements to the Artesian lot to protect our fleet and add electric vehicle charging stations.

A component of the Artesian Commons construction project is the addition of charging stations and fencing to provide infrastructure for future electric fleet vehicles and protection of the fleet vehicles at this location. The bids for this project were opened on February 4, 2014 and the cost for the fleet parking improvements and some additional contingency came in at \$142,200, within the budget set aside for this work. The attached appropriation ordinance transfers funds from the New City Hall construction fund to the Artesian Commons project fund to complete the fleet parking improvements as part of the project.

Agenda Date: 3/18/2014

Agenda Number: 4.I

File Number: 14-0199

Neighborhood/Community Interests (if known):

N/A

Options:

1. Move to approve the attached appropriation ordinance in the amount of \$142,200 for the construction of fleet parking as part of the Artesian Commons construction project.
2. Do not approve the attached appropriations ordinance and provide guidance to staff on next steps.

Financial Impact:

The \$142,200 in funding for this project is being appropriated from the remaining fund balance from the construction of the New City Hall, which had been anticipated.

Ordinance No.

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO THE 2014 BUDGET, AND APPROPRIATING \$142,200 FOR THE ARTESIAN COMMONS DEVELOPMENT. FUNDING IS TO BE PROVIDED BY A TRANSFER FROM THE CITY HALL CONSTRUCTION FUND TO THE CAPITAL IMPROVEMENT FUND.

WHEREAS there is a need for additional funding for the Artesian Commons construction projects; and

WHEREAS the lot was acquired to both protect and preserve the Artesian Well and provide parking for City Hall and its associated uses; and

WHEREAS construction of a fleet parking area is included in the scope of the Artesian Commons construction project; and

WHEREAS it was intended that City Hall construction funds would be used for the purposes of constructing fleet parking;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. That the following appropriations are hereby made:

CAPITAL IMPROVEMENT FUND (317)

Resources:	Transfer in, from City Hall Construction Fund	\$142,200
	TOTAL RESOURCES	\$142,200
Appropriations:	Artesian Commons Development	\$142,200
	TOTAL APPROPRIATIONS	\$142,200

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



ASSISTANT CITY ATTORNEY

**PASSED:
APPROVED:
PUBLISHED:**

City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Ordinance Adopting Findings of Fact and Conclusions of Law on the Briggs Village Master Plan Amendment

Agenda Date: 3/18/2014

Agenda Number: 4.J

File Number: 14-0227

File Type: ordinance

Version: 1

Status: Consent Calendar

..Title

Ordinance Adopting Findings of Fact and Conclusions of Law on the Briggs Village
Master Plan Amendment

..Recommended Action

City Manager's Recommendation:

Move to approve on first reading and forward to second and final reading the attached ordinance containing Findings of Fact, Conclusions of Law and Decision amending the Briggs Village Master Plan with the adoption of the Consent Calendar.

..Report

Issue:

Whether the proposed ordinance amending the Briggs Village Master Plan accurately reflects the City Council's directions to adopt the Design Review Board's and the Hearing Examiner's recommendations to approve the Applicant's requested amendments to the Briggs Village Master Plan with conditions.

Staff Contact:

Steve Friddle, Principal Planner, Community Planning & Development, 360.753.8591
Tom Morrill, City Attorney, Legal Department, 360.753.8338

Presenter(s):

None. Consent Calendar.

Background and Analysis:

At its January 28, 2014 Council Meeting, the Council considered the Hearing Examiner and the Design Review Board recommendations concerning the proposed amendments to the Briggs Village Master Plan (the Master Plan) submitted by the Applicant, Briggs Village LLC. The Design Review Board recommended approval of the requested changes which, in general, provide more specificity and detail to roof form, articulation, public entries, fenestration, weather protection, building materials and design, landscape, signage and utility services. The Hearing Examiner recommended approval to the requested changes which, in general, reduce the required amount of commercial development in the Master Plan. The Hearing Examiner also recommended certain conditions, including a requirement that the Applicant construct a secondary access to the YMCA parking lot. Both the Design Review Board and the Hearing Examiner recommendations included provisions to

Agenda Date: 3/18/2014

Agenda Number: 4.J

File Number: 14-0227

allow for future additional commercial development up to the maximum allowed in the development code.

At the January 28, 2014 Council Meeting, Council considered oral comment from individuals who previously presented information to the Design Review Board or Hearing Examiner. Following presentation and questions, Council deliberated and directed staff to prepare an ordinance that adopts the Design Review Board's and Examiner's recommendations and approves the Master Plan amendments with conditions.

Council's direction at the January 28th meeting included a modification to "Condition 2" on pages 30-31 of the Hearing Examiner's recommendation to remove the provision that would potentially relieve the Applicant of the obligation to install the secondary access to the YMCA parking lot. The proposed ordinance modifies the former Condition 2 in the Hearing Examiner's Recommendation. The modification of the former Condition 2 can be found in the Conclusions of Law section of the proposed ordinance. The proposed ordinance also adds the modified condition as Condition 2 of the Decision section of the proposed ordinance.

At the January 28th meeting, Council also indicated that it agreed with the recommendation of the Design Review Board and the Hearing Examiner of providing flexibility for additional commercial development beyond the minimum 94,985 square feet requested by the Applicant. Conclusion 3 in the Conclusions of Law section of the proposed ordinance provides additional clarification that Briggs Village could be developed with up to 175,000 square feet of commercial space and confirms that 94,985 square feet of commercial development is the minimum allowed. In addition, Exhibit G to the proposed ordinance is a table that summarizes the minimum and maximum ratios of commercial development, with associated residential, that would be allowed under the amended Master Plan.

Attachment D to the proposed ordinance is the final version of the Briggs Village Master Plan, which includes the conditions and clarifications requested by Council. Attachment E to the proposed ordinance is the final version of the Briggs Village Master Plan Design Guidelines. Finally, the original ordinance approving the Briggs Village Master Plan, Ordinance No. 6299, had an attachment that set forth the various conditions of approval for the Master Plan and was titled "Combined Conditions of Approval." The "Combined Conditions of Approval" attachment has been replaced with a new updated attachment that adds this Council's new conditions to the previous conditions and deletes previous "Condition 6" concerning the development of a neighborhood park, which has already been completed. The new attachment is the "Briggs Village Master Plan as Amended Combined Conditions of Approval" found at Exhibit F.

Accordingly, the proposed ordinance has seven exhibits. They are as follows:

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Agenda Number: 4.J

File Number: 14-0227

- A. Hearing Examiner's Findings of Fact, Conclusions of Law and Recommendation, dated December 31, 2013
- B. Design Review Board's Recommendation, dated August 30, 2013
- C. The Briggs Village Master Plan Amendment Staff Report to the Hearing Examiner, dated December 16, 2013
- D. Volume 1 - Briggs Village Master Plan, dated March 2014
- E. Volume 2 - Briggs Village Design Guidelines, dated October 22, 2013
- F. Briggs Village Master Plan as Amended Combined Conditions of Approval
- G. Summary Table of Approved Changes (Minimum & Maximum)

Neighborhood/Community Interests (if known):

At the January 28, 2013 City Council meeting, Council was presented with comments and information both in support of and opposition to the proposed amendments. Written comments submitted to the Hearing Examiner are in the record and the oral comments presented at the Examiner's open record public hearing are summarized in the Examiner's Decision.

Options:

1. Move to approve on first reading and forward to second and final reading the attached ordinance containing Findings of Fact, Conclusions of Law and Decision amending the Briggs Village Master Plan as part of adoption of the Consent Calendar.
2. Reschedule this item for Council discussion to provide additional direction to staff or to modify the proposed ordinance.

EXHIBIT A

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

1		
2	IN RE:) HEARING NO. 13-0039
3	BRIGGS VILLAGE MASTER PLAN)
4	AMENDMENT,) FINDINGS OF FACT,
) CONCLUSIONS OF LAW
) AND RECOMMENDATION

5

6 **APPLICANT:** Briggs Village, LLC
 27200 Agoura Road, Suite 210
 7 Calabasas, California 91301

8 **REPRESENTATIVES:**

9

10 Attorney: Heather L. Burgess
 Attorney at Law
 11 Phillips, Wesch, Burgess, PLLC
 724 Columbia Street N.W., Suite 140
 12 Olympia, Washington 98501

13 Principal Planner: Jean Carr
 Shea Carr Jewell
 14 2102 Carriage Drive S.W., Bldg. H
 15 Olympia, Washington 98502

16 Architect: Ron Thomas
 Thomas Architecture Studio
 17 109 Capital Way North
 18 Olympia, Washington 98501

19 Real Estate Consultant: Ryan Haddock
 Kidder Matthews
 20 1550 Irving Street S.W., Suite 200
 Olympia, Washington 98512

21 Traffic Engineer: Perry Shea
 22 SCJ Alliance

23 **SUMMARY OF REQUEST:**

24 Amendment of the Briggs Urban Village Master Plan, Ordinance No. 6299 to allow the
 25 following:

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

CITY OF OLYMPIA HEARING EXAMINER
 299 N.W. CENTER ST. / P.O. BOX 939
 CHEHALIS, WASHINGTON 98532
 Phone: 360-748-3386/Fax: 748-9533

1 Ten years later, several hundred single and multi-family residential units have been
2 constructed in the north portion of the Village and an apartment complex has been constructed in
3 the south portion, and senior housing units are currently under construction east of Henderson
4 Boulevard. But with the exception of the YMCA facility at the Henderson Boulevard/Yelm
5 Highway intersection, no commercial development has taken place and the Village Center is
6 wholly undeveloped.

7 The Applicant's proposed amendments fall into two broad categories: Its first request is
8 to change the mix of residential units while still retaining a total residential unit count of 810.
9 This request is generally not controversial with the possible exception of the number of
10 residential units located above retail/office space in the Village Center.

11 The second, more controversial request proposes to significantly reduce the square
12 footage for office and retail use. More specifically, the Applicant seeks to reduce office space
13 from 113,850 square feet to a range of 5,000 to 31,000 square feet; reduce retail space from
14 60,240 square feet to a range between 33,700 square feet and 60,750 square feet; and reduce the
15 grocery store from 50,000 square feet to 30,285 square feet (to recognize the actual size of the
16 permitted but unbuilt grocery store). These requested changes have secondary consequences:
17 They would reduce the number of needed parking stalls by 302 (including a 272 stall
18 underground parking lot) and would reduce the required number of residential units located
19 above commercial uses in the Village Center from 26 units to 10 units.

20 In addition to the significant reduction in office/retail square footage the Applicant asks
21 to reduce the overall height and number of stories for commercial buildings. Instead of two and
22 three-story commercial buildings, the buildings surrounding the Village green would generally
23 have only one useable floor except for those having second floor residential units. In return,
24
25

1 building facades would be at least 24 feet high (and at least 30 feet at corners) to give the
2 impression of multiple stories.

3 City Staff recommends approval of the requested amendments subject to four conditions
4 found on page 16 of the Staff Report. The Applicant does not object to these conditions subject
5 to slight modification of Conditions 2 and 3, and City Staff has no objection to the Applicant's
6 proposed modifications.

7 There is considerable opposition to the requested amendments. Interestingly, most of the
8 opposition comes from former members of the Planning Commission and City Council who
9 were involved in the original planning for urban villages dating to 1993, or with approval of the
10 Briggs Village Master Plan in 2003. The opponents raise a number of technical challenges to the
11 application but their primary objection is that the requested amendments undermine the
12 fundamental goals and vision of the urban village concept.

13 A more complete description of the proposed changes and the City Staff's response, as
14 well as a more complete description of the opponents' positions, is set forth below. After taking
15 into consideration all of the opponents arguments I conclude that the proposed amendments are
16 well reasoned and I recommend to the City Council that Ordinance No. 6299 be **amended as**
17 **requested** subject to the conditions suggested by the City Staff and accepted by the Applicant.

18 PUBLIC HEARING

19 The public hearing commenced at 6:30 p.m. on December 16, 2013, in the City Council
20 Chambers in the City Hall. The City appeared through Steve Friddle, Senior Planner. The
21 Applicant appeared through its attorney, Heather L. Burgess; its architect, Ron Thomas; its
22 principal planner, Jean Carr; its traffic engineer, Perry Shea; its real estate broker, Ryan Haddock
23 of Kidder Matthews; and the company President, Joseph Amoroso. A verbatim recording was
24 made of the public hearing and all testimony was taken under oath.

1 In advance of the public hearing Mr. Friddle presented the City Staff Report (Exhibit 1)
2 prepared on behalf of both the City Staff as well as the Design Review Board. Just prior to the
3 commencement of the hearing ten additional documents (Exhibit 2-11) were presented including
4 letters both supporting and opposing the application along with the Applicant's pre-hearing
5 briefing. During the course of the hearing six additional documents were presented (Exhibits 20-
6 25) and during the week that followed the hearing ten additional documents were submitted
7 (Exhibits 26-35) including letters and briefing from the Applicant, the City and the opponents. A
8 complete list of the exhibits is appended to this Decision.

9 **TESTIMONY OF STEVE FRIDDLE**

10 The public hearing commenced with testimony from Mr. Friddle, Principal Planner for
11 the City. Mr. Friddle provided a relatively brief summary of his detailed Staff Report. The
12 following is a summary of Mr. Friddle's report and testimony:

13 Briggs Village Master Plan was approved in 2003 by Ordinance No. 6299. The Plan
14 covers approximately 133 acres and provides for 810 residential uses of various types along with
15 more than 200,000 square feet of retail, office and grocery space mostly positioned around the
16 "Village Center" located off of Henderson Boulevard. Briggs Village is designated as an "Urban
17 Village" - the only one of its kind in the City limits - and its development is regulated by its
18 enabling ordinance, Ordinance No. 6299, as well as by Chapter 18.05 (General Standards for
19 Urban Villages) and Chapter 18.57 (Standards for Master Plan Development) of the Olympia
20 Municipal Code.

21 As previously noted, the Applicant asks to amend the Master Plan in two broad ways: (1)
22 by adjusting the makeup (but not count) of residential units, and (2) by reducing the square
23 footage and size of commercial buildings.

1 **Changes to Residential Uses.** The Master Plan provides for the construction of 810
2 residential units consisting of six types of housing. The proposed amendments would not change
3 the total number of residential units but they would alter the number of each type of housing unit
4 while also adding condominiums as a seventh type of housing. There would be a small reduction
5 in the number of detached single-family residences to allow for slightly larger lots in the west
6 phase. Apartments east of Henderson Boulevard would be replaced by 72 condominiums. A
7 new 23-unit apartment building would be added near the Village Center. The number of
8 residential units located above retail/office buildings in the Village Center would be reduced
9 from 26 to 10. These proposed changes to the residential makeup are unopposed with the
10 exception of the reduced number of second story residential units in the Village Center.

11 **Commercial Changes.** The Master Plan recognizes three types of commercial use:
12 grocery, retail and office. The Plan provides for up to 50,000 square feet of grocery space but a
13 permit has already been approved for a grocery store with 30,285 square feet. The Applicant
14 proposes to reduce the square footage for grocery to the size of the permitted store, or 30,285
15 square feet.

16 The Applicant proposes to reduce retail space from 60,250 square feet to a range with a
17 minimum of 33,700 square feet and a maximum of 60,750 square feet. The Applicant proposes
18 to reduce office space from 113,800 square feet to a range with a minimum 5,000 square feet and
19 a maximum of 31,000 square feet.

20 If all three changes are approved the commercial square footage would be reduced to a
21 maximum of 94,985 square feet (30,285 for grocery store, 33,700 for retail and 31,000 for office)
22 and with a minimum office/retail square footage of 64,700 square feet. These changes represent
23 a reduction in general commercial space of 129,115 square feet.

1 City Staff supports the requested reductions in commercial square footage. The Staff's
2 position is partially based upon the information provided by the Applicant (Attachments 8, 9, 10
3 and 11 to the Staff Report), and the independent analysis by the Thurston County Economic
4 Development Council that in the third quarter of 2013 the area had 942,000 square feet of
5 surplus commercial space, or a seven to ten-year supply without considering any new
6 development. The staff's position is also based upon independent analyses supporting a
7 reduction in the commercial scale of Briggs Village. These independent sources of data include
8 the Thurston Regional Planning Council's December 2013 "Creating Places and Preserving
9 Spaces - A Sustainable Development Plan for the Thurston Region"; the Eason/Bowen Report
10 "Creating Walkable Neighborhood Business Districts" and "Investment Strategy - City of
11 Olympia Opportunity Areas" by ECONorthwest. City Staff supports the proposed reduction in
12 commercial space for the reasons that: (1) the project has been unable to attract any commercial
13 development during its first ten years; (2) the substantial inventory of vacant commercial space
14 in the region will discourage larger scale commercial development at Briggs Village; and (3)
15 independent studies show that there is no foreseeable demand for significant commercial square
16 footage at Briggs Village.

17 The amount of parking required for Briggs Village is related to the amount of its
18 commercial square footage. The reductions in commercial development would support a
19 significant reduction in the amount of needed parking. The Applicant asks to eliminate 272
20 underground parking stalls and approximately 30 off-street parking spaces, or a total reduction of
21 302 parking spaces. This would leave 621 parking spaces.

22 The Master Plan requires that commercial buildings in the Village Center have 2 to 3
23 stories of usable floors. This was intended to enhance the appearance of the commercial area
24 relative to the surrounding residential areas and increase the intensity of activity in the Village
25

1 Center. The Applicant asks to amend the Master Plan to allow one-story commercial structures.
2 Mr. Friddle explains that this request was a significant concern to City Staff. But as review of
3 the application got underway City Staff met with former Mayor Gadbaw, former Mayor Foutch
4 and former Council Members Hawkins and McPhee to more carefully consider this proposal.
5 These meetings resulted in an alternate proposal that would allow one-story commercial
6 buildings but would require the buildings to have a minimum 24 foot exterior façade (and 30 feet
7 at corners) and would also allow the possibility in the future to convert these buildings to 2 and 3
8 story mixed use buildings if market conditions improve. In addition, the Master Plan would
9 continue to allow up to 175,000 square feet of commercial space (the maximum possible given
10 the size of the grocery store) provided that the ten percent residential requirement and parking
11 requirements were satisfied. The Applicant does not oppose these changes.

12 City Staff believes that reduction in the number of required stories is in keeping with the
13 reduction in commercial square footage. Without a reduction in building size the reduced square
14 footage would result in only a handful of commercial buildings in the Village Center. This
15 would be inconsistent with the intended look of the Urban Village and would further discourage
16 commercial development. At the same time, requiring exterior facades of at least 24 feet will
17 give commercial structures a needed sense of scale relative to the surrounding residential
18 buildings.

19 There is an important legal question relating to the required number of stories for
20 commercial buildings. Opponents to the proposed amendments correctly note that, pursuant to
21 another City Ordinance, OMC 18.05.080(M)(1), Urban Village "buildings . . . which front onto
22 the required park, green or plaza . . . shall be at least two stories in height." Opponents argue that
23 reducing commercial buildings to one-story violates this requirement. Mr. Friddle disagrees. It
24 is his belief that the referenced City ordinance merely requires that commercial buildings be at
25

1 least two stories tall, not that they have at least two stories of floor space. Mr. Friddle argues that
2 if the City Council had intended otherwise it would not have added the words "in height" at the
3 end of the regulation. The addition of the words "in height" suggests that commercial buildings
4 must be at least two stories tall but need not have two stories of floor space. Mr. Friddle adds
5 that his opinion is shared by City Staff and by the Department Director.

6 The proposed reduction in commercial square footage would also decrease the number of
7 required residential units located above commercial uses from 26 units to 10 units. OMC
8 18.05.050(C) requires that in the Village Center at least ten percent of the square footage must be
9 devoted to residential units above commercial uses. The proposed changes will reduce
10 commercial space to 94,985 square feet. The 10 residential units will have 11,000 square feet
11 and thus meet the ten percent requirement.

12 **Comprehensive Plan.** Mr. Friddle acknowledges that any amendment to Ordinance No.
13 6299 must be consistent with the City's Comprehensive Plan. Chapter 1 of the Comprehensive
14 Plan (Land Use) contains Goal LU 10 and Policies LU 10.1 through 10.9 relating to Urban
15 Villages. Mr. Friddle believes that the requested changes are consistent with these goals and
16 policies of the Comprehensive Plan, especially Policy LU 10.3: "Establish requirements for
17 Villages that provide a pleasant living, shopping, and working environment; pedestrian
18 accessibility; a sense of community; adequate, well located open spaces; an attractive, well
19 connected street system; and a balance of retail, office, multi-family, single-family and public
20 uses," and also Policies LU 10.6, LU 10.6(d), LU 10.8, LU 10.9 and LU 10.9(c)

21 **Design Review Board.** As noted in Mr. Friddle's Staff Report, the Design Review Board
22 was asked to review the proposed amendments on July 25, 2013 and August 8, 2013 and
23 recommended approval of the proposed amendments at the Board's August 29, 2013, public
24 meeting, subject to the conditions earlier noted. The Design Review Board also recommends
25

1 significant changes to the design guidelines. These changes to the Design Review Guidelines are
2 universally supported, even by opponents to the other amendments.

3 **TESTIMONY OF APPLICANT**

4 The City's approval of the proposed amendments is subject to four conditions, two of
5 which involve improved access between Briggs Village and the YMCA property. These two
6 conditions would require direct connection between the YMCA parking lot and the Village via
7 Maple Lane, and reconstruction of the existing ninety degree turn along Maple Lane to provide a
8 three-way intersection with sufficient width for proper turning. Prior to the hearing the
9 Applicant opposed these two conditions primarily because it no longer owns the YMCA property
10 and questioned the City's right to impose conditions on property owned by a third party. At the
11 beginning of its presentation the Applicant announced that it was no longer opposed to these two
12 conditions provided that their wording was slightly changed as set forth in Exhibit 22. City Staff
13 agrees with the Applicant's proposed changes to the conditions.

14 The Applicant presented testimony through five witnesses. The Applicant's owner, Joe
15 Amoroso, testified to completions of Phases I through III of the Master Plan including
16 construction of residential units in the north area, widening of Henderson Boulevard,
17 construction of trails and the park, and the installation of all roads and sidewalks, followed by
18 construction of the Park View Apartments one and a half years ago. Mr. Amoroso added that the
19 required senior residential units are now under construction (through separate ownership) and the
20 trail improvements through the arboretum will be completed this spring. Mr. Amoroso believes
21 that the Applicant has performed its obligations but needs amendment of the Master Plan in
22 order to ensure the Village's vitality.

23 The project's architect, Ron Thomas, provided a PowerPoint presentation (Exhibit 21)
24 identifying each change to the residential units and commercial units. Mr. Thomas noted that
25

1 these changes will not cause any adjustments to existing roads and sidewalks. Mr. Thomas also
2 provided artists renderings of the new commercial buildings and explained how their scale will
3 be complimentary to surrounding residential units. Mr. Thomas' testimony was followed by the
4 testimony of Jean Carr, principal planner for the project. Like Mr. Thomas, Ms. Carr stressed
5 that despite the significant reduction in commercial square footage the Village Center will retain
6 its vitality and will be properly scaled relative to the surrounding residences. The Applicant's
7 traffic engineer, Perry Shea, explained how the reductions in commercial square footage will
8 significantly reduce traffic impacts with 276 fewer PM peak hour trips than under the existing
9 Master Plan. Mr. Shea also explained how the reductions will allow for the elimination of the
10 underground parking area as part of a 302 stall reduction due to the smaller commercial
11 footprint. The Applicant's broker, Ryan Haddock of Kidder Mathews, explained how the current
12 surplus of available commercial space, coupled with existing commercial centers within a five
13 mile radius, impose enormous challenges for significant development at Briggs Village. Mr.
14 Haddock believes that the Village Center will only become a vital component of the
15 development if it is properly scaled in light of these economic realities. Mr. Haddock added that
16 the required second story residential units over commercial units, while popular in the downtown
17 area, will prove to be problematic in the Village Center as the development is not intense enough
18 to encourage such units and their occupants will compete for important parking stalls desired by
19 the patrons of retail tenants.

20 **OTHER SUPPORT FOR THE APPLICANT**

21 The YMCA fully supports the proposed amendments. The West Olympia Business
22 Association also supports the changes (Exhibit 4). David Schaffert, President and CEO of the
23 Thurston County Chamber of Commerce, testified orally and in writing (Exhibit 25) in support
24 of the changes and notes that they provide needed flexibility to the project. Michael Cade,
25

1 Executive Director of the Thurston County EDC, provided oral and written testimony (Exhibit
2 11) explaining not only why the EDC supports the changes but also providing current data on the
3 surplus of commercial space in the area and why the Village Center, if not modified, will simply
4 be unfeasible. Although no residents of Briggs Village testified at the hearing roughly a half
5 dozen have provided letters supporting the changes.

6 OPPONENTS TO THE AMENDMENTS

7
8 Three individuals, Lynne McGuire, Karen Messmer and Bob Jacobs, testified in
9 opposition to the project both orally and in writing. A fourth individual, Jim Lazar, was unable
10 to be present but testified in writing (Exhibits 3 and 32). Three other individuals also submitted
11 brief letters in opposition. What is noteworthy about the four primary opponents to the
12 amendments is their extensive involvement in the City's government and planning, particularly
13 during the time when the Briggs Village Master Plan was conceived and approved. Each
14 opponent provided a somewhat different reason for his/her opposition, although it is fair to say
15 that all of the opponents support all arguments made in opposition. The following is a brief
16 discussion of each opponent's principal reasons for opposition. This summary is not meant to
17 suggest that these are the only reasons for their opposition, nor is it meant to suggest that the
18 other opponents do not share in these arguments. It is merely meant to give a "voice" to each of
19 the various arguments advanced in opposition to the requested changes.

20
21 **Lynne McGuire.** Lynne McGuire appeared in person and was represented by her
22 attorney, Robert Shirley. Ms. McGuire testified orally and also provided written testimony
23 through her attorney in the form of briefing on various legal issues (Exhibits 9, 27 and 34). Ms.
24 McGuire served on the City's Planning Commission from 1995 through 1999. Her first meeting
25

1 on the Commission involved a discussion about Urban Villages and what distinguished them
2 from other development. Ms. McGuire expressed two primary reasons for her opposition to the
3 amendments: (1) she is dismayed by the dramatic reduction in commercial space and believes
4 that it violates the requirement of a mix of uses as mandated by the goals and policies of the
5 Comprehensive Plan, and (2) she believes that the removal of second and third story floors to the
6 commercial buildings will defeat the Master Plan's intent to increase density within the Village
7 Center. Without this density Briggs Village will no longer have anything that creates an urban
8 setting.

9
10 Ms. McGuire's attorney, Mr. Shirley, offered several legal challenges to the proposed
11 changes. Mr. Shirley argues that OMC 18.05.050 requires all commercial buildings facing the
12 Village green to have at least two stories of usable floor space. He argues that a reduction to one
13 story, even with a two-story façade, is a clear violation of this ordinance. As previously noted,
14 City Staff disagrees.

15 Mr. Shirley offers a second, somewhat tortured, argument in opposition to the changes.
16 He argues that once the appeal period for a Land Use Petition Act (LUPA) expired in 2003, the
17 Master Plan was fixed and cannot be changed. But Mr. Shirley's argument fails to distinguish
18 between an "appeal" and a later "amendment". Contrary to Mr. Shirley's arguments, OMC
19 18.57.080 clearly allows amendment of Master Plans to ensure that they remain dynamic and
20 vital.

21
22 **Karen Messmer and Jim Lazar.** The arguments of Jim Lazar and Karen Messmer are
23 sufficiently similar to be joined together. Mr. Lazar is a consulting economist and has served on
24 various City committees involved with Briggs Village. As previously noted, Mr. Lazar testified

1 in writing (Exhibits 3 and 32). Karen Messmer is a professional planner and has been a member
2 of both the City's Planning Commission and City Council from 2006 to 2009. Ms. Messmer
3 testified orally and in writing (Exhibits 24, 33 and 35).

4 Mr. Lazar and Ms. Messmer believe that the proposed changes are in violation of the
5 Comprehensive Plan, particularly LU 10.2 and LU 10.3. They argue that the goals of the Plan
6 require a mix of uses and that the proposed changes all but eliminate this mix.

7 Ms. Messmer is most troubled by the proposed reduction in the height of commercial
8 buildings to one-story. She contends that this will give the Village Center a "strip mall"
9 appearance and will eliminate all variety and urban intensity. She believes that the reductions
10 will deprive the commercial core of any critical mass and that it will lack the intensity needed to
11 flourish.

12 Mr. Lazar is most troubled by the dramatic reductions in office square footage. He
13 argues that the discussion about a huge surplus of available commercial space is misleading as he
14 believes that there is an actual shortage of smaller scale, storefront-type professional office
15 space, particularly in southeast Olympia. Mr. Lazar believes that there is a market for such
16 space, particularly for smaller size professional offices. He believes that the Village should be
17 required to retain significant office space and that doing so will increase the vitality of the
18 Village Center.

19 In supplemental statements (Exhibits 32 and 33) Mr. Lazar and Ms. Messmer raise
20 several legal arguments in opposition to the amendments. They argue that OMC
21 18.05.050(C)(6)(b)(ii) requires the City to analyze whether or not the reduced commercial space
22 will provide sufficient scale to serve "households within a one and one-half mile radius with
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24
25

1 frequently needed consumer goods and services." What Mr. Lazar and Ms. Messmer fail to
2 acknowledge, however, is that this provision applies only to the initial siting of an Urban Village,
3 not to later amendment of its Master Plan.

4 Mr. Lazar and Ms. Messmer also argue that OMC 18.05.050(C)(2) requires "an
5 independent market study accepted by the City" before any amendment can be approved. They
6 assert that none of the witnesses provided "independent" analysis as they were all connected to
7 the Applicant. Again, the opponents fail to understand that this provision simply does not apply.
8 An independent market analysis is only required if the Applicant proposes to reduce the number
9 of residential units above commercial units to less than ten percent of the total square footage in
10 the Village center. The Applicant does not propose such a reduction and instead proposes to
11 maintain at least ten percent residential square footage in the Village Center. The cited
12 ordinance therefore has no application.

14 **Bob Jacobs.** Bob Jacobs was a member of the City Council at the time the Briggs
15 Village Master Plan was approved in 2003. Mr. Jacobs disagrees with the proposed reduction in
16 residential units located above commercial space from 26 units to 10. He believes that these
17 units are essential for a vital Village Center and will discourage theft and vandalism in the
18 commercial core.

19 Mr. Jacobs also disagrees with the substantial reductions in commercial and office space.
20 He acknowledges that a 5% to 10% reduction would be reasonable and in keeping with the
21 Comprehensive Plan, but the Applicant requests a 44% reduction in retail space and as much as
22 96% reduction in office space. Mr. Jacobs believes that the only reasons for these changes is the
23 current market surplus, but the Briggs Village Plan is intended to be carried out over decades.
24

1 He believes that in the long term there will be support for the current retail/office requirements.
2 He argues that the Applicant was well aware in 2003 that there were significant economic risks
3 involved and that it also knew that the buildout would extend over many years. Mr. Jacobs
4 believes that the Applicant is using a brief economic problem to support dramatic and long term
5 changes to the Village's vision.

6 Mr. Jacobs concluded his remarks with an expression used by most of the opponents:
7
8 Allowing the changes will convert this property from an "Urban Village" into a "housing
9 development with a strip mall".

10 **CITY/APPLICANT RESPONSE TO OPPOSITION**

11 Following the testimony of the above-mentioned opponents, Kathy McCormick, a
12 member of City Staff, testified in response. Ms. McCormick explained that she was one of the
13 lead staff on this project at its inception and has been on the Regional Planning Council for
14 nearly thirty years. Ms. McCormick explained that the problems currently faced by Briggs
15 Village were foreseeable at the time of its approval in 2003. The Master Plan as approved
16 imposes significant control on the type of required development but lacks the flexibility to adjust
17 to changing circumstances. Ms. McCormick also noted that the percentages of office and retail
18 space required in the 2003 Plan were not based upon hard data. Conversely, today there is hard
19 data, primarily the Eason/Owen "Creating Walkable Neighborhood Business Districts" report.
20 This and other recent studies confirm that the current requirements for commercial space within
21 the Village cannot be supported. These recent studies also reveal that second and third story
22 retail/office space is currently not feasible in any setting other than the City Center. She also
23 notes that the Village's 810 residential units are insufficient to support greater commercial
24

1 1. **The proposed reduction in commercial buildings from two and three stories**
2 **to one-story violates the requirement of OMC 18.05.080(M)(1) that buildings fronting on**
3 **the Village green "shall be at least two stories in height"**. This argument has been raised by
4 Mr. Shirley, counsel for Ms. McGuire. City Staff disagrees and notes that if the phrase "in
5 height" at the end of this ordinance is to have meaning that it must be read to require buildings at
6 least two stories tall, but does not require two useable floors of space. I concur with the Staff's
7 interpretation of this requirement. The proposed changes will require commercial buildings at
8 least two stories (24 feet) in height and the requirements of OMC 18.05.080(M)(1) are therefore
9 met.
10

11 2. **A Master Plan cannot be changed after the LUPA appeal period has elapsed.**
12 (McGuire and Shirley). For the reasons earlier expressed I find that this argument is not well
13 founded as OMC 18.57.080 expressly allows for the amendment of Master Plans. Master Plans
14 must be subject to amendment if they are to remain dynamic and vital.

15 3. **OMC 18.05.050(C)(6)(b)(ii) requires proof that commercial space will be of**
16 **sufficient scale to serve "households within a one and one-half mile radius with frequently**
17 **needed consumer goods and services"**. (Lazar and Messmer) The Applicant correctly notes in
18 Exhibit 29 that this requirement only applies to the original siting of the Urban Village and does
19 not apply to subsequent amendments. As stated by the Applicant, "this code provision does not
20 demand that the City or the Applicant perform any specific analysis of the retail radius for
21 purpose of determining compliance". I agree.
22

23 4. **OMC 18.05.050(C)(2) requires "an independent market study accepted by**
24 **the City" before the Master Plan can be amended.** (Lazar and Messmer) As previously
25

1 noted, this requirement is triggered only if the proposed changes reduce the square footage of
2 residential units above commercial units in the Village Center to less than ten percent of the total
3 square footage. The proposed changes do not decrease the square footage of residential units in
4 the Village Center to less than ten percent of the total square footage and thus this regulation
5 does not apply.

6 **5. The Applicant is taking advantage of a brief economic downturn to undo the**
7 **carefully drafted vision of an urban village with a significant commercial core, offering a**
8 **variety of places to shop and to work.** (Jacobs) The Applicant and City Staff respond by
9 noting that this vision has proven to be unrealistic, not merely by the absence of any commercial
10 development during the past ten years but, more importantly, by the testimony of experts as well
11 as several independent studies that the Village cannot sustain commercial activity greater than
12 what is proposed. It is important to note that the opponents have not provide any expert
13 testimony in response. I conclude that the expert testimony and referenced studies support the
14 requested changes, and that the Applicant is not taking advantage of the recent economic
15 downturn.
16

17 **6. If the amendments are approved, what had been an "urban village" will now**
18 **become a "housing development with a strip mall".** (All opponents) No one can forecast
19 whether, in perhaps ten or twenty years, economic conditions might support the kind of
20 commercial development currently required in the Master Plan. But the data gathered by the
21 Applicant and the City provides compelling evidence that Brigg Village will never support this
22 level of commercial activity. Today the Village Center is an open field that has remained
23 undeveloped since the Plan was approved ten years ago. Yes, the proposed changes will reduce
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1 the scale and intensity of activity in the Village Center, but in a manner that will preserve to the
2 extent possible a sense of place and a proper scale. The end result will not be a strip mall but
3 rather a smaller Village, having the potential for increased size and scale if economic conditions
4 warrant it.

5 7. **The changes are in violation of the Comprehensive Plan, particularly LU**
6 **10.2 and LU 10.3.** (All opponents) These policies envision an urban village with a mix of
7 living, shopping and work environments, a sense of community and a balance of retail, office,
8 multi-family, single-family and public uses. The Applicant and City Staff disagree with the
9 opponents' argument and assert that, to the contrary, the proposed changes will invite a mix of
10 uses that has not existed during the first ten years of the Village.
11

12 A closer examination of the relevant goals and policies:

13 Goal LU 10: "Establish . . . urban villages . . . with a coordinated, balanced mix of land
14 uses in a pedestrian orientation." Currently the "mix of land uses" in Briggs Village is neither
15 coordinated nor balanced as no commercial development has taken place and the Village Center
16 is nonexistent. Both the Applicant and City Staff argue that this "balanced mix" will not occur
17 unless the commercial development is resized to fit the economic realities.

18 Policy LU 10.2: "Provide for the development of urban villages . . . with potential for
19 accommodating relatively high density residential development and commercial uses scaled to
20 serve the broader neighborhood with needed goods and service." While this policy encourages
21 "high density" it also recognizes that commercial use must be properly scaled to serve the needs
22 of Briggs Village and the surrounding neighborhood. The Applicant's experts and the
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1 independent studies support the proposition that the reduced commercial footprint is the proper
2 scale of commercial use for the neighborhood.

3 Policy LU 10.3: "Establish requirements for villages that provide a pleasant living,
4 shopping, and working environment; pedestrian accessibility; a sense of community; adequate,
5 well located open spaces; an attractive, well connected street system; and a balance of retail,
6 office, multi-family, single-family and public uses." The Applicant and City Staff argue that the
7 original requirements in the 2003 Master Plan created an unrealistic balance of uses and that the
8 proposed amendments, supported by independent data, represent a truer balance of retail, office,
9 and residential uses.
10

11 Policy LU 10.6: "Require that villages contain a neighborhood center offering
12 predominantly neighborhood - oriented shopping and services Base the exact mix and
13 density of land uses on the community context, site conditions, infrastructure and street capacity,
14 market conditions, the frequency of transit service, and the character and density of development
15 in adjacent neighborhoods, consistent with the minimum and maximum densities allowed for the
16 district." The Applicant and City Staff argue that, taking into consideration "community context,
17 site conditions, market conditions, and development occurring in adjacent neighborhoods", the
18 proposed amendments are essential to establish the proper mix of uses and a dynamic urban
19 village.
20

21 Policy LU 10.6(D): "Ensure that development standards and project composition . . .
22 allow adequate flexibility to enable developers to respond to market conditions, while
23 maintaining the integrity of the project." The Applicant and City Staff agree that the proposed
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1 amendments are a necessary response to actual market conditions and provide sufficient
2 flexibility in the future to allow for increased commercial development if conditions warrant it.

3 Policy LU 10.8: "Minimize the amount of the Village devoted to parking." The
4 proposed amendments will reduce the required amount of parking by 302 parking spaces, or
5 roughly one-third of the current parking requirement.

6 Policy LU 10.9: "Provide for predictable development" The Applicant argues that
7 without the requested modifications commercial development is unpredictable and unlikely to
8 occur.

9 Policy LU 10.9(B): ". . . specific elements of the project should be phased to ensure that
10 construction of key amenities and commercial and residential components occurs at appropriate
11 stages in the Village's multi-year development. . . . Provide sufficient flexibility to
12 accommodate market conditions, but various completed phases of the project should trigger
13 subsequent phases in order to achieve the overall plan and logical sequence, avoiding haphazard
14 development." The Applicant and City Staff agree that the current requirements of the Master
15 Plan are preventing commercial development and therefore the planned phasing of the Village
16 has lost its logical sequence and has become haphazard.

17 Policy LU 10.9(C): "The City should work closely with the development community and
18 the financial institutions to identify what programs, regulations, and incentives are needed to
19 facilitate development and make urban villages . . . a reality in Olympia." City Staff, working
20 with the Applicant and the development community, concludes that the proposed amendments
21 are needed to facilitate development and make the Village Center a reality.
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1 I agree with the positions taken by the Applicant and City Staff and conclude that the
2 proposed amendments are consistent with, and in furtherance of, the goals and policies of the
3 Comprehensive Plan.

4 In conclusion, I believe that the requested changes are well supported and that the
5 opponents' arguments are not well founded. I therefore recommend that the City Council
6 **approve** the proposed amendments subject to the conditions agreed upon by the Applicant and
7 City Staff.

8 Accordingly, I make the following:

9
10 **FINDINGS OF FACT**

11 1. Any Findings of Fact contained in the foregoing Background section are
12 incorporated herein by reference and adopted by the Hearing Examiner as his Findings of Fact.

13 2. The Applicant, Briggs Village, LLC, asks to amend the Briggs Urban Village
14 Master Plan Ordinance No. 6299 as follows:

15 (a) Reduce the allowed office space from 113,850 square feet to a range
16 between 5,000 square feet (minimum) and 31,000 square feet (maximum).

17 (b) Reduce the allowed retail space from 60,240 square feet to a range
18 between 33,700 square feet (minimum) to 60,700 square feet (maximum).

19 (c) Reduce the allowed grocery space from 50,000 to 30,285 square feet in
20 recognition of the permitted store having that size.

21 (d) Increase the community uses area by 3,900 square feet to recognize the
22 actual size of the YMCA building.
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1 (e) Retain the minimum required parking ratios for residential and
2 commercial areas but reduce the total number of parking spaces by 302 stalls in connection with
3 the reduced commercial space. The eliminated parking spaces would include the 272
4 underground parking stalls and 30 off-street parking spaces.

5 (f) Revise the required commercial building stories from two and three stories
6 to allow one-story buildings but with a minimum 24 foot façade.

7 (g) Retain the currently allowed 810 residential units but adjust the building
8 types by (1) reducing the number of single-family units by 17 units and multi-family units by 78
9 units; (2) increase the number of other housing units by 95; and (3) revise and expand the
10 building design guidelines.
11

12 3. City Staff and the Design Review Board recommend approval of the requested
13 amendments subject to the following four conditions:

14 (1) Amend Ordinance No. 6299 to allow the proposed one-story commercial
15 structures with a minimum 24-foot exterior façade (30-foot on building corners); and, continue to
16 allow 2 or 3 stories commercial buildings to a maximum of 175,000 square feet, pursuant to
17 OMC 18.05.050 provided they contain at least the ten percent residential mix (OMC
18 18.05.050(C)) and meet the parking codes contained in OMC 18.38.

19 (2) The Applicant shall construct the secondary access to the YMCA parking
20 lot to the Briggs Town Center north-south private street (Maple Street).
21

22 (3) The Applicant shall re-construct the existing 90-degree turn along Maple
23 Lane to a three-way intersection and to allow the access to the YMCA parking lot described
24 above. This re-alignment shall be rebuilt to meet Public Works EDDS.
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1 (4) The Applicant shall be required to submit for Land Use Approval and
2 Design Review with each future development and meet applicable requirements to include
3 Briggs Village Master Plan and Amendments, OMC 18.05; 18.05A, 18.57, design review and
4 Public Works EDDS.

5 4. The Applicant proposes modifications to Conditions 2 and 3 as follows:

6 (2) The Applicant shall construct the secondary access to the YMCA parking
7 lot to the Briggs Town Center north-south private street (Maple Lane). This secondary access
8 shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store
9 or the next commercial building permit for Briggs Village, whichever occurs first. The City will
10 secure written consent from the YMCA for the Applicant to construct improvements associated
11 with the secondary access on YMCA property. The Applicant shall be relieved of the obligation
12 to construct the secondary access pursuant to this condition if the City does not obtain written
13 consent for the improvements from the YMCA prior to the deadlines specified for completion.

14 (3) The Applicant shall re-construct the existing 90-degree turn along Maple
15 Lane to a three-way intersection and to allow the access to the YMCA parking lot described
16 above. This realignment shall be rebuilt to Public Works EDDS. This re-alignment shall be
17 completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the
18 next commercial building permit for Briggs Village, whichever occurs first.

19 5. City Staff approves of the Applicant's proposed changes to Conditions 2 and 3.

20 6. Pursuant to the State Environmental Policy Act a Determination of Non-
21 Significance (DNS) was issued on October 3, 2013. The comment deadline passed without
22 comment on October 17, 2013. The appeal period expired on October 24, 2013 and no appeals
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1 were filed. The Applicant modified the proposed amendments on November 27, 2013, to bring
2 the proposal further into compliance with OMC 18.05. The SEPA official determined that the
3 modifications remained within the scope of the original 2003 FEIS and the October 2013 DNS
4 and no further review was required.

5 7. Notification of public hearing was posted on the subject site, mailed to property
6 owners of record within Briggs Village and within 300 feet of the Briggs Village subject site and
7 published in The Olympian in conformance with OMC 18.78.

8 8. The Staff Report, at Page 2, provides a description of the existing site conditions
9 including construction to date. The Hearing Examiner has reviewed those Findings and adopts
10 them by reference.

11 9. The Staff Report, at Page 3, contains Findings relating to surrounding land use.
12 The Hearing Examiner has reviewed those Findings and adopts them by reference.

13 10. The Staff Report, at Pages 3 through 5, Section I, contains a detailed description
14 of the proposed changes to the Master Plan's residential, commercial and development standards.
15 The Hearing Examiner has reviewed these Findings and adopts them by reference.

16 11. The Design Review Board has reviewed the proposed amendments at three public
17 hearings on July 24, August 8 and August 29, 2013, and recommends approval of the proposed
18 amendments subject to the conditions previously set forth. The Board further recommends that
19 the City Council initiate a future work program to incorporate many of the new design guidelines
20 into the "City Wide Design Guidelines".
21

22 12. Findings Related to the Comprehensive Plan.

23 (a) Chapter 1 - Land Use of the City Comprehensive Plan contains Goal LU
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1 10 and Policies LU 10.1 through 10.9 related to Urban Villages. City Staff believes that the
2 proposed changes comply with the goals and policies of the land use plan including Goal LU 10
3 and Policies LU 10.3, LU 10.6, LU 10.6(d), LU 10.8, LU 10.9, and LU 10.9(c).

4 (b) No amendments are proposed to the Comprehensive Plan.

5 (c) No amendments are proposed to the Zoning Regulations.

6 (d) The proposed amendments retain the overall residential density of 810
7 units while substantially reducing the commercial, office, retail and related parking count. City
8 Staff believes that the amendments will encourage the kind of mix of activities that currently
9 does not exist, in furtherance of the goals and policies of the Comprehensive Plan.

10 (e) The approved grocery store is smaller than 35,000 square feet. Pursuant to
11 OMC 18.50.050 Table 5.02, the smaller size of the grocery store reduces the maximum allowed
12 commercial space to 175,000 square feet. The amendments, as conditioned, will retain the
13 ability to increase commercial space to the maximum 175,000 square feet if warranted.

14 (f) City Staff believes that the proposed amendments, as conditioned, comply
15 with Ordinance No. 18.05 and with the Comprehensive Plan.

16 13. Findings Related to Shorelines. The proposed amendments do not alter
17 development within the jurisdiction of the Shoreline Master Program. Future development must
18 comply with the applicable regulations at the time of permitting.

19 14. Findings Related to Environmental Protection and Critical Areas (OMC 18.32).

20 (a) Briggs Village contains wetlands and steep slopes but the proposed
21 amendments do not alter existing regulations, the site or previous conditions. All existing
22 regulations will remain in effect.
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1 (b) The proposed amendments do not alter or touch upon drinking water and
2 wellhead protection, wetlands or steep slopes. Each future development must comply with the
3 applicable regulations at the time of permitting.

4 15. Findings Related to Zoning (OMC 18.57.080).

5 (a) At the time of original Master Plan approval Briggs Village was to be
6 developed in five phases. The proposed amendments do not affect the phasing of the project.
7 Each phase will be reviewed on its own merits for compliance with applicable City Codes and
8 for compliance with the Master Plan when applications are submitted.

9 (b) There is no time limitation on the approved Master Plan and City Staff
10 does not recommend any such limitation as part of the proposed amendments.
11

12 16. Findings Related to Urban Villages (OMC 18.05).

13 (a) OMC 18.05.020 identifies eleven purposes for Urban Villages including a
14 pattern of design that provides convenience for access from one home to another and from
15 homes to businesses and transit by vehicles, bicycles and pedestrians. It also requires a variety
16 of housing types, location, densities and design compatibility within the Urban Village and with
17 existing neighborhoods. City Staff concludes that the proposed amendments conform with these
18 purposes.

19 (b) OMC 18.05.040 establishes permitted conditional and required and
20 prohibited uses. Included among these requirements is the requirement that at least ten percent
21 of the square footage in the Village Center must be dedicated to residential over commercial
22 units. The proposed amendments reduce the commercial square footage to 94,985 square feet.
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1 The proposed amendments provide for 10 residential over commercial units having a square
2 footage of 11,000 square feet. The ten percent residential requirement has therefore been met.

3 17. Findings Related to General Standards (OMC 18.05.050). The Staff Report at
4 Pages 11 through 13 contains Findings related to compliance with Sections A, B, C, D and E of
5 the General Standards, OMC 18.05.050. The Hearing Examiner has reviewed these
6 recommended Findings and adopts them as his own Findings of Fact.

7 18. Findings Related to Development Standards (OMC 18.04.080, Table 5.04). The
8 Staff Report at Pages 13 and 14 contains recommended Findings related to modifications to the
9 Development Standards including reduction in commercial building heights to not less than 24
10 feet (30 feet at the building corners) but with flexibility to allow two or three-story buildings if
11 later warranted. The Hearing Examiner has reviewed the recommended Findings and adopts
12 them as his own Findings of Fact.

13 19. Findings Related to Urban Village Design Criteria.

14 (a) The Staff Report at Pages 14 and 15 contains Findings related to
15 recommended changes to the Urban Village Design Criteria as proposed by the Design Review
16 Board. The Hearing Examiner defers to the expertise of the Design Review Board with respect
17 to these recommended changes.
18

19 (b) The proposed changes to the Urban Village Design Criteria are
20 unopposed.
21

22 20. Findings Related to Parking (OMC 18.05.100 and OMC 18.38).

23 (a) No change is proposed in the residential or shopping center standards
24 contained in OMC 18.38, but the reduction in proposed commercial square footage supports a
25

1 corresponding reduction in the number of required parking stalls. City Staff agrees that the
2 Applicant's proposed amendments support the elimination of 272 underground parking stalls and
3 an additional 30 surface parking places.

4 (b) The Staff Report contains additional recommended Findings relating to
5 parking. The Hearing Examiner has reviewed these recommended Findings and adopts them as
6 his own Findings of Fact.

7
8 21. Findings Related to Development Guidelines and Public Works Standards. The
9 Staff Report at Pages 15 and 16 contains recommended Findings related to development
10 guidelines and public works standards. The Hearing Examiner has reviewed these recommended
11 Findings and adopts them as his own Findings of Fact.

12 22. City Staff and the Design Review Board recommend approval of the proposed
13 amendments subject to the following revised conditions:

14 (1) Amend Ordinance No. 6299 to allow the proposed one-story commercial
15 structures with a minimum 24-foot exterior façade (30-foot on building corners); and, continue to
16 allow 2 or 3 stories commercial buildings to a maximum of 175,000 square feet, pursuant to
17 OMC 18.05.050 provided they contain at least the ten percent residential mix (OMC
18 18.05.050(C)) and meet the parking codes contained in OMC 18.38.

19 (2) The Applicant shall construct the secondary access to the YMCA parking
20 lot to the Briggs Town Center north-south private street (Maple Lane). This secondary access
21 shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store
22 or the next commercial building permit for Briggs Village, whichever occurs first. The City will
23 secure written consent from the YMCA for the Applicant to construct improvements associated
24

1 with the secondary access on YMCA property. The Applicant shall be relieved of the obligation
2 to construct the secondary access pursuant to this condition if the City does not obtain written
3 consent for the improvements from the YMCA prior to the deadlines specified for completion.

4 (3) The Applicant shall re-construct the existing 90-degree turn along Maple
5 Lane to a three-way intersection and to allow the access to the YMCA parking lot described
6 above. This realignment shall be rebuilt to Public Works EDDS. This re-alignment shall be
7 completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the
8 next commercial building permit for Briggs Village, whichever occurs first.

9 (4) The Applicant shall be required to submit for Land Use Approval and
10 Design Review with each future development and meet applicable requirements to include
11 Briggs Village Master Plan and Amendments, OMC 18.05; 18.05A, 18.57, design review and
12 Public Works EDDS.

13
14 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

15 **CONCLUSIONS OF LAW**

16 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.
17 2. Any Conclusions of Law contained in the foregoing Background section or
18 foregoing Findings of Fact are hereby incorporated by reference and adopted by the Hearing
19 Examiner as Conclusions of Law.

20 3. The requirements of SEPA have been met.

21 4. Pursuant to OMC 18.57.080(F) amendments which change the character, basic
22 design density, open space or any other requirements and conditions contained in the Master
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1 Plan shall not be permitted without prior review and recommendation by the Hearing Examiner,
2 and approval by the City Council, of such amendment.

3 5. Pursuant to OMC 18.57.080(C) upon request to approve or amend a Master Plan
4 the Hearing Examiner may (a) recommend terms and conditions of approval, or (b) require the
5 provision, and further public review, of additional information and analyses; or (c) recommend
6 denial.

7 6. The proposed amendments, as conditioned, are consistent with the City's
8 Comprehensive Plan including Goal LU 10 and Policies LU 10.1 through LU 10.9.

9 7. The proposed amendments do not alter development within the jurisdiction of the
10 Shoreline Master Program.

11 8. The proposed amendments do not alter current regulations of wetlands and steep
12 slopes. All regulations imposed on the development pursuant to OMC 18.32 shall remain in
13 effect..

14 9. The proposed amendments, as conditioned, satisfy the requirements of OMC
15 18.57.080.

16 10. The proposed amendments, as conditioned, satisfy the requirements of OMC
17 18.05.020.

18 11. The proposed amendments, as conditioned, satisfy the requirements of OMC
19 18.05.040.

20 12. The proposed amendments, as conditioned, satisfy the requirements of OMC
21 18.05.050.

1 13. The proposed amendments, as conditioned, satisfy the requirements of OMC
2 18.04.080 including Tables 5.04 and 5.05.

3 14. The proposed amendments, as conditioned, satisfy the parking requirements set
4 forth in OMC 18.05.100 and Chapter 18.38 of the Municipal Code.

5 15. The proposed amendments, as conditioned, satisfy the requirements of OMC
6 18.05.080(M)(1) that buildings fronting the Village green shall be at least two stories in height.

7 16. The proposed amendments do not require "an independent market study accepted
8 by the City" as the residential over commercial units in the Village Center are not being reduced
9 to less than ten percent of the Village Center's total square footage.

10 17. The proposed amendments, as conditioned, satisfy all other requirements of
11 Chapter 18.05 and 18.05A of the Municipal Code.

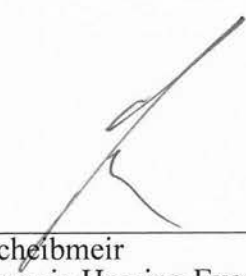
12 18. The requirements of OMC 18.57.080(F) have been satisfied. The City Staff and
13 Design Review Board have issued their recommendations to the Hearing Examiner as required
14 and have provided recommendations as contained in the Staff Report. The Hearing Examiner
15 has conducted a public hearing and has provided his recommendations as contained in this
16 Decision.

17 19. The requested amendments to Ordinance No. 6299 should be approved subject to
18 the following conditions:
19

20 **RECOMMENDATIONS TO CITY COUNCIL**

21
22 Having entered his Findings of Fact and Conclusions of Law the Hearing Examiner
23 recommends to the City Council that it amend Ordinance No. 6299 as requested by the Applicant
24 subject to the conditions requested by City Staff and the Design Review Board.

1 DATED this 31st day of December, 2013.

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6 Mark C. Scheibmeir
7 City of Olympia Hearing Examiner
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APPENDIX - EXHIBIT LIST

1. Staff Report with fifteen attachments.
2. Applicant's response to Staff Report dated December 16, 2013.
3. Letter from Jim Lazar dated December 16, 2013.
4. Letter from West Olympia Business Association dated December 16, 2013.
5. Email from Patrick Mathews dated December 15, 2013.
6. Email from Karen Boyce dated December 11, 2013.
7. Email from Jean Barlin dated December 11, 2013.
8. Email from Christina Clarke dated December 11, 2013.
9. Substantive comments of Lynne A. McGuire (through her attorney Robert Shirley) dated December 9, 2013.
10. Applicant's pre-hearing disclosures including qualifications of expert witnesses dated December 9, 2013.
11. Letter from Thurston County Economic Development Council dated December 9, 2013.
- 12-19 No Exhibits
20. Definition of the word "story".
21. Project overview presentation (PowerPoint).
22. Modified recommended conditions of approval from YMCA access.
23. Site map showing location of proposed daycare facility.
24. Written copy of Messmer testimony.
25. Letter from Thurston County Chamber of Commerce dated December 16, 2013.
26. Letter from Mark Fouch dated December 16, 2013.
27. Supplemental Declaration of Lynne A. McGuire (through Robert Shirley) dated December 17, 2013.
28. Email from Craig Burley dated December 18, 2013.
29. Applicant's responsive statement dated December 20, 2013.
30. Letter from Darren Nienaber, Assistant City Attorney, dated December 20, 2013.
31. Email from Bob Jacobs dated December 20, 2013.
32. Additional comments of Jim Lazar dated December 19, 2013.
33. Additional comments from Karen Messmer dated December 19, 2013.
34. Additional response from Lynne A. McGuire (through Robert Shirley) dated December 20, 2013.
35. Email from Karen Messmer dated December 20, 2013.

EXHIBIT A

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

1			
2	IN RE:)	HEARING NO. 13-0039
3	BRIGGS VILLAGE MASTER PLAN)	FINDINGS OF FACT,
4	AMENDMENT,)	CONCLUSIONS OF LAW
5)	AND RECOMMENDATION

6 **APPLICANT:** Briggs Village, LLC
 27200 Agoura Road, Suite 210
 7 Calabasas, California 91301

8 **REPRESENTATIVES:**

9 Attorney: Heather L. Burgess
 10 Attorney at Law
 11 Phillips, Wesch, Burgess, PLLC
 12 724 Columbia Street N.W., Suite 140
 Olympia, Washington 98501

13 Principal Planner: Jean Carr
 14 Shea Carr Jewell
 2102 Carriage Drive S.W., Bldg. H
 15 Olympia, Washington 98502

16 Architect: Ron Thomas
 17 Thomas Architecture Studio
 109 Capital Way North
 18 Olympia, Washington 98501

19 Real Estate Consultant: Ryan Haddock
 20 Kidder Matthews
 1550 Irving Street S.W., Suite 200
 Olympia, Washington 98512

21 Traffic Engineer: Perry Shea
 22 SCJ Alliance

23 **SUMMARY OF REQUEST:**

24 Amendment of the Briggs Urban Village Master Plan, Ordinance No. 6299 to allow the
 25 following:

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

CITY OF OLYMPIA HEARING EXAMINER
 299 N.W. CENTER ST. / P.O. BOX 939
 CHEHALIS, WASHINGTON 98532
 Phone: 360-748-3386/Fax: 748-9533

- 1 1. Reduce the allowed office space from 113,850 square feet to a range between
2 5,000 and 31,000 square feet.
- 3 2. Reduce the allowed retail space from 60,240 square feet to a range between
4 33,700 square feet and 60,750 square feet.
- 5 3. Reduce the allowed grocer space from 50,000 square feet to 30,285 square feet (to
6 conform to the permitted grocery store).
- 7 4. Increase the community use square footage by 3,900 square feet (to recognize the
8 actual size of the YMCA facility).
- 9 5. Retain the associated minimum required parking ratios for residential and
10 commercial uses but remove 272 underground parking spaces and approximately 30 off-street
11 parking spaces.
- 12 6. Reduce the height of commercial buildings to allow one-story commercial/office
13 buildings subject to a minimum 24 foot façade (and 30 foot minimum at building corners).
- 14 7. Retain the current number of residential units (810 units) but adjust the building
15 types by (a) reducing the number of single-family residences by 17 units and the number of
16 multi-family units by 78 units; and (b) increase the number of "other housing units" by 95.
- 17 8. Revise and expand building design guidelines.

18 **LOCATION OF PROPOSAL:**

19 Briggs Urban Village at the intersection of Henderson Boulevard and Yelm Highway, Olympia,
20 Washington.

21 **SUMMARY OF RECOMMENDATION:**

22 The Briggs Urban Village Master Plan, Ordinance No. 6299 should be **amended** as requested
23 subject to the conditions requested by City Staff.

24 **BACKGROUND**

25 Briggs Village, a Master Plan Development, was approved by Ordinance No. 6299 in
2003. The approved Master Plan calls for 810 residential units, 224,000 square feet of
commercial and office space and numerous community uses, all radiating from the Village
Center.

1 Ten years later, several hundred single and multi-family residential units have been
2 constructed in the north portion of the Village and an apartment complex has been constructed in
3 the south portion, and senior housing units are currently under construction east of Henderson
4 Boulevard. But with the exception of the YMCA facility at the Henderson Boulevard/Yelm
5 Highway intersection, no commercial development has taken place and the Village Center is
6 wholly undeveloped.

7 The Applicant's proposed amendments fall into two broad categories: Its first request is
8 to change the mix of residential units while still retaining a total residential unit count of 810.
9 This request is generally not controversial with the possible exception of the number of
10 residential units located above retail/office space in the Village Center.

11 The second, more controversial request proposes to significantly reduce the square
12 footage for office and retail use. More specifically, the Applicant seeks to reduce office space
13 from 113,850 square feet to a range of 5,000 to 31,000 square feet; reduce retail space from
14 60,240 square feet to a range between 33,700 square feet and 60,750 square feet; and reduce the
15 grocery store from 50,000 square feet to 30,285 square feet (to recognize the actual size of the
16 permitted but unbuilt grocery store). These requested changes have secondary consequences:
17 They would reduce the number of needed parking stalls by 302 (including a 272 stall
18 underground parking lot) and would reduce the required number of residential units located
19 above commercial uses in the Village Center from 26 units to 10 units.

20 In addition to the significant reduction in office/retail square footage the Applicant asks
21 to reduce the overall height and number of stories for commercial buildings. Instead of two and
22 three-story commercial buildings, the buildings surrounding the Village green would generally
23 have only one useable floor except for those having second floor residential units. In return,
24
25

1 building facades would be at least 24 feet high (and at least 30 feet at corners) to give the
2 impression of multiple stories.

3 City Staff recommends approval of the requested amendments subject to four conditions
4 found on page 16 of the Staff Report. The Applicant does not object to these conditions subject
5 to slight modification of Conditions 2 and 3, and City Staff has no objection to the Applicant's
6 proposed modifications.

7 There is considerable opposition to the requested amendments. Interestingly, most of the
8 opposition comes from former members of the Planning Commission and City Council who
9 were involved in the original planning for urban villages dating to 1993, or with approval of the
10 Briggs Village Master Plan in 2003. The opponents raise a number of technical challenges to the
11 application but their primary objection is that the requested amendments undermine the
12 fundamental goals and vision of the urban village concept.

13 A more complete description of the proposed changes and the City Staff's response, as
14 well as a more complete description of the opponents' positions, is set forth below. After taking
15 into consideration all of the opponents arguments I conclude that the proposed amendments are
16 well reasoned and I recommend to the City Council that Ordinance No. 6299 be **amended as**
17 **requested** subject to the conditions suggested by the City Staff and accepted by the Applicant.

18 PUBLIC HEARING

19 The public hearing commenced at 6:30 p.m. on December 16, 2013, in the City Council
20 Chambers in the City Hall. The City appeared through Steve Friddle, Senior Planner. The
21 Applicant appeared through its attorney, Heather L. Burgess; its architect, Ron Thomas; its
22 principal planner, Jean Carr; its traffic engineer, Perry Shea; its real estate broker, Ryan Haddock
23 of Kidder Matthews; and the company President, Joseph Amoroso. A verbatim recording was
24 made of the public hearing and all testimony was taken under oath.

1 In advance of the public hearing Mr. Friddle presented the City Staff Report (Exhibit 1)
2 prepared on behalf of both the City Staff as well as the Design Review Board. Just prior to the
3 commencement of the hearing ten additional documents (Exhibit 2-11) were presented including
4 letters both supporting and opposing the application along with the Applicant's pre-hearing
5 briefing. During the course of the hearing six additional documents were presented (Exhibits 20-
6 25) and during the week that followed the hearing ten additional documents were submitted
7 (Exhibits 26-35) including letters and briefing from the Applicant, the City and the opponents. A
8 complete list of the exhibits is appended to this Decision.

9 **TESTIMONY OF STEVE FRIDDLE**

10 The public hearing commenced with testimony from Mr. Friddle, Principal Planner for
11 the City. Mr. Friddle provided a relatively brief summary of his detailed Staff Report. The
12 following is a summary of Mr. Friddle's report and testimony:

13 Briggs Village Master Plan was approved in 2003 by Ordinance No. 6299. The Plan
14 covers approximately 133 acres and provides for 810 residential uses of various types along with
15 more than 200,000 square feet of retail, office and grocery space mostly positioned around the
16 "Village Center" located off of Henderson Boulevard. Briggs Village is designated as an "Urban
17 Village" - the only one of its kind in the City limits - and its development is regulated by its
18 enabling ordinance, Ordinance No. 6299, as well as by Chapter 18.05 (General Standards for
19 Urban Villages) and Chapter 18.57 (Standards for Master Plan Development) of the Olympia
20 Municipal Code.

21 As previously noted, the Applicant asks to amend the Master Plan in two broad ways: (1)
22 by adjusting the makeup (but not count) of residential units, and (2) by reducing the square
23 footage and size of commercial buildings.

1 **Changes to Residential Uses.** The Master Plan provides for the construction of 810
2 residential units consisting of six types of housing. The proposed amendments would not change
3 the total number of residential units but they would alter the number of each type of housing unit
4 while also adding condominiums as a seventh type of housing. There would be a small reduction
5 in the number of detached single-family residences to allow for slightly larger lots in the west
6 phase. Apartments east of Henderson Boulevard would be replaced by 72 condominiums. A
7 new 23-unit apartment building would be added near the Village Center. The number of
8 residential units located above retail/office buildings in the Village Center would be reduced
9 from 26 to 10. These proposed changes to the residential makeup are unopposed with the
10 exception of the reduced number of second story residential units in the Village Center.

11 **Commercial Changes.** The Master Plan recognizes three types of commercial use:
12 grocery, retail and office. The Plan provides for up to 50,000 square feet of grocery space but a
13 permit has already been approved for a grocery store with 30,285 square feet. The Applicant
14 proposes to reduce the square footage for grocery to the size of the permitted store, or 30,285
15 square feet.

16 The Applicant proposes to reduce retail space from 60,250 square feet to a range with a
17 minimum of 33,700 square feet and a maximum of 60,750 square feet. The Applicant proposes
18 to reduce office space from 113,800 square feet to a range with a minimum 5,000 square feet and
19 a maximum of 31,000 square feet.

20 If all three changes are approved the commercial square footage would be reduced to a
21 maximum of 94,985 square feet (30,285 for grocery store, 33,700 for retail and 31,000 for office)
22 and with a minimum office/retail square footage of 64,700 square feet. These changes represent
23 a reduction in general commercial space of 129,115 square feet.

1 City Staff supports the requested reductions in commercial square footage. The Staff's
2 position is partially based upon the information provided by the Applicant (Attachments 8, 9, 10
3 and 11 to the Staff Report), and the independent analysis by the Thurston County Economic
4 Development Council that in the third quarter of 2013 the area had 942,000 square feet of
5 surplus commercial space, or a seven to ten-year supply without considering any new
6 development. The staff's position is also based upon independent analyses supporting a
7 reduction in the commercial scale of Briggs Village. These independent sources of data include
8 the Thurston Regional Planning Council's December 2013 "Creating Places and Preserving
9 Spaces - A Sustainable Development Plan for the Thurston Region"; the Eason/Bowen Report
10 "Creating Walkable Neighborhood Business Districts" and "Investment Strategy - City of
11 Olympia Opportunity Areas" by ECONorthwest. City Staff supports the proposed reduction in
12 commercial space for the reasons that: (1) the project has been unable to attract any commercial
13 development during its first ten years; (2) the substantial inventory of vacant commercial space
14 in the region will discourage larger scale commercial development at Briggs Village; and (3)
15 independent studies show that there is no foreseeable demand for significant commercial square
16 footage at Briggs Village.

17 The amount of parking required for Briggs Village is related to the amount of its
18 commercial square footage. The reductions in commercial development would support a
19 significant reduction in the amount of needed parking. The Applicant asks to eliminate 272
20 underground parking stalls and approximately 30 off-street parking spaces, or a total reduction of
21 302 parking spaces. This would leave 621 parking spaces.

22 The Master Plan requires that commercial buildings in the Village Center have 2 to 3
23 stories of usable floors. This was intended to enhance the appearance of the commercial area
24 relative to the surrounding residential areas and increase the intensity of activity in the Village
25

1 Center. The Applicant asks to amend the Master Plan to allow one-story commercial structures.
2 Mr. Friddle explains that this request was a significant concern to City Staff. But as review of
3 the application got underway City Staff met with former Mayor Gadbaw, former Mayor Foutch
4 and former Council Members Hawkins and McPhee to more carefully consider this proposal.
5 These meetings resulted in an alternate proposal that would allow one-story commercial
6 buildings but would require the buildings to have a minimum 24 foot exterior façade (and 30 feet
7 at corners) and would also allow the possibility in the future to convert these buildings to 2 and 3
8 story mixed use buildings if market conditions improve. In addition, the Master Plan would
9 continue to allow up to 175,000 square feet of commercial space (the maximum possible given
10 the size of the grocery store) provided that the ten percent residential requirement and parking
11 requirements were satisfied. The Applicant does not oppose these changes.

12 City Staff believes that reduction in the number of required stories is in keeping with the
13 reduction in commercial square footage. Without a reduction in building size the reduced square
14 footage would result in only a handful of commercial buildings in the Village Center. This
15 would be inconsistent with the intended look of the Urban Village and would further discourage
16 commercial development. At the same time, requiring exterior facades of at least 24 feet will
17 give commercial structures a needed sense of scale relative to the surrounding residential
18 buildings.

19 There is an important legal question relating to the required number of stories for
20 commercial buildings. Opponents to the proposed amendments correctly note that, pursuant to
21 another City Ordinance, OMC 18.05.080(M)(1), Urban Village "buildings . . . which front onto
22 the required park, green or plaza . . . shall be at least two stories in height." Opponents argue that
23 reducing commercial buildings to one-story violates this requirement. Mr. Friddle disagrees. It
24 is his belief that the referenced City ordinance merely requires that commercial buildings be at
25

1 least two stories tall, not that they have at least two stories of floor space. Mr. Friddle argues that
2 if the City Council had intended otherwise it would not have added the words "in height" at the
3 end of the regulation. The addition of the words "in height" suggests that commercial buildings
4 must be at least two stories tall but need not have two stories of floor space. Mr. Friddle adds
5 that his opinion is shared by City Staff and by the Department Director.

6 The proposed reduction in commercial square footage would also decrease the number of
7 required residential units located above commercial uses from 26 units to 10 units. OMC
8 18.05.050(C) requires that in the Village Center at least ten percent of the square footage must be
9 devoted to residential units above commercial uses. The proposed changes will reduce
10 commercial space to 94,985 square feet. The 10 residential units will have 11,000 square feet
11 and thus meet the ten percent requirement.

12 **Comprehensive Plan.** Mr. Friddle acknowledges that any amendment to Ordinance No.
13 6299 must be consistent with the City's Comprehensive Plan. Chapter 1 of the Comprehensive
14 Plan (Land Use) contains Goal LU 10 and Policies LU 10.1 through 10.9 relating to Urban
15 Villages. Mr. Friddle believes that the requested changes are consistent with these goals and
16 policies of the Comprehensive Plan, especially Policy LU 10.3: "Establish requirements for
17 Villages that provide a pleasant living, shopping, and working environment; pedestrian
18 accessibility; a sense of community; adequate, well located open spaces; an attractive, well
19 connected street system; and a balance of retail, office, multi-family, single-family and public
20 uses," and also Policies LU 10.6, LU 10.6(d), LU 10.8, LU 10.9 and LU 10.9(c)

21 **Design Review Board.** As noted in Mr. Friddle's Staff Report, the Design Review Board
22 was asked to review the proposed amendments on July 25, 2013 and August 8, 2013 and
23 recommended approval of the proposed amendments at the Board's August 29, 2013, public
24 meeting, subject to the conditions earlier noted. The Design Review Board also recommends
25

1 significant changes to the design guidelines. These changes to the Design Review Guidelines are
2 universally supported, even by opponents to the other amendments.

3 TESTIMONY OF APPLICANT

4 The City's approval of the proposed amendments is subject to four conditions, two of
5 which involve improved access between Briggs Village and the YMCA property. These two
6 conditions would require direct connection between the YMCA parking lot and the Village via
7 Maple Lane, and reconstruction of the existing ninety degree turn along Maple Lane to provide a
8 three-way intersection with sufficient width for proper turning. Prior to the hearing the
9 Applicant opposed these two conditions primarily because it no longer owns the YMCA property
10 and questioned the City's right to impose conditions on property owned by a third party. At the
11 beginning of its presentation the Applicant announced that it was no longer opposed to these two
12 conditions provided that their wording was slightly changed as set forth in Exhibit 22. City Staff
13 agrees with the Applicant's proposed changes to the conditions.

14 The Applicant presented testimony through five witnesses. The Applicant's owner, Joe
15 Amoroso, testified to completions of Phases I through III of the Master Plan including
16 construction of residential units in the north area, widening of Henderson Boulevard,
17 construction of trails and the park, and the installation of all roads and sidewalks, followed by
18 construction of the Park View Apartments one and a half years ago. Mr. Amoroso added that the
19 required senior residential units are now under construction (through separate ownership) and the
20 trail improvements through the arboretum will be completed this spring. Mr. Amoroso believes
21 that the Applicant has performed its obligations but needs amendment of the Master Plan in
22 order to ensure the Village's vitality.

23 The project's architect, Ron Thomas, provided a PowerPoint presentation (Exhibit 21)
24 identifying each change to the residential units and commercial units. Mr. Thomas noted that
25

1 these changes will not cause any adjustments to existing roads and sidewalks. Mr. Thomas also
2 provided artists renderings of the new commercial buildings and explained how their scale will
3 be complimentary to surrounding residential units. Mr. Thomas' testimony was followed by the
4 testimony of Jean Carr, principal planner for the project. Like Mr. Thomas, Ms. Carr stressed
5 that despite the significant reduction in commercial square footage the Village Center will retain
6 its vitality and will be properly scaled relative to the surrounding residences. The Applicant's
7 traffic engineer, Perry Shea, explained how the reductions in commercial square footage will
8 significantly reduce traffic impacts with 276 fewer PM peak hour trips than under the existing
9 Master Plan. Mr. Shea also explained how the reductions will allow for the elimination of the
10 underground parking area as part of a 302 stall reduction due to the smaller commercial
11 footprint. The Applicant's broker, Ryan Haddock of Kidder Mathews, explained how the current
12 surplus of available commercial space, coupled with existing commercial centers within a five
13 mile radius, impose enormous challenges for significant development at Briggs Village. Mr.
14 Haddock believes that the Village Center will only become a vital component of the
15 development if it is properly scaled in light of these economic realities. Mr. Haddock added that
16 the required second story residential units over commercial units, while popular in the downtown
17 area, will prove to be problematic in the Village Center as the development is not intense enough
18 to encourage such units and their occupants will compete for important parking stalls desired by
19 the patrons of retail tenants.

20 **OTHER SUPPORT FOR THE APPLICANT**

21 The YMCA fully supports the proposed amendments. The West Olympia Business
22 Association also supports the changes (Exhibit 4). David Schaffert, President and CEO of the
23 Thurston County Chamber of Commerce, testified orally and in writing (Exhibit 25) in support
24 of the changes and notes that they provide needed flexibility to the project. Michael Cade,
25

1 Executive Director of the Thurston County EDC, provided oral and written testimony (Exhibit
2 11) explaining not only why the EDC supports the changes but also providing current data on the
3 surplus of commercial space in the area and why the Village Center, if not modified, will simply
4 be unfeasible. Although no residents of Briggs Village testified at the hearing roughly a half
5 dozen have provided letters supporting the changes.

6 OPPONENTS TO THE AMENDMENTS

7
8 Three individuals, Lynne McGuire, Karen Messmer and Bob Jacobs, testified in
9 opposition to the project both orally and in writing. A fourth individual, Jim Lazar, was unable
10 to be present but testified in writing (Exhibits 3 and 32). Three other individuals also submitted
11 brief letters in opposition. What is noteworthy about the four primary opponents to the
12 amendments is their extensive involvement in the City's government and planning, particularly
13 during the time when the Briggs Village Master Plan was conceived and approved. Each
14 opponent provided a somewhat different reason for his/her opposition, although it is fair to say
15 that all of the opponents support all arguments made in opposition. The following is a brief
16 discussion of each opponent's principal reasons for opposition. This summary is not meant to
17 suggest that these are the only reasons for their opposition, nor is it meant to suggest that the
18 other opponents do not share in these arguments. It is merely meant to give a "voice" to each of
19 the various arguments advanced in opposition to the requested changes.

20
21 **Lynne McGuire.** Lynne McGuire appeared in person and was represented by her
22 attorney, Robert Shirley. Ms. McGuire testified orally and also provided written testimony
23 through her attorney in the form of briefing on various legal issues (Exhibits 9, 27 and 34). Ms.
24 McGuire served on the City's Planning Commission from 1995 through 1999. Her first meeting
25

1 on the Commission involved a discussion about Urban Villages and what distinguished them
2 from other development. Ms. McGuire expressed two primary reasons for her opposition to the
3 amendments: (1) she is dismayed by the dramatic reduction in commercial space and believes
4 that it violates the requirement of a mix of uses as mandated by the goals and policies of the
5 Comprehensive Plan, and (2) she believes that the removal of second and third story floors to the
6 commercial buildings will defeat the Master Plan's intent to increase density within the Village
7 Center. Without this density Briggs Village will no longer have anything that creates an urban
8 setting.

9
10 Ms. McGuire's attorney, Mr. Shirley, offered several legal challenges to the proposed
11 changes. Mr. Shirley argues that OMC 18.05.050 requires all commercial buildings facing the
12 Village green to have at least two stories of usable floor space. He argues that a reduction to one
13 story, even with a two-story façade, is a clear violation of this ordinance. As previously noted,
14 City Staff disagrees.

15 Mr. Shirley offers a second, somewhat tortured, argument in opposition to the changes.
16 He argues that once the appeal period for a Land Use Petition Act (LUPA) expired in 2003, the
17 Master Plan was fixed and cannot be changed. But Mr. Shirley's argument fails to distinguish
18 between an "appeal" and a later "amendment". Contrary to Mr. Shirley's arguments, OMC
19 18.57.080 clearly allows amendment of Master Plans to ensure that they remain dynamic and
20 vital.

21
22 **Karen Messmer and Jim Lazar.** The arguments of Jim Lazar and Karen Messmer are
23 sufficiently similar to be joined together. Mr. Lazar is a consulting economist and has served on
24 various City committees involved with Briggs Village. As previously noted, Mr. Lazar testified

1 in writing (Exhibits 3 and 32). Karen Messmer is a professional planner and has been a member
2 of both the City's Planning Commission and City Council from 2006 to 2009. Ms. Messmer
3 testified orally and in writing (Exhibits 24, 33 and 35).

4 Mr. Lazar and Ms. Messmer believe that the proposed changes are in violation of the
5 Comprehensive Plan, particularly LU 10.2 and LU 10.3. They argue that the goals of the Plan
6 require a mix of uses and that the proposed changes all but eliminate this mix.

7 Ms. Messmer is most troubled by the proposed reduction in the height of commercial
8 buildings to one-story. She contends that this will give the Village Center a "strip mall"
9 appearance and will eliminate all variety and urban intensity. She believes that the reductions
10 will deprive the commercial core of any critical mass and that it will lack the intensity needed to
11 flourish.

12 Mr. Lazar is most troubled by the dramatic reductions in office square footage. He
13 argues that the discussion about a huge surplus of available commercial space is misleading as he
14 believes that there is an actual shortage of smaller scale, storefront-type professional office
15 space, particularly in southeast Olympia. Mr. Lazar believes that there is a market for such
16 space, particularly for smaller size professional offices. He believes that the Village should be
17 required to retain significant office space and that doing so will increase the vitality of the
18 Village Center.

19 In supplemental statements (Exhibits 32 and 33) Mr. Lazar and Ms. Messmer raise
20 several legal arguments in opposition to the amendments. They argue that OMC
21 18.05.050(C)(6)(b)(ii) requires the City to analyze whether or not the reduced commercial space
22 will provide sufficient scale to serve "households within a one and one-half mile radius with
23
24
25

1 frequently needed consumer goods and services." What Mr. Lazar and Ms. Messmer fail to
2 acknowledge, however, is that this provision applies only to the initial siting of an Urban Village,
3 not to later amendment of its Master Plan.

4 Mr. Lazar and Ms. Messmer also argue that OMC 18.05.050(C)(2) requires "an
5 independent market study accepted by the City" before any amendment can be approved. They
6 assert that none of the witnesses provided "independent" analysis as they were all connected to
7 the Applicant. Again, the opponents fail to understand that this provision simply does not apply.
8 An independent market analysis is only required if the Applicant proposes to reduce the number
9 of residential units above commercial units to less than ten percent of the total square footage in
10 the Village center. The Applicant does not propose such a reduction and instead proposes to
11 maintain at least ten percent residential square footage in the Village Center. The cited
12 ordinance therefore has no application.

14 **Bob Jacobs.** Bob Jacobs was a member of the City Council at the time the Briggs
15 Village Master Plan was approved in 2003. Mr. Jacobs disagrees with the proposed reduction in
16 residential units located above commercial space from 26 units to 10. He believes that these
17 units are essential for a vital Village Center and will discourage theft and vandalism in the
18 commercial core.

19 Mr. Jacobs also disagrees with the substantial reductions in commercial and office space.
20 He acknowledges that a 5% to 10% reduction would be reasonable and in keeping with the
21 Comprehensive Plan, but the Applicant requests a 44% reduction in retail space and as much as
22 96% reduction in office space. Mr. Jacobs believes that the only reasons for these changes is the
23 current market surplus, but the Briggs Village Plan is intended to be carried out over decades.
24

1 He believes that in the long term there will be support for the current retail/office requirements.
2 He argues that the Applicant was well aware in 2003 that there were significant economic risks
3 involved and that it also knew that the buildout would extend over many years. Mr. Jacobs
4 believes that the Applicant is using a brief economic problem to support dramatic and long term
5 changes to the Village's vision.

6 Mr. Jacobs concluded his remarks with an expression used by most of the opponents:
7
8 Allowing the changes will convert this property from an "Urban Village" into a "housing
9 development with a strip mall".

10 **CITY/APPLICANT RESPONSE TO OPPOSITION**

11 Following the testimony of the above-mentioned opponents, Kathy McCormick, a
12 member of City Staff, testified in response. Ms. McCormick explained that she was one of the
13 lead staff on this project at its inception and has been on the Regional Planning Council for
14 nearly thirty years. Ms. McCormick explained that the problems currently faced by Briggs
15 Village were foreseeable at the time of its approval in 2003. The Master Plan as approved
16 imposes significant control on the type of required development but lacks the flexibility to adjust
17 to changing circumstances. Ms. McCormick also noted that the percentages of office and retail
18 space required in the 2003 Plan were not based upon hard data. Conversely, today there is hard
19 data, primarily the Eason/Owen "Creating Walkable Neighborhood Business Districts" report.
20 This and other recent studies confirm that the current requirements for commercial space within
21 the Village cannot be supported. These recent studies also reveal that second and third story
22 retail/office space is currently not feasible in any setting other than the City Center. She also
23 notes that the Village's 810 residential units are insufficient to support greater commercial
24

1 density than what is proposed, especially as we move increasingly toward an internet-based
2 economy.

3 Following Ms. McCormick's testimony Jeanette Dickinson spoke in favor of the
4 proposed amendments. Like Mr. Jacobs and Ms. Messmer, Ms. Dickinson is a former member
5 of the City Council, but unlike them she fully supports the proposed changes. Ms. Dickson was
6 involved in much of the original planning for urban villages and noted that the ultimate
7 requirements for commercial development were based upon expectations that were not
8 necessarily supported by fact, but were instead the product of optimism that businesses would
9 flock to this site. That has not occurred. Ms. Dickinson believes that the most important thing to
10 happen to Briggs Village is a sense of movement, and that no movement will occur under the
11 current requirements. She believes that a working Village Center, even a much smaller one, will
12 greatly improve the quality of the entire Village.

14 Following the conclusion of the public hearing the record was kept open until the end of
15 the week to allow additional comment. Among the comments received was a December 17 letter
16 (included in Exhibit 29) from Ryan Haddock providing further data showing that the area
17 surrounding Briggs Village will not demand or support any commercial development greater
18 than what is proposed.

19 A letter was also received from former Mayor Foutch (Exhibit 26) acknowledging that
20 the proposed amendments represent the best chance of success for the Village Center, but also
21 recommending further review by the Planning Commission.

23 ANALYSIS

24 The following is a list of principal objections to the proposed amendments; the response
25 of the Applicant or City Staff; and my analysis:

*Findings of Fact, Conclusions of Law
and Recommendation - 17*

**CITY OF OLYMPIA HEARING EXAMINER
299 N.W. CENTER ST. / P.O. BOX 939
CHEHALIS, WASHINGTON 98532
Phone: 360-748-3386/Fax: 748-9533**

1 1. **The proposed reduction in commercial buildings from two and three stories**
2 **to one-story violates the requirement of OMC 18.05.080(M)(1) that buildings fronting on**
3 **the Village green "shall be at least two stories in height"**. This argument has been raised by
4 Mr. Shirley, counsel for Ms. McGuire. City Staff disagrees and notes that if the phrase "in
5 height" at the end of this ordinance is to have meaning that it must be read to require buildings at
6 least two stories tall, but does not require two useable floors of space. I concur with the Staff's
7 interpretation of this requirement. The proposed changes will require commercial buildings at
8 least two stories (24 feet) in height and the requirements of OMC 18.05.080(M)(1) are therefore
9 met.
10

11 2. **A Master Plan cannot be changed after the LUPA appeal period has elapsed.**
12 (McGuire and Shirley). For the reasons earlier expressed I find that this argument is not well
13 founded as OMC 18.57.080 expressly allows for the amendment of Master Plans. Master Plans
14 must be subject to amendment if they are to remain dynamic and vital.

15 3. **OMC 18.05.050(C)(6)(b)(ii) requires proof that commercial space will be of**
16 **sufficient scale to serve "households within a one and one-half mile radius with frequently**
17 **needed consumer goods and services"**. (Lazar and Messmer) The Applicant correctly notes in
18 Exhibit 29 that this requirement only applies to the original siting of the Urban Village and does
19 not apply to subsequent amendments. As stated by the Applicant, "this code provision does not
20 demand that the City or the Applicant perform any specific analysis of the retail radius for
21 purpose of determining compliance". I agree.
22

23 4. **OMC 18.05.050(C)(2) requires "an independent market study accepted by**
24 **the City" before the Master Plan can be amended.** (Lazar and Messmer) As previously
25

1 noted, this requirement is triggered only if the proposed changes reduce the square footage of
2 residential units above commercial units in the Village Center to less than ten percent of the total
3 square footage. The proposed changes do not decrease the square footage of residential units in
4 the Village Center to less than ten percent of the total square footage and thus this regulation
5 does not apply.

6 **5. The Applicant is taking advantage of a brief economic downturn to undo the**
7 **carefully drafted vision of an urban village with a significant commercial core, offering a**
8 **variety of places to shop and to work.** (Jacobs) The Applicant and City Staff respond by
9 noting that this vision has proven to be unrealistic, not merely by the absence of any commercial
10 development during the past ten years but, more importantly, by the testimony of experts as well
11 as several independent studies that the Village cannot sustain commercial activity greater than
12 what is proposed. It is important to note that the opponents have not provide any expert
13 testimony in response. I conclude that the expert testimony and referenced studies support the
14 requested changes, and that the Applicant is not taking advantage of the recent economic
15 downturn.
16

17 **6. If the amendments are approved, what had been an "urban village" will now**
18 **become a "housing development with a strip mall".** (All opponents) No one can forecast
19 whether, in perhaps ten or twenty years, economic conditions might support the kind of
20 commercial development currently required in the Master Plan. But the data gathered by the
21 Applicant and the City provides compelling evidence that Brigg Village will never support this
22 level of commercial activity. Today the Village Center is an open field that has remained
23 undeveloped since the Plan was approved ten years ago. Yes, the proposed changes will reduce
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1 the scale and intensity of activity in the Village Center, but in a manner that will preserve to the
2 extent possible a sense of place and a proper scale. The end result will not be a strip mall but
3 rather a smaller Village, having the potential for increased size and scale if economic conditions
4 warrant it.

5 7. **The changes are in violation of the Comprehensive Plan, particularly LU**
6 **10.2 and LU 10.3.** (All opponents) These policies envision an urban village with a mix of
7 living, shopping and work environments, a sense of community and a balance of retail, office,
8 multi-family, single-family and public uses. The Applicant and City Staff disagree with the
9 opponents' argument and assert that, to the contrary, the proposed changes will invite a mix of
10 uses that has not existed during the first ten years of the Village.
11

12 A closer examination of the relevant goals and policies:

13 Goal LU 10: "Establish . . . urban villages . . . with a coordinated, balanced mix of land
14 uses in a pedestrian orientation." Currently the "mix of land uses" in Briggs Village is neither
15 coordinated nor balanced as no commercial development has taken place and the Village Center
16 is nonexistent. Both the Applicant and City Staff argue that this "balanced mix" will not occur
17 unless the commercial development is resized to fit the economic realities.

18 Policy LU 10.2: "Provide for the development of urban villages . . . with potential for
19 accommodating relatively high density residential development and commercial uses scaled to
20 serve the broader neighborhood with needed goods and service." While this policy encourages
21 "high density" it also recognizes that commercial use must be properly scaled to serve the needs
22 of Briggs Village and the surrounding neighborhood. The Applicant's experts and the
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1 independent studies support the proposition that the reduced commercial footprint is the proper
2 scale of commercial use for the neighborhood.

3 Policy LU 10.3: "Establish requirements for villages that provide a pleasant living,
4 shopping, and working environment; pedestrian accessibility; a sense of community; adequate,
5 well located open spaces; an attractive, well connected street system; and a balance of retail,
6 office, multi-family, single-family and public uses." The Applicant and City Staff argue that the
7 original requirements in the 2003 Master Plan created an unrealistic balance of uses and that the
8 proposed amendments, supported by independent data, represent a truer balance of retail, office,
9 and residential uses.
10

11 Policy LU 10.6: "Require that villages contain a neighborhood center offering
12 predominantly neighborhood - oriented shopping and services Base the exact mix and
13 density of land uses on the community context, site conditions, infrastructure and street capacity,
14 market conditions, the frequency of transit service, and the character and density of development
15 in adjacent neighborhoods, consistent with the minimum and maximum densities allowed for the
16 district." The Applicant and City Staff argue that, taking into consideration "community context,
17 site conditions, market conditions, and development occurring in adjacent neighborhoods", the
18 proposed amendments are essential to establish the proper mix of uses and a dynamic urban
19 village.
20

21 Policy LU 10.6(D): "Ensure that development standards and project composition . . .
22 allow adequate flexibility to enable developers to respond to market conditions, while
23 maintaining the integrity of the project." The Applicant and City Staff agree that the proposed
24
25

1 amendments are a necessary response to actual market conditions and provide sufficient
2 flexibility in the future to allow for increased commercial development if conditions warrant it.

3 Policy LU 10.8: "Minimize the amount of the Village devoted to parking." The
4 proposed amendments will reduce the required amount of parking by 302 parking spaces, or
5 roughly one-third of the current parking requirement.

6 Policy LU 10.9: "Provide for predictable development" The Applicant argues that
7 without the requested modifications commercial development is unpredictable and unlikely to
8 occur.

9 Policy LU 10.9(B): ". . . specific elements of the project should be phased to ensure that
10 construction of key amenities and commercial and residential components occurs at appropriate
11 stages in the Village's multi-year development. . . . Provide sufficient flexibility to
12 accommodate market conditions, but various completed phases of the project should trigger
13 subsequent phases in order to achieve the overall plan and logical sequence, avoiding haphazard
14 development." The Applicant and City Staff agree that the current requirements of the Master
15 Plan are preventing commercial development and therefore the planned phasing of the Village
16 has lost its logical sequence and has become haphazard.

17 Policy LU 10.9(C): "The City should work closely with the development community and
18 the financial institutions to identify what programs, regulations, and incentives are needed to
19 facilitate development and make urban villages . . . a reality in Olympia." City Staff, working
20 with the Applicant and the development community, concludes that the proposed amendments
21 are needed to facilitate development and make the Village Center a reality.
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1 I agree with the positions taken by the Applicant and City Staff and conclude that the
2 proposed amendments are consistent with, and in furtherance of, the goals and policies of the
3 Comprehensive Plan.

4 In conclusion, I believe that the requested changes are well supported and that the
5 opponents' arguments are not well founded. I therefore recommend that the City Council
6 **approve** the proposed amendments subject to the conditions agreed upon by the Applicant and
7 City Staff.

8 Accordingly, I make the following:
9

10 **FINDINGS OF FACT**

11 1. Any Findings of Fact contained in the foregoing Background section are
12 incorporated herein by reference and adopted by the Hearing Examiner as his Findings of Fact.

13 2. The Applicant, Briggs Village, LLC, asks to amend the Briggs Urban Village
14 Master Plan Ordinance No. 6299 as follows:

15 (a) Reduce the allowed office space from 113,850 square feet to a range
16 between 5,000 square feet (minimum) and 31,000 square feet (maximum).

17 (b) Reduce the allowed retail space from 60,240 square feet to a range
18 between 33,700 square feet (minimum) to 60,700 square feet (maximum).

19 (c) Reduce the allowed grocery space from 50,000 to 30,285 square feet in
20 recognition of the permitted store having that size.

21 (d) Increase the community uses area by 3,900 square feet to recognize the
22 actual size of the YMCA building.
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1 (e) Retain the minimum required parking ratios for residential and
2 commercial areas but reduce the total number of parking spaces by 302 stalls in connection with
3 the reduced commercial space. The eliminated parking spaces would include the 272
4 underground parking stalls and 30 off-street parking spaces.

5 (f) Revise the required commercial building stories from two and three stories
6 to allow one-story buildings but with a minimum 24 foot façade.

7 (g) Retain the currently allowed 810 residential units but adjust the building
8 types by (1) reducing the number of single-family units by 17 units and multi-family units by 78
9 units; (2) increase the number of other housing units by 95; and (3) revise and expand the
10 building design guidelines.
11

12 3. City Staff and the Design Review Board recommend approval of the requested
13 amendments subject to the following four conditions:

14 (1) Amend Ordinance No. 6299 to allow the proposed one-story commercial
15 structures with a minimum 24-foot exterior façade (30-foot on building corners); and, continue to
16 allow 2 or 3 stories commercial buildings to a maximum of 175,000 square feet, pursuant to
17 OMC 18.05.050 provided they contain at least the ten percent residential mix (OMC
18 18.05.050(C)) and meet the parking codes contained in OMC 18.38.

19 (2) The Applicant shall construct the secondary access to the YMCA parking
20 lot to the Briggs Town Center north-south private street (Maple Street).
21

22 (3) The Applicant shall re-construct the existing 90-degree turn along Maple
23 Lane to a three-way intersection and to allow the access to the YMCA parking lot described
24 above. This re-alignment shall be rebuilt to meet Public Works EDDS.
25

1 (4) The Applicant shall be required to submit for Land Use Approval and
2 Design Review with each future development and meet applicable requirements to include
3 Briggs Village Master Plan and Amendments, OMC 18.05; 18.05A, 18.57, design review and
4 Public Works EDDS.

5 4. The Applicant proposes modifications to Conditions 2 and 3 as follows:

6 (2) The Applicant shall construct the secondary access to the YMCA parking
7 lot to the Briggs Town Center north-south private street (Maple Lane). This secondary access
8 shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store
9 or the next commercial building permit for Briggs Village, whichever occurs first. The City will
10 secure written consent from the YMCA for the Applicant to construct improvements associated
11 with the secondary access on YMCA property. The Applicant shall be relieved of the obligation
12 to construct the secondary access pursuant to this condition if the City does not obtain written
13 consent for the improvements from the YMCA prior to the deadlines specified for completion.

14 (3) The Applicant shall re-construct the existing 90-degree turn along Maple
15 Lane to a three-way intersection and to allow the access to the YMCA parking lot described
16 above. This realignment shall be rebuilt to Public Works EDDS. This re-alignment shall be
17 completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the
18 next commercial building permit for Briggs Village, whichever occurs first.

19 5. City Staff approves of the Applicant's proposed changes to Conditions 2 and 3.

20 6. Pursuant to the State Environmental Policy Act a Determination of Non-
21 Significance (DNS) was issued on October 3, 2013. The comment deadline passed without
22 comment on October 17, 2013. The appeal period expired on October 24, 2013 and no appeals
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1 were filed. The Applicant modified the proposed amendments on November 27, 2013, to bring
2 the proposal further into compliance with OMC 18.05. The SEPA official determined that the
3 modifications remained within the scope of the original 2003 FEIS and the October 2013 DNS
4 and no further review was required.

5 7. Notification of public hearing was posted on the subject site, mailed to property
6 owners of record within Briggs Village and within 300 feet of the Briggs Village subject site and
7 published in The Olympian in conformance with OMC 18.78.

8 8. The Staff Report, at Page 2, provides a description of the existing site conditions
9 including construction to date. The Hearing Examiner has reviewed those Findings and adopts
10 them by reference.

11 9. The Staff Report, at Page 3, contains Findings relating to surrounding land use.
12 The Hearing Examiner has reviewed those Findings and adopts them by reference.

13 10. The Staff Report, at Pages 3 through 5, Section I, contains a detailed description
14 of the proposed changes to the Master Plan's residential, commercial and development standards.
15 The Hearing Examiner has reviewed these Findings and adopts them by reference.

16 11. The Design Review Board has reviewed the proposed amendments at three public
17 hearings on July 24, August 8 and August 29, 2013, and recommends approval of the proposed
18 amendments subject to the conditions previously set forth. The Board further recommends that
19 the City Council initiate a future work program to incorporate many of the new design guidelines
20 into the "City Wide Design Guidelines".
21

22 12. Findings Related to the Comprehensive Plan.

23 (a) Chapter 1 - Land Use of the City Comprehensive Plan contains Goal LU
24
25

1 10 and Policies LU 10.1 through 10.9 related to Urban Villages. City Staff believes that the
2 proposed changes comply with the goals and policies of the land use plan including Goal LU 10
3 and Policies LU 10.3, LU 10.6, LU 10.6(d), LU 10.8, LU 10.9, and LU 10.9(c).

4 (b) No amendments are proposed to the Comprehensive Plan.

5 (c) No amendments are proposed to the Zoning Regulations.

6 (d) The proposed amendments retain the overall residential density of 810
7 units while substantially reducing the commercial, office, retail and related parking count. City
8 Staff believes that the amendments will encourage the kind of mix of activities that currently
9 does not exist, in furtherance of the goals and policies of the Comprehensive Plan.

10 (e) The approved grocery store is smaller than 35,000 square feet. Pursuant to
11 OMC 18.50.050 Table 5.02, the smaller size of the grocery store reduces the maximum allowed
12 commercial space to 175,000 square feet. The amendments, as conditioned, will retain the
13 ability to increase commercial space to the maximum 175,000 square feet if warranted.

14 (f) City Staff believes that the proposed amendments, as conditioned, comply
15 with Ordinance No. 18.05 and with the Comprehensive Plan.

16 13. Findings Related to Shorelines. The proposed amendments do not alter
17 development within the jurisdiction of the Shoreline Master Program. Future development must
18 comply with the applicable regulations at the time of permitting.

19 14. Findings Related to Environmental Protection and Critical Areas (OMC 18.32).

20 (a) Briggs Village contains wetlands and steep slopes but the proposed
21 amendments do not alter existing regulations, the site or previous conditions. All existing
22 regulations will remain in effect.
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1 (b) The proposed amendments do not alter or touch upon drinking water and
2 wellhead protection, wetlands or steep slopes. Each future development must comply with the
3 applicable regulations at the time of permitting.

4 15. Findings Related to Zoning (OMC 18.57.080).

5 (a) At the time of original Master Plan approval Briggs Village was to be
6 developed in five phases. The proposed amendments do not affect the phasing of the project.
7 Each phase will be reviewed on its own merits for compliance with applicable City Codes and
8 for compliance with the Master Plan when applications are submitted.

9 (b) There is no time limitation on the approved Master Plan and City Staff
10 does not recommend any such limitation as part of the proposed amendments.
11

12 16. Findings Related to Urban Villages (OMC 18.05).

13 (a) OMC 18.05.020 identifies eleven purposes for Urban Villages including a
14 pattern of design that provides convenience for access from one home to another and from
15 homes to businesses and transit by vehicles, bicycles and pedestrians. It also requires a variety
16 of housing types, location, densities and design compatibility within the Urban Village and with
17 existing neighborhoods. City Staff concludes that the proposed amendments conform with these
18 purposes.

19 (b) OMC 18.05.040 establishes permitted conditional and required and
20 prohibited uses. Included among these requirements is the requirement that at least ten percent
21 of the square footage in the Village Center must be dedicated to residential over commercial
22 units. The proposed amendments reduce the commercial square footage to 94,985 square feet.
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1 The proposed amendments provide for 10 residential over commercial units having a square
2 footage of 11,000 square feet. The ten percent residential requirement has therefore been met.

3 17. Findings Related to General Standards (OMC 18.05.050). The Staff Report at
4 Pages 11 through 13 contains Findings related to compliance with Sections A, B, C, D and E of
5 the General Standards, OMC 18.05.050. The Hearing Examiner has reviewed these
6 recommended Findings and adopts them as his own Findings of Fact.

7 18. Findings Related to Development Standards (OMC 18.04.080, Table 5.04). The
8 Staff Report at Pages 13 and 14 contains recommended Findings related to modifications to the
9 Development Standards including reduction in commercial building heights to not less than 24
10 feet (30 feet at the building corners) but with flexibility to allow two or three-story buildings if
11 later warranted. The Hearing Examiner has reviewed the recommended Findings and adopts
12 them as his own Findings of Fact.

13 19. Findings Related to Urban Village Design Criteria.

14 (a) The Staff Report at Pages 14 and 15 contains Findings related to
15 recommended changes to the Urban Village Design Criteria as proposed by the Design Review
16 Board. The Hearing Examiner defers to the expertise of the Design Review Board with respect
17 to these recommended changes.
18

19 (b) The proposed changes to the Urban Village Design Criteria are
20 unopposed.
21

22 20. Findings Related to Parking (OMC 18.05.100 and OMC 18.38).

23 (a) No change is proposed in the residential or shopping center standards
24 contained in OMC 18.38, but the reduction in proposed commercial square footage supports a
25

1 corresponding reduction in the number of required parking stalls. City Staff agrees that the
2 Applicant's proposed amendments support the elimination of 272 underground parking stalls and
3 an additional 30 surface parking places.

4 (b) The Staff Report contains additional recommended Findings relating to
5 parking. The Hearing Examiner has reviewed these recommended Findings and adopts them as
6 his own Findings of Fact.

7
8 21. Findings Related to Development Guidelines and Public Works Standards. The
9 Staff Report at Pages 15 and 16 contains recommended Findings related to development
10 guidelines and public works standards. The Hearing Examiner has reviewed these recommended
11 Findings and adopts them as his own Findings of Fact.

12 22. City Staff and the Design Review Board recommend approval of the proposed
13 amendments subject to the following revised conditions:

14 (1) Amend Ordinance No. 6299 to allow the proposed one-story commercial
15 structures with a minimum 24-foot exterior façade (30-foot on building corners); and, continue to
16 allow 2 or 3 stories commercial buildings to a maximum of 175,000 square feet, pursuant to
17 OMC 18.05.050 provided they contain at least the ten percent residential mix (OMC
18 18.05.050(C)) and meet the parking codes contained in OMC 18.38.

19 (2) The Applicant shall construct the secondary access to the YMCA parking
20 lot to the Briggs Town Center north-south private street (Maple Lane). This secondary access
21 shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store
22 or the next commercial building permit for Briggs Village, whichever occurs first. The City will
23 secure written consent from the YMCA for the Applicant to construct improvements associated
24
25

1 with the secondary access on YMCA property. The Applicant shall be relieved of the obligation
2 to construct the secondary access pursuant to this condition if the City does not obtain written
3 consent for the improvements from the YMCA prior to the deadlines specified for completion.

4 (3) The Applicant shall re-construct the existing 90-degree turn along Maple
5 Lane to a three-way intersection and to allow the access to the YMCA parking lot described
6 above. This realignment shall be rebuilt to Public Works EDDS. This re-alignment shall be
7 completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the
8 next commercial building permit for Briggs Village, whichever occurs first.

9 (4) The Applicant shall be required to submit for Land Use Approval and
10 Design Review with each future development and meet applicable requirements to include
11 Briggs Village Master Plan and Amendments, OMC 18.05; 18.05A, 18.57, design review and
12 Public Works EDDS.

13
14 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

15 **CONCLUSIONS OF LAW**

16 1. The Hearing Examiner has jurisdiction over the parties and the subject matter.
17 2. Any Conclusions of Law contained in the foregoing Background section or
18 foregoing Findings of Fact are hereby incorporated by reference and adopted by the Hearing
19 Examiner as Conclusions of Law.

20 3. The requirements of SEPA have been met.

21 4. Pursuant to OMC 18.57.080(F) amendments which change the character, basic
22 design density, open space or any other requirements and conditions contained in the Master
23

1 Plan shall not be permitted without prior review and recommendation by the Hearing Examiner,
2 and approval by the City Council, of such amendment.

3 5. Pursuant to OMC 18.57.080(C) upon request to approve or amend a Master Plan
4 the Hearing Examiner may (a) recommend terms and conditions of approval, or (b) require the
5 provision, and further public review, of additional information and analyses; or (c) recommend
6 denial.

7 6. The proposed amendments, as conditioned, are consistent with the City's
8 Comprehensive Plan including Goal LU 10 and Policies LU 10.1 through LU 10.9.

9 7. The proposed amendments do not alter development within the jurisdiction of the
10 Shoreline Master Program.

11 8. The proposed amendments do not alter current regulations of wetlands and steep
12 slopes. All regulations imposed on the development pursuant to OMC 18.32 shall remain in
13 effect..

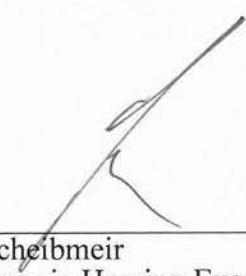
14 9. The proposed amendments, as conditioned, satisfy the requirements of OMC
15 18.57.080.

16 10. The proposed amendments, as conditioned, satisfy the requirements of OMC
17 18.05.020.

18 11. The proposed amendments, as conditioned, satisfy the requirements of OMC
19 18.05.040.

20 12. The proposed amendments, as conditioned, satisfy the requirements of OMC
21 18.05.050.

1 DATED this 31st day of December, 2013.

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5 _____
6 Mark C. Scheibmeir
7 City of Olympia Hearing Examiner
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APPENDIX - EXHIBIT LIST

1. Staff Report with fifteen attachments.
2. Applicant's response to Staff Report dated December 16, 2013.
3. Letter from Jim Lazar dated December 16, 2013.
4. Letter from West Olympia Business Association dated December 16, 2013.
5. Email from Patrick Mathews dated December 15, 2013.
6. Email from Karen Boyce dated December 11, 2013.
7. Email from Jean Barlin dated December 11, 2013.
8. Email from Christina Clarke dated December 11, 2013.
9. Substantive comments of Lynne A. McGuire (through her attorney Robert Shirley) dated December 9, 2013.
10. Applicant's pre-hearing disclosures including qualifications of expert witnesses dated December 9, 2013.
11. Letter from Thurston County Economic Development Council dated December 9, 2013.
- 12-19 No Exhibits
20. Definition of the word "story".
21. Project overview presentation (PowerPoint).
22. Modified recommended conditions of approval from YMCA access.
23. Site map showing location of proposed daycare facility.
24. Written copy of Messmer testimony.
25. Letter from Thurston County Chamber of Commerce dated December 16, 2013.
26. Letter from Mark Fouch dated December 16, 2013.
27. Supplemental Declaration of Lynne A. McGuire (through Robert Shirley) dated December 17, 2013.
28. Email from Craig Burley dated December 18, 2013.
29. Applicant's responsive statement dated December 20, 2013.
30. Letter from Darren Nienaber, Assistant City Attorney, dated December 20, 2013.
31. Email from Bob Jacobs dated December 20, 2013.
32. Additional comments of Jim Lazar dated December 19, 2013.
33. Additional comments from Karen Messmer dated December 19, 2013.
34. Additional response from Lynne A. McGuire (through Robert Shirley) dated December 20, 2013.
35. Email from Karen Messmer dated December 20, 2013.



Community Planning & Development
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 cpdinfo@ci.olympia.wa.us
 www.olympiawa.gov

Design Review Board RECOMMENDATION

MASTER PLAN DESIGN GUIDELINES

Date: August 30, 2013

To:

<input checked="" type="checkbox"/>	OLYMPIA CITY COUNCIL
<input type="checkbox"/>	OLYMPIA HEARING EXAMINER

Meeting Date: August 29, 2013

Time: 6:30 PM

FROM: Steven Friddle, Principal Planner

PROJECT NAME: Briggs Village Master Plan Design Guideline Amendments PROJECT No.: 13-0039

PROJECT ADDRESS: 4400 Block of Henderson Boulevard SE - A complete legal description is on file with the City.

PROJECT DESCRIPTION: Amend existing

APPLICANT: Briggs LLC, Joe Mastronardi, 27200 Agoura Rd., Suite 210, Calabasas, CA 91301

AUTHORIZED REPRESENTATIVE: Ron Thomas, AIA, President of Thomas Architecture Studio Inc. and Jean Carr, Shea Carr & Jewell

ATTENDEES: P = Present; A = Absent; X = Excused

STAFF:

p	THOMAS CARVER, Chair (Architect)	p	JANE LACLERGUE, Vice Chair (Business & Development)	P	CATHERINE MCCOY (Associate Planner) July 25 & Aug 8, 2013
p	ROBERT FINLAY (Architect)	p	JAMI HEINRICHER (Citizen at Large)		CARI HORNBEIN (Senior Planner)
p	DUANE EDWARDS (Landscape Architect)	p	DAVID GOULARTE (Citizen at Large)	p	STEVE FRIDDLE (Principal Planner)
p	DARRELL HOPPE (Planning Commission)	p	JOSEPH LAVALLE (Citizen at Large)	P	Bob Bengford with Makers Architecture (CP&D Consultant)

Report to City Council: The Design Review Board conducted public meetings on July 25, 2013 (presentation by applicant with initial Board), August 8, 2013 (staff/consultant analysis & response and Board direction provided on all aspects) and August 29, 2013 (Presentation of revised proposed amendments with Board final direction and recommendation). Audio recordings of each meeting are on file with the Community Planning and Development. Written Public Notice was posted on site and provided to property owners within 300 feet, Recognized Neighborhood Associations and parties of record pursuant to OMC 18.78. The proposed amendments were substantially revised and can generally be summarized 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) consistent with 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 retain 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. This is the preferred alternative to fewer buildings or no commercial buildings.

- 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 revised and recommended by the Board, the proposal is to provide 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 in the following areas:

- i. **Roof form** is currently uniformly flat. With tall single story buildings (at least 24-foot with 30-foot corners) 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 is clarified to 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 added 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.
- C. Landscape** details have been added to buffer third tier frontage along parking areas
- D. Signage** clarification and specificity was added.
- E. 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.

Comment was received in writing and orally at the meetings by the following citizens:

Therese Hulbert
Bob Jacobs
Mark Foutch [representing Council Members Gadbow, McPhee & Hawkins (aka Dickinson)]
Holly Gadbow

Attending and not commenting included:

Phil Hulbert
Jeff James

THE DESIGN REVIEW BOARD'S RECOMMENDATION IS BASED ON: The revised proposed Briggs Village Design Guidelines (August 2013) provided in "bill format" (Strikethrough deletions and underlined additions); and Briggs Village Design Guidelines Volume 2 (11" X 18") drawings and narrative. Final Board Direction from the August 29 meeting on the amendments is to be incorporated by the applicant's architect Ron Thomas in conjunction with the City's consultant Bob Bengford and reviewed and confirmed by City Staff.

PROJECT RECOMMENDATION: Move that the Design Review Board reconfirms Master Plan Approval as further amended tonight complies with each of the applicable Design Guidelines in OMC 18.05A and contingent upon approval of the Land Use, Heights and Areas by the Hearing Examiner recommends approval to the City Council of the proposed amendments to the Design Guidelines.

VOTE Moved by: Findlay Seconded by: Hoppe

Approved / Disapproved: Ayes: 8 Nays: 0 Abstain: 0

Additional Notes: The Design Review Board further recommends that the Council consider a future work program that would incorporate many of the Briggs Village amended design guidelines into the City of Olympia's Design Guidelines OMC 18.100 - 170.

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
 Joe Mastronardi
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 Calabasas, CA 91301

Representatives: Jean Carr, Principal, Heather Burgess, Attorney
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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 - YMCA (Existing) - Child Care (required) - Community Clubhouse	(Not to be included in commercial counts) 18.50.050(A)(4) 18.50.050(F)(4) (@607/R) Meeting Area	(51,300 sq. ft.)	(55,200 sq. ft.)	+3,900 Sq. Ft.
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 2nd and 3rd 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 Briggs 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 Calliccoat, 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

EXHIBIT D

AMENDED

**BRIGGS VILLAGE
MASTER PLAN DEVELOPMENT**

March, 2014

**BRIGGS VILLAGE MASTER PLAN
Volume I**

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Briggs Village Land Use Plan	Map 2
Central Kettle Planting Plan	Map 3

Referenced Documents

Volume II:	Briggs Village Design Guidelines	February 2013
Volume III:	Briggs Village Master Plan Final Environmental Impact Statement	May 2003

BRIGGS VILLAGE MASTER PLAN

A. Village Layout: Land Uses

The Mixed Use District and Town Square

The primary activity center of Briggs Village is the Mixed Use District and the village green, known as Town Square. The Mixed Use District is envisioned as a blend of retail, office, and housing in buildings ranging from one-to-three stories surrounding Town Square. Town Square is within one-quarter mile walking distance of over 90% of village residents and the village trails, sidewalks, and breezeways offer multiple routes to the Town Square from the neighborhoods, transit stops, and parking areas.

The Mixed Use District is planned to provide between a minimum of 94,985 to a maximum of 175,000 square feet of commercial office, retail, and grocery; community uses up to 56,000 square feet; and housing with required parking, including:

- A grocery of approximately 30,000 and up to 35,000 square feet
- A minimum of 33,700 and up to 60,750 square feet of commercial/retail space
- A minimum of 5,000 and up to 162,000 square feet of commercial/offices¹
- A minimum of 94,985 and up to 175,000 maximum square feet of combined grocer, retail, and office space.

The amount and distribution of uses within the Mixed Use District buildings seek to meet several objectives:

- To create an appropriate scale of development surrounding Town Square initially and allow for expansion in the future.
- To concentrate retail uses around Town Square and create a lively shopping environment in order to ensure the viability of those uses.
- To maximize the amount of housing in the district, in order to ensure that Town Square is busy day- and evening-long, and to help meet the minimum village density requirement.

The southern, western and northern edges of Town Square are intended for a high level of commercial activity. The Pavilion is intended to be the heart of a more active area of Town Square. The eastern edge with the Clock Tower is envisioned as a gathering place. Within the Mixed Use District, initially the buildings will primarily be a stand-alone use (commercial, residential, grocer). As future market conditions allow, additional mixed use commercial and residential development can be added. The initial mixed use buildings will be side by side within Town Center. Residential uses will be located in all-residential buildings at the outer edge of the town Center and 10 units over commercial buildings. Commercial buildings shall be encouraged to imply multiple floor levels in order to frame and enclose Town Square. All commercial buildings may be two to three stories or one story with a minimum 24-foot exterior façade with 30-foot on building corners and at least 18-foot interior space).

¹ The amendment allows flexible placement of the commercial retail and office space, provided that each use is within the minimum and maximum thresholds.

The primary orientation of the buildings within the Mixed Use District is towards the Town Square, with additional access to the buildings from the parking areas. The streets within this district are designed to create an attractive and comfortable shopping and social environment, with wider sidewalks, street trees, awnings, and storefronts with display windows. Each block facing Town Square shall have a 30-foot corner building tower feature. (See Volume 2, Briggs Village Design Guidelines.)

Parking for the residents, tenants and customers of the district is initially provided both on-street and in off-street parking lots and structured parking as future commercial and residential is added. Loading and service areas are planned to occur at the rear or sides of the building. In the case of the largest service needs, the grocer, the loading area will be screened from the adjacent boulevard by buildings and landscaping. Access to and from the loading area is from Briggs Drive, rather than the radial shopping street that leads to the Town Square.

Town Square

Town Square comprises over 1-acre of open space. The proposed square is roughly 175 feet wide plus 60-foot wide street private rights-of-way, including on-street parallel and perpendicular parking surrounding the square, and 12'-20' sidewalks. (Public access is assured through easement.) The pentagonal shape of Town Square allows exacting symmetry within the village, as well as radial streets that extend from the corners of the square through the neighborhoods to the greenbelt and trail system. The symmetry of the village plan is appropriate to a site with such irregular and varying terrain and invites access from the residential villages north, west, and east.

The landscaping of Town Square shall be consistent with the vision for the two activity zones; a park-like setting will be created in the eastern end of Town Square (including a clock tower located at the entrance to the square from Henderson Boulevard) within the “quiet” zone and a more urban plaza will be created in the “active” zone and features the pavilion at its center. The active/market zone is envisioned to have urban type amenities. The Town Square features will be able to accommodate outdoor public gatherings such as weekend markets, spilling across the street from the grocer area and serve to draw pedestrians into the square. (See Volume 2, Briggs Village Design Guidelines.) Buildings bordering the east edge of Town Square shall be carefully oriented to the sun, plaza amenities and pedestrian movement throughout the retail area.

Gateways

Briggs Village provides many opportunities for focal points and special buildings in several ways. The street layout includes streets that terminate at open spaces or community facilities, such as the radial streets that end at the community building in the North Residential Phase or the greenbelts in the West Residential Phase. The radial streets also offer potential for creating interesting corner features on the buildings surrounding Town Square buildings, as they terminate views across the square.

Curvilinear roadways and entryways, such as Briggs Drive, create unfolding views and gateways through strong street edges, created by building placement and scale. Gateways are also made by breaking the rhythm of buildings along a street, such as the break in townhomes and Town Square housing along the Briggs Drive that forms the entry to the City Park from Town Square. Similarly, opportunities to create gateways within open spaces shall be considered in the detailed design of those areas.

Prominent Buildings and Focal Points

Briggs Village has a head start in creating prominent civic buildings with the YMCA located on the key intersection within the South Olympia area, at Yelm Highway and Henderson Boulevard. A signature clock tower is also planned to be located at the entryway to Town Square from Henderson Boulevard. The tower should be tall enough to stand apart from the other buildings around Town Square, consistent with City height restrictions, and to serve as a wayfinding element with the village.

Focal points will be created through careful placement of amenities, landscaping or buildings throughout the village. Planned focal points include the Town Square clock tower and pavilion features, viewpoints or viewing platforms and trailheads, and the daycare building. Building treatment may not need to be extraordinary (i.e., including special features like towers) if placement is carefully planned, and especially if the structure is intended to blend with the surrounding landscape or neighborhood. Examples include the greenbelt trailheads and viewing platforms that may be simple wayfinding structures. (Please see Briggs Village Design Guidelines.)

Natural features, such as specimen trees, may also serve as focal points and important landmarks within the village and open space areas. Efforts shall be made to protect landmark or specimen trees. Detailed tree protection plans will be prepared by a qualified professional forester as each phase of the development is submitted for review and permitting.

The Housing Neighborhoods

Four housing neighborhoods surround the Mixed Use District to the north, west and east. Each neighborhood is planned to provide a mix of housing types, including single-family detached homes, townhomes, duplexes and apartments. The densest housing is located on Briggs Drive and Henderson Boulevard closest to the village center. Density transitions to townhouse and duplex attached units along key local arterials and entryways. The single-family detached units are located at the perimeter of the village. The four neighborhoods provide nearly 500 housing units plus the senior living units and the Mixed Use District residential units. The total housing program is shown in Table 1 on the following page.

Table 1
Briggs Village Housing Program
(Table 1 is attached as Exhibit G to implementing Ordinance.)

RESIDENTIAL	Requirement OMC 18.05	Minimum		Maximum
I. Total Residential – Units - All types	90% of all residential within ¼ mile of village	810		810*
Single & Multifamily	18.05.050(E) Table 5.03A	401		401*
A. Single-family (50% to 75%)	18.05.050(E)(1)(a) Table 5.03A	233	58.1%	233
1. Detached	Min. 5%	135	33.6%	135
2. Townhome	18.05.050(E)(2) Table 5.03B	88	21.9%	88
3. Single-family over Commercial		10	N/A	10*
B. Multifamily (25% to 50%)	18.05.050(E)(1)(b) Table 5.03A	168	41.9%	168
4. Duplex	18.05.050(E)(2)	24	5.6%	24
5. Apartments	Min 5% Table 5.03B	144	35.9%	144
C. Other	18.05.050(E)(1)(c)	409		409*
5. Apartments next to town square		137		137*
6. Senior Living		200		200
7. Condominium		72		72*
* Additional residential above commercial, next to town square mixed use buildings, are required if commercial use increases above minimum of 94, 985 Sq. Ft. OMC 18.05.050(C)(2).				

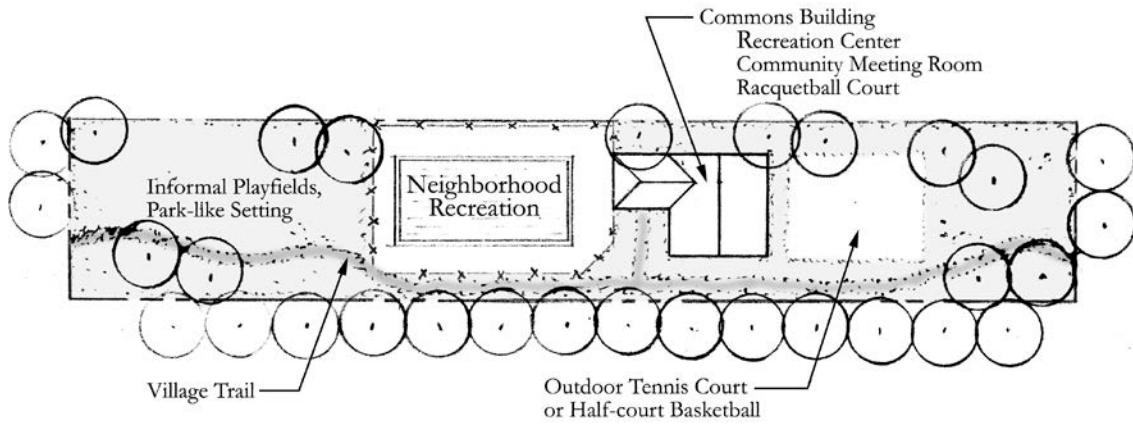
The housing program meets the various City density requirements and requisite mix of housing types. Neighborhoods have been carefully planned to create cohesive streetscapes, with similar housing types and building profiles facing common streets. Transitions in housing types are optimally achieved at alleyways or across open spaces, wherever possible.

A range of products and building styles is encouraged for each housing type, as described in the Briggs Village Design Guidelines. The widest range of housing styles is allowed in the single-family detached units, while a more closely neo-classical style is described for townhome, duplex, and apartment units.

Briggs Village and the City entered into an agreement setting the residential density at 810 units. See the Concomitant Agreement recorded at Thurston County, Auditor’s File No. 3324016 on November 21, 2000.

“Commons” Areas

Each of the four neighborhoods are planned to include one or more “commons,” recreational areas aimed at serving the families of each neighborhood. Opportunities for the commons could provide for a variety of potential activities such as racquetball, basketball, outdoor tennis and field games as depicted in the following graphic.



Village Layout: Open Space

Amount and Type of Open Space

The Briggs Village provides an enormous amount of open space for the use of its residents and the greater Olympia community. Open spaces comprise over 40% of the total site area of the village, and include a variety of types and activities, such as the public, city-owned neighborhood park, the Foundation-owned and operated Arboretum, the neighborhood association's parks and Town Square areas, and the general open space surrounding the kettles.

A greenbelt is created that links the six kettles and ensures that that all residents are within 400-500 feet of significant open space. Naturally, a system of trails is planned within the greenbelt that will allow a 3-1/3 mile walk or run around the village, avoiding sidewalks and conflicts with vehicle traffic wherever possible. This trail system includes loops around the environmentally enhanced Central Kettle and allows for off-site connections, such as the linkage to South Street. The trails include both pedestrian only and combined pedestrian and bike paths. Other bike facilities, such as bike lanes within the Henderson Boulevard and Briggs Boulevard rights-of-way, are also provided.

Overlooks, interpretive centers, and community facilities such as the daycare, provide focal points within the greenbelt and can be reached from Town Square through a combination of sidewalks and trails. These structures are intended to provide a visual and physical connection between the center of the village and the open space.

Public access to Ward Lake is provided by way of a public overlook/viewpoint located near the Northeast Kettle. Views of Ward Lake are also offered from the extensive trail system within the Arboretum that extends along the lake's edge. Physical public access (i.e., touching the lake, swimming docks, etc.) is not proposed for several reasons, including the need to protect adjacent property owners' (i.e., outside the village) privacy and to reduce potential liabilities along this steep edge of the lake. A possible overlook design is illustrated below.



Briggs Village Landscape Design – Mixed Use District

Creating a distinctive landscape throughout the village is a key intent of the Briggs Family, as long-standing nurserymen and members of the community. The landscaping is intended to reflect the heritage of the site as a nursery, as relates to the types and variety of plant materials used throughout the village. The open space plans and landscape guidelines are designed to:

- Highlight the village trail system through coordinated plantings, lighting, and furniture, and thereby provide continuity and connection between the neighborhoods and Town Square.
- Build on Olympia’s “Olmstead” tradition, in the design and planting of the greenbelt area, as well as incorporate the wetland enhancement plan.
- Allow the identities of the neighborhood and Town Square to emerge through differing street trees, lighting fixtures, and paving.

Guidelines for the landscape are included in the Design Guidelines, volume 2. This document provides landscape direction for areas within street rights-of-way, including street trees, lighting and paving, as well as for communal open spaces, such as Town Square as well as landscaping and screening of parking areas and plantings occurring outside of street rights-of-way.

The landscaping of the Mixed Use District is distinguished in several ways from landscaping in the neighborhood areas and village greenbelt and trail system that surrounds Town Square. The streetscapes in the Town Square are envisioned to be more urban in character than those in the housing neighborhoods by:

- Incorporating special paving and lighting fixtures/standards and furniture.
- Designing a pedestrian and traffic environment that incorporates bollards and street trees in tree wells.
- Encouraging more uniform plantings as a backdrop to the buildings.

Planting is encouraged at building entries, pedestrian corridors and courtyards, and upper floor balconies and terraces in an effort to create inviting and comfortable outdoor spaces for meeting, eating, and shopping.

Briggs Village Landscape Design – Screening

Parking courts are used wherever possible within the village in an effort to screen parking from the street with buildings. Additionally, future structured or underground parking is envisioned when conditions allow for additional commercial and residential mixed use buildings around the Town Square. The parking that will require screening is located along Henderson Boulevard; the most significant parking area serves the grocer.

Careful screening and landscaping of the parking for the grocer is needed in order to both minimize the negative aesthetic effects of parking lots from streets (i.e., views of cars, asphalt, glare from lighting), and to allow visibility of the parking area to assure shoppers of parking convenience. Screening of parking lots will be accomplished primarily through the use of low, evergreen hedges. Plant selection and placement will be designed to maintain vehicle sight lines and avoid conflicts or damage from cars. In addition, low walls may be used as a backdrop for planting, signage or low-height lighting.

Screening of service areas, where not contained within a parking structure, will meet the City's UDC landscaping code, by providing solid screening such as fences and evergreen plant materials.

Briggs Village Landscape Design – Existing Trees

Briggs Village is committed to maintaining a healthy “urban forest,” comprised of existing trees as well as the significant new planting that will occur as part of the street tree plan, the greenbelt and other, communal landscaped open space.

The Tree Plan and the Street Tree Plan are included in the Master Plan and Design Guidelines and provide direction regarding the type and location of trees to be preserved as well as planted within the village.

Existing mature trees are largely isolated in areas along Ward Lake and around the kettles. Additionally, a stand of conifers exists along the ridge between the South and Central Kettles. The Tree Plan includes an inventory of existing trees and identifies those areas where existing tree retention is unlikely, due to development constraints and desire for view corridors as major neighborhood and open space amenities. Unique specimens are also identified in the Tree Plan and will be retained, where possible. Briggs will maintain the forested edge along the South Kettle and many other tree stands throughout the village, as possible.

Permanent and temporary construction impacts to existing trees will be minimized through those treatments suggested in the City's Design Guidelines (e.g., minimal alteration, soil disturbance and compaction within driplines, trees wells and construction fences) and any treatments identified during the SEPA mitigation process.

Canopy Trees

Canopy trees will be sited per the landscaping code, every 9 stalls on surface parking lots.

Any future parking structures will incorporate planters for shrubs and groundcovers on the upper level.

Village Layout: Circulation

Street Network

A network of streets has been created to provide multiple connections between the village's neighborhoods, Town Square and open spaces, such as the City Park. The network is based on a hierarchy of streets, including local access streets, commercial collector roadways, and a central roadway, configured in a modified grid system. Local access streets connect to radial arterials that originate from both the Town Square and the internal, Briggs Drive. The Briggs Drive is a key arterial within the village. Its entryways to Henderson Boulevard and Yelm Highway are carefully located to meet the City's block length and spacing requirements and the topographic constraints of the site. Briggs Drive is an organizing element within the village, defining the Mixed Use District, and providing access between neighborhoods. Challenges facing the design of the Briggs Drive focus on preventing it from becoming too wide, and becoming "pedestrian unfriendly" and a barrier to cross-village movement, in order to accommodate the many functions that could occur along this roadway. Please see the Streetscape Design section of the Briggs Village Design Guidelines.

The street grid is modified to adapt to the very irregular terrain and unique natural features of the site, including several large kettles. The street layout has been designed to create geometric blocks, and to provide alley access to housing wherever possible. Blocks range from 300 feet to 550 feet long. One exception is a local arterial located along the southwest edge of the village; the western edge of this street is roughly 800' in length since no connecting streets are desired for this phase of the project. (See Connections with Neighborhood, below.)

The street network is comprised of both curvilinear and straight roadways. Curvilinear roads have been incorporated wherever possible, to provide gracious movement and changing views through the village. Expanses of housing along these roads are often interrupted to provide mid-block alley access, trail access, and views or physical access to open space such as the City Park, in the case of the townhomes along Briggs Drive.

Streets throughout the village are designed to either connect with other, off-site arterials, or to terminate at community open spaces or buildings wherever possible. For example, the arterials radiating from the corners of Town Square terminate in views of the open space system. The potential to building community facilities at these endpoints is somewhat limited by the steep topography or environmental sensitivity of the kettles.

Off-site Access

Access to the Briggs Village will be provided from Yelm Highway, an east-west major arterial along the project's south frontage, and Henderson Boulevard, a north-south arterial that divides the project. Three site entries are proposed along the Yelm Highway corridor; a residential street connection located near the existing access to The Farm residential community; a major access for Briggs Drive situated just west of the YMCA complex; and a driveway connection to the proposed senior housing facility located east of Henderson Boulevard. Channelization improvements will be installed along Yelm Highway to accommodate the ingress and egress movements at each intersection. Signalization is proposed for the Briggs Drive access and would be installed when development activity reaches specific traffic volume thresholds.

Access from Henderson Boulevard is proposed at several locations with two entries to the commercial area, access to Briggs Drive, and two entries to the North Residential Phase neighborhood. Traffic signals are planned for the commercial entry to the proposed grocery store and the Briggs Drive intersection. Henderson Boulevard will be widened and improved to a

boulevard street section with a wide median, left-turn channelization, bike lanes and the other street amenities required by the City of Olympia standards.

The street improvements along Henderson Boulevard will be provided as development activity occurs along the specific portions of the roadway. As shown on the proposed phasing plan for the Briggs Village, the residential zone will be completed first, and the commercial areas completed in subsequent phases. For each development phase, portions of Henderson Boulevard will be improved to accommodate the projected level of traffic for that phase. It is anticipated that the main expansion of Henderson Boulevard will not begin until the Town Square is developed, the Village Center Phase of the development proposal.

The City will secure written consent from the YMCA for Briggs Village to construct secondary access to the YMCA parking lot to the Briggs Town Center north-south private street (Maple Lane). Briggs Village will construct the secondary access after written consent is obtained. Second, Briggs Village will reconstruct the existing 90-degree turn along Maple Lane to a three-way intersection.

Improvements to the Yelm Highway corridor along the site frontage have been constructed by the City of Tumwater. The improvements include widening the roadway to a 4/5-lane facility with bike lanes and sidewalks from Cleveland Avenue to Henderson Boulevard. The County has realigned and widened Yelm Highway between Henderson Boulevard and Rich Road.

Connections with Neighborhood

Providing connections with the surrounding neighborhood is a basic tenet of the City's transportation policies as well as village center guidelines. Located at the key crossroads in South Olympia, the Briggs Village connections include the multiple entryways to the village from Yelm Highway and Henderson Boulevards.

Linkages with adjacent neighborhoods to the north include a proposed vehicular connection to South Street and reservation of right of way for potential, future roadway extension to the north. Vehicular linkages to the west, from the West Residential Phase housing area are limited by:

- Topography and environmental constraints, such as wetlands.
- City of Tumwater concerns regarding limited rights-of-way along Delta Lane.
- Existing residential development.

A pedestrian and bicycle path connection to Delta Lane, however, will be incorporated into the design of the West Commons, located along the western edge of Briggs Village.

Pedestrian Friendly Streets and Transit Facilities

Streets throughout the village housing areas are designed to be pedestrian friendly, with on-street parking, ample 8' wide planting strips, and sidewalks. Alleys are planned wherever possible in order to minimize the numbers of curbcuts along streets. (As described earlier, property edge conditions or steep topography require some lots to have street access rather than alley access.)

Briggs Village provides many opportunities for transit improvements to serve the residents and tenants of the village. The site is currently served by Intercity Transit, with bus stops on Henderson Boulevard. Potential future transit facilities include additional bus stops and/or stations along Henderson Boulevard as well as along the internal Briggs Drive Transit facilities will be planned and

designed in coordination with Intercity Transit. Current bus stop requirements can be easily accommodated and include a shelter and pad within the planting strip for disabled access. Buses currently stop in-lane, rather than pullout, which can also be accommodated within the planned widening of Henderson Boulevard as well as the internal Briggs Drive.

Pedestrian access from bus stops or parking lots to building entrances will be provided with a safe and lighted walkway where street-side sidewalks are not available. These walkways are planned to have a passable width of at least 5 feet.

The 3-1/3 mile trail network that runs throughout the village's open spaces touches the street and sidewalks at several places, allowing resident and visitor access to the parks. The radial streets, in particular, extend from the Town Square to the trail network, and are envisioned to be marked with prominent artwork, signage, tree specimens or other focal point.

Town Square Streets

The 12-20' sidewalks surrounding Town Square offer ample opportunity for a variety of seating. Building Design Guidelines provide direction regarding the types, placement and materials to be used in providing shelter, that is, awnings, around Town Square. Briggs Village Landscape Design Guidelines give direction in the selection of street furniture, lighting and landscaping throughout the village. Bike racks are encouraged and placement is described in the Landscape Design Guidelines.

A range of special paving treatments and materials is envisioned for the design of Town Square streets; please see the Streetscape Design section of the Design Guidelines for more details. The Briggs Village Street Tree Plan offers a range of special tree types for Town Square.

B. Design Character of the Village

A primary goal for the design character of the Briggs Village is to reflect the strong, traditional family values and design sensibilities of the Briggs Family. The village is a testimony of the Family's long-standing sense of community, as well as their commitment to family and health. The YMCA is a first step towards realizing the vision for the village and serves as an example of the design style that will thread its way throughout the village.

The Design Guidelines illustrate a range of design possibilities that are based on pre-modern, neo-classical or neo-colonial styles. These styles are meant to convey a sense of tradition and permanence within the village. These styles will likely adapt well to the City of Olympia's goals for pedestrian friendly streets, with the emphasis on strong entry features and porches. The elements of these neo-classical and colonial revival styles that will be reflected in the different building types throughout the village include:

- A clear distinction and precise proportioning of the three building parts (the base, middle and top).
- The use of medium pitch gable forms and pediments to create prominent entryways, porches and balconies.
- A strong sense of symmetry in the placement of doors and windows, that corresponds to the columns and bays.
- Vertically proportioned windows and doors.

Several variations on the classical style have been expressed in American architecture. The resultant community character is unique to Olympia as relates to new housing communities, but reminiscent of older parts of the City, such as the South Capitol neighborhood.

The adaptation of these styles to the different building types in the village will likely vary, with the most adherence to the style, the most formal buildings, occurring in the densest parts of the village, in Town Square and multi-family projects. The style will "loosen" up in the predominantly single-family neighborhoods, in order to:

- Adapt to smaller sites and challenging topography.
- Appeal to a broader range of home buying preferences.
- Allow for diversity within the well-ordered plan and blend with nearby housing.

C. Tree Plan

The Briggs Village Tree Plan is intended to meet the City of Olympia Tree Ordinance and Urban Forestry Manual Requirements for a Level V Tree Plan. The three main elements of a tree plan, as identified in the ordinance, are:

- Tree Survey
- Tree Protection Plan
- Tree Planting Plan

Briggs Master Plan Approach & Methodology

The phased nature of the Briggs Village may warrant a modified approach to meeting the requirements of the tree ordinance. This proposed Briggs Tree Plan intends to show how the overall intent of the tree ordinance is satisfied at a Master Plan scale and level of detail, particularly the 30 tree unit per acre density requirement. The detailed planting plans (showing critical root zones), cost estimates, and detailed site prep, installation and maintenance plans are more appropriately submitted at the time of preliminary plat for each phase of the project.

Tree Survey

The Briggs tree inventory was completed by nurserymen from the Briggs Nursery, the landscape architect, and project planner. The inventory was completed in February and March of 1997 through field surveys, using the methods described in the tree ordinance.

Tree Protection Plan

General locations of tree removal are described below, as relates to the five major areas of tree cover. Specific groves or individual trees will be identified at the preliminary plat of each development phase. Potential tree protection and maintenance measures will be applied as described in Urban Forestry Manual at the time of preliminary plat.

Arboretum:	Tree removal shall be limited to creation of view corridors for the village and arboretum facility, and as needed to maintain health of trees and safety of residents. Limbing trees and maintaining cover, rather than tree removal, is the preferred method for protecting both views and the necessary canopy. The Arboretum Foundation will present a landscaping and tree plan as part of the Arboretum's overall development for review and approval. When approved, the Arboretum Plan will become part of the overall Briggs Village Master Plan. The Arboretum Plan is expected to be developed in connection with the East Residential Phase.
Northeast Kettle:	Tree removal shall be limited as needed to maintain the health of existing trees and the safety of residents and for use as a stormwater facility.
North Kettle:	Tree removal shall be limited as needed to maintain the health of existing trees and the safety of residents and for use as a stormwater facility.

- Central Kettle: Tree removal not needed, “snags” shall be left in Central Kettle as part of wetland enhancement plan to restore habitat functions.
- South Kettle: Tree removal shall be limited to that needed to create a limited number of buildable lots on the west edge of the kettle and for use as a stormwater facility.

Briggs Tree Planting Plan

Briggs Village easily meets the required tree densities through the protection of the existing tree cover and the significant planting of the upland forest surrounding the Central Kettle (as part of the wetland enhancement plan).

Opportunities for new tree plantings are described below. The amount, type, and placement of trees will be determined during future stages of development as part of the preliminary plat process, where street and lot layout is confirmed and refined. Site prep, installation and maintenance measures, timelines and cost estimates will be determined during preliminary plat for each development phase. (Please see the Design Guidelines for descriptions of appropriate street tree types.)

North Residential Phase Neighborhood

Opportunities for tree planting in the North Residential Phase include:

- Street trees
- The area adjacent to the North Kettle
- The greenbelt along Henderson Boulevard, and
- North commons area.

West Residential Phase Neighborhood and Central Kettle

Opportunities for tree planting in the West Residential Phase include:

- Street trees
- The significant upland forest planting described in the Central Kettle wetland mitigation plan.
- Planting designed by the City in developing the Neighborhood Park.
- The area adjacent to the South Kettle
- The West commons area.

Central Residential Phase: Multi-family Housing Development

In addition to street trees in the Central Residential Phase, the commons area within the multi-family development should offer limited opportunities for tree plantings, given the need to provide some recreational facilities within the project. Tree planting along the alleyway and the pedestrian connection to the Northwest Kettle, shall be considered during the site planning for this development.

Village Center Phase: Mixed Use District

Tree plantings within the Mixed Use District shall include street trees, on-grade parking areas, and Town Square. Town Square shall be planted as generally described in the Master Plan and the landscape section of the Design Guidelines, that is, to create an east quadrant that is leafy and park-like, and a west quadrant that is plaza-like, likely with tree plantings limited to tree grates/wells or islands.

East Residential Phase: Ward Lake Housing Neighborhood and Arboretum

Opportunities for planting the areas to the east of Henderson Boulevard include:

- The Arboretum
- East common areas, and
- The grounds of the senior housing development.



EXHIBIT E

Briggs Village

Design Guidelines

Volume 2 | Amended February 2013
August 29, 2013 DRB Revisions
October 22, 2013 Revisions

Briggs Village Revised Design Guidelines

On January 28, 2014, the City Council approved revisions to the Briggs Village Design Guidelines. In order to provide an easily referenced document, the revised portions of the guidelines were combined with the original guidelines. The following list identifies the revised pages and original pages for the reader's reference. The revisions create two sets of pages 27-32. The revised pages 27-32 address the mixed use building design guidelines, while the original pages 27-32 cover multi-family building design guidelines. **The designs on the following pages are for illustrative purposes only. In the event that these illustrations conflict with the Master Plan Amendment, the amendment text governs.**

Revised Pages:

Cover page

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Pages 1-7 (Design Guidelines)

Pages 8-32 (Mixed Use Building Design Guidelines)

Pages 39, 42, 59, 77, 79, 80, 92, 93, 102, 106

November 2003 Guidelines (not revised):

Pages 27-40 (multi-family building design guidelines)

Page 39 revised

Pages 41-44 (duplex building design guidelines)

Page 42 revised

Page 45 –54 (townhome building design guidelines)

Page 55 – 64 (single family building design guidelines)

Page 59 revised

Page 65-107 (landscape design guidelines)

Pages 77, 79, 80, 92, 93, 102, and 106 revised

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Building Design Guidelines

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Multi-Family Apartments
Multi-Family Duplexes
Single Family Townhomes
Single Family Detached Homes

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Master Landscape Concept
Landscape Design Tools
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Streetscapes
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Briggs Village Illustrative Plan



BRIGGS VILLAGE DESIGN INTENT

Design Character

The Briggs Village Design Guidelines illustrate a range of design possibilities that is based on, neo-traditional craftsman and colonial revival styles. These guidelines are meant to convey a sense of tradition and permanence within the village. These guidelines are purposefully intended to coincide with the City of Olympia's goals for pedestrian friendly streets with the emphasis on strong entry features and pedestrian-scale porches. The elements of these neo-traditional craftsman and colonial revival styles that will be reflected in the different building types throughout the village include:

- A clear distinction and precise proportioning of the three building parts (the base, middle and top).
- Encourage the use of medium pitch gable forms and pediments to create prominent entryways, porches and balconies.
- Emphasize symmetry in the placement of doors and windows that correspond to implied columns and bays of historically smaller spans and scale.
- Vertical emphasis to window and door proportions.

Several variations on the guidelines are anticipated to be expressed in the new architecture. The resultant community character will become unique to Olympia as it relates to new housing communities, but reminiscent of older parts of the City, such as the South Capitol neighborhood.

The adaptation of these guidelines to the different building types in the village will likely vary, with the most variety and interpretation found in the retail buildings, occurring in the densest parts of the village; in Town Square. The guidelines are flexible in order to:

- Adapt to smaller sites and challenging topography.
- Appeal to a broader range of owner preferences.
- Allow for diversity within the well-ordered land-use plan and blend with nearby building context.

The Design Challenge

- Respond to the Briggs Family design sensibilities, values and personality.
- Be unique in Olympia without being too foreign; be recognizable without being too “thematic.”
- Adapt to a wide range of building types and lot sizes, as well as the undulating site.
- Create a sense of order and compatibility between a variety of building types and streetscapes, but also offer opportunities for delight, surprise and a sense of unique place.
- Appeal to a wide range of prospective home, retail and office owners and tenants.
- Translate to guidelines that are clear and understandable as well as flexible; leaving room for future design inventiveness.
- Be buildable and viable within the Olympia marketplace.
- Meet City of Olympia design requirements for pedestrian friendly streets.

Use of the Guidelines

These guidelines supplement the City of Olympia's Design Guidelines for villages and centers. The Briggs Village guidelines illustrate how the City's guidelines are adapted to the building styles, open spaces and streetscapes of the village. The Design Guidelines for the Briggs Urban Village are to be used in concert with the regulatory requirements of Olympia City Code, Chapter 18.05A.

The City's design code speaks in terms of requirements and guidelines. The requirements must be met by any applicant; the guidelines identify alternatives which show how a particular requirement can be achieved. The guidelines for the Briggs Village are written in suggestive language – “should”, “could”, or “may”, to indicate that the guidelines are suggestive choices rather than prescriptive of a specific design.

The Design Guidelines also include examples to illustrate that the architectural intent may be achieved through a variety of final designs. The purpose of the Design Guidelines is to encourage creativity and variety within the desired design objective here described. The suggested language, however, does not imply that the requirement is to be avoided when the terms “should”, “could”, “may” or similar terms are used. The guidelines are intended to require the architectural design to meet the requirement either as shown in the illustrations or through a substantive equivalent.

The guidelines were developed from a design process that:

- Began by creating prototypical unit plans and layouts for each of the building types.
- Tested the adequacy of building lot size and dimensions for the unit plans.
- Extruded unit plans to form building elevations.
- Illustrated a variety of buildings, massing, heights, roof forms and facade delineation that suggested design intent for each building type, given the placement within the village.
- Presented possible streetscapes from the building elevations.

The resultant guidelines show the depth of planning and design through the perspective streetscape sketches, example building elevations and site plans.

The following designs are for illustrative purposes only. In the event that these illustrations conflict with the Master Plan Amendment, the amendment text governs.

Town Square: Entrance from Henderson



BUILDING DESIGN GUIDELINES: MIXED USE DISTRICT

Overall Intent of the Guidelines

The Mixed Use District comprises the center of the Briggs Village, with Town Square at its core. Town Square marks the intersection of several vehicular, pedestrian and visual axes. It is the focal point of the village and the center from which the energy and character of the village radiates.

The Mixed Use District and Town Square is intended to be an active, community hub that serves as a year-round, day and evening-long gathering place for village residents, shoppers and visitors. This gathering place is achieved through the careful balance between building form and exterior spaces, both open and covered.

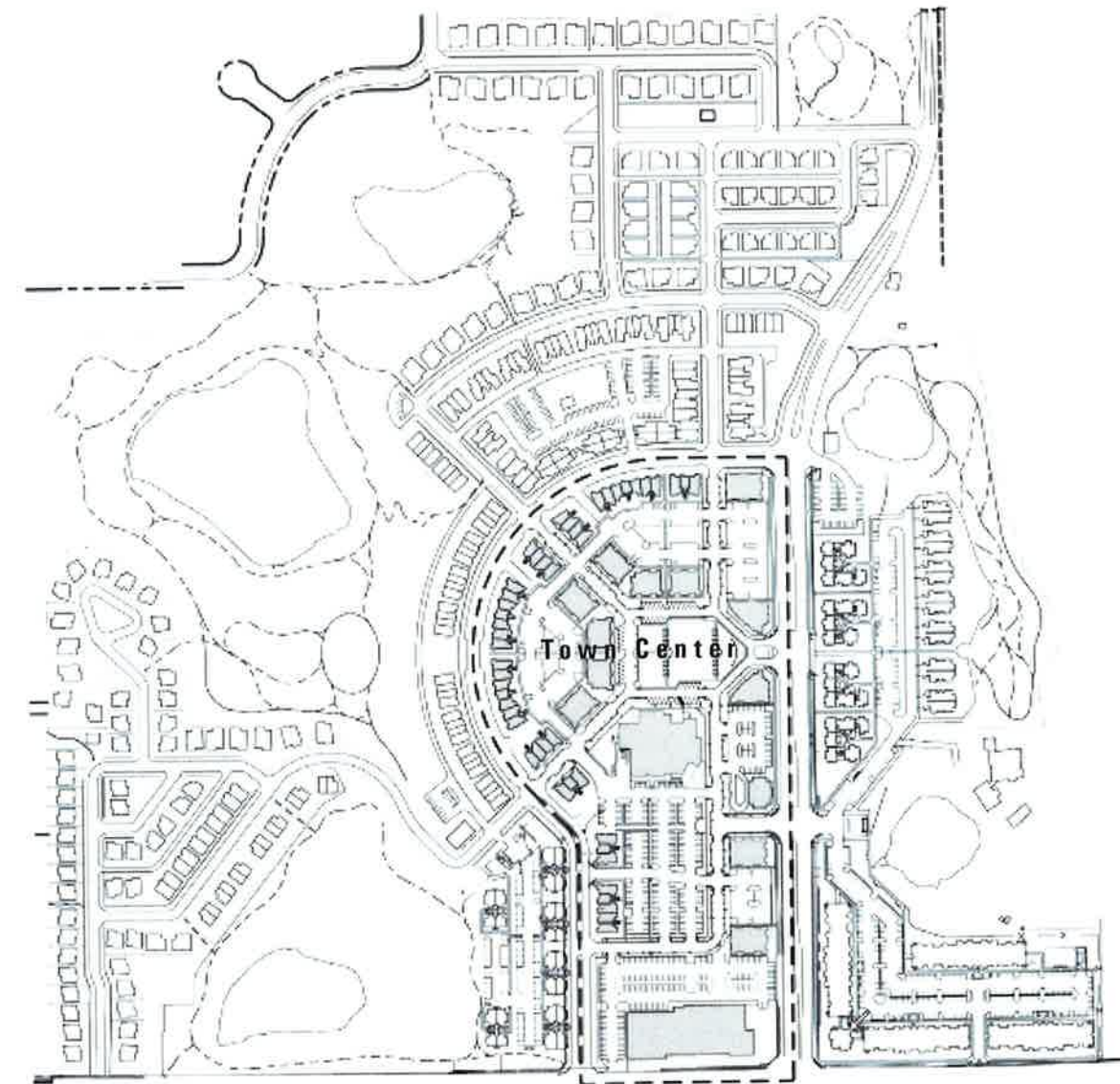
The design vision is to create a village center of **pedestrian scale buildings that both frames the Town Square and accommodates a variety of commercial tenants including retail, professional offices and services, and multifamily housing.** A Clock Tower and a Pavilion, each with associated arbors, anchors the Town Square while setting themselves apart from the surrounding commercial and residential buildings of the Mixed Use District.

The architectural character of **the Mixed Use District shall be pre-modern, neo-traditional craftsman and is intended to:**

- Express traditional or classic vernacular through building massing with emphasis of a base, middle and top.
- Allow and reflect a mix of uses within any one building, by developing a separate character for each through a modulated and varied horizontal tenant bay expression.
- Encourage a lively and varied retail experience by allowing for tenant individuality in elevation delineation and treatment as well as signage.
- Ensure a sense of continuity and permanence throughout Town Square through the use of durable building materials of higher quality and reduced maintenance.

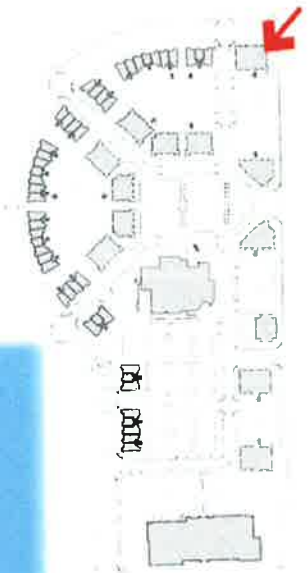
A local example of the type of retail, streetscape environment is University Village and older, neighborhood villages such as Fremont or Ballard in Seattle. What it is not intended to be is: as quiet as Sylvester Park, as mall-like as Redmond Town Square, or as overtly “thematic” as Leavenworth or Poulsbo.

The open space, Town Square, is envisioned to be a centerpiece of the village open space and incorporating a number of special features, such as a plaza, performance pavilion and clock tower. Town Square is zoned to accommodate both a quiet, park-like atmosphere and more active spaces that complement the commercial spaces that surround Town Square. The Mixed Use District and Town Square, specifically, will be a comfortable, family-oriented environment where one can enjoy a cup of coffee, visit with friends, or play checkers in the Square.



Mixed Use District

Town Square: Aerial from Henderson



Mixed Use District: Town Square Features

Intent of Guidelines: Massing, Height and Modulation

Identify a number of special building features that must be used to set the Town Square apart from the other buildings in the district.

There are two unique structures within Town Square: a Clock Tower at the eastern edge and a Pavilion at the western edge. The Clock Tower allows the visitor to identify the Town Square from numerous view points throughout The Village. The Pavilion provides shelter for performers, art displays, community activities or a resting spot for visitors. The Town Square provides a place for outdoor gatherings with the Pavilion providing shelter in inclement weather. The guidelines are illustrative of the architectural requirements that shall be met using the tools described below.

- Create a prominent, open structure and a clock tower that serves as a way finding marker for the village.
- Illustrate the visual or spatial relationships between the active, hardscape area of Town Square and structures to the quiet, landscape area, the Town Square streets and buildings, as well as the larger village.
- Ensure that the feature serves to activate Town Square by attracting shoppers, visitors and residents into and across Town Square from the YMCA, the grocer and adjacent housing areas, by way of placement, and design.
- Describe an overall level of building material and workmanship that sets this feature apart from the other buildings in order to create an activity place or node.

Massing, Height and Roof Forms

The Clock Tower feature will be located and massed to be a focal point from the Henderson Boulevard side of Town Square. The Pavilion feature will be located in the western side of the Town Square and should be subordinate to the surrounding commercial buildings.

Visibility across the Town Square open space and surrounding buildings should be provided, by using a design that is predominantly transparent.

Heights and roof forms should set these structures apart, yet complement those of the surrounding buildings.

Town Square Attributes

The Town Square feature should include special attributes, including:

- Towers or spires that are visible from the neighborhoods, up to 60 feet tall and integrated as part of a larger design; tower elements may include clocks, signage, weather vanes and lighting.
- Create a visual bridge or linkage of views across the square while allowing views into Town Square.
- Pavilions, Arbors, and awnings or coverings that provide pedestrian cover; particularly along the north-south axis across Town Square.

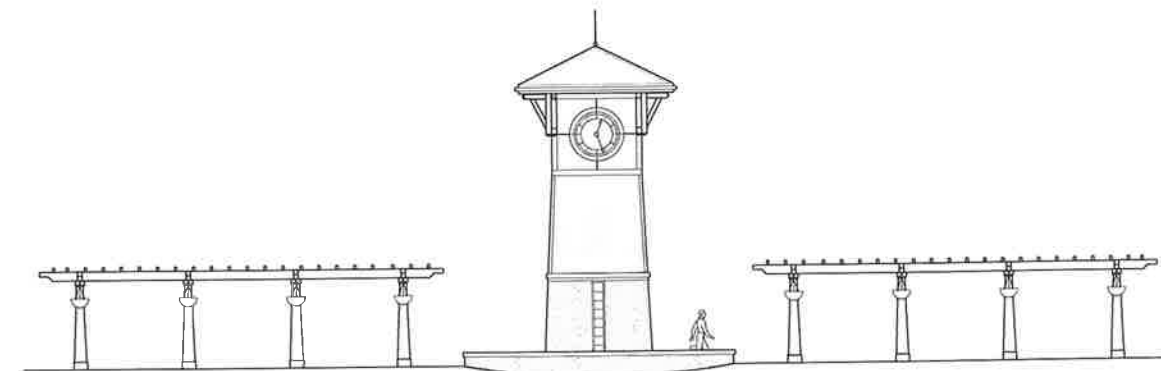
Building Materials

High quality durable materials are important throughout the Town Square in such a way that it features design which is evocative of enduring quality. Finishes shall remain consistent or cohesive on all sides of the buildings to create a sense of place and introduce a lasting village design vocabulary.

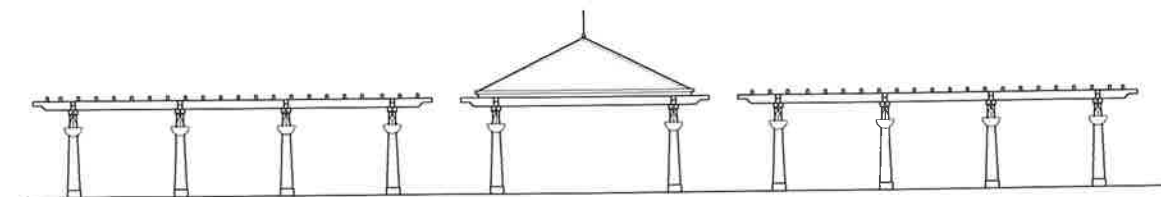
Site Planning

The Town Square features will serve as a focal point to the north-south street that extends from the YMCA, past the grocer, through Town Square and to the North Residential Phase neighborhood. The Clock Tower should be placed on axis with this street. The Pavilion should be placed on axis with the diagonal streets that align with the south and central kettles.

The outdoor spaces are carefully planned to integrate into Town Square and provide areas for outdoor activities. Landscaping should be urban in character, with high quality hardscape, materials, and simplicity to the plantings. The concept of extending Town Square through the features provides an open space that can be active and thrive year-round. These features are vital to the success of the Town Square.



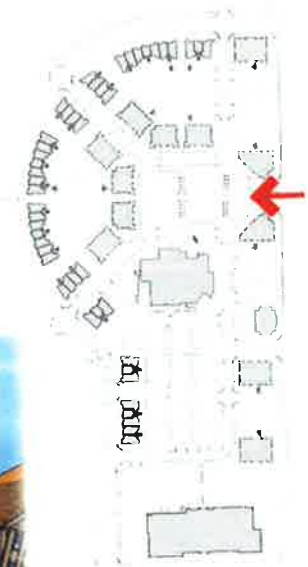
Clock Tower



Pavilion

Feature Options

Town Square, "View from Henderson Boulevard"



View North across Town Square



Mixed Use District: Commercial Buildings

Intent of Guidelines: Massing, Height and Modulation

The purpose of the Guidelines is to achieve massing, height, modulation and articulation goals. The guidelines are illustrative of the architectural requirements that shall be met using the tools described below.

- Ensure that buildings are appropriately scaled and proportioned for the enclosure of Town Square.
- Enable simple massing and articulation of the buildings, in order to both allow for future changes of tenants or uses and be feasible in the Olympia marketplace.
- Encourage creativity and liveliness to the streets at special areas, such as corners and passageways.
- Special corner elements, architectural details and landscaping will aid “wayfinding” for shoppers and residents through the village center.

Massing and Height

The design guidelines for commercial buildings envision a combination of one and multi-story buildings lining Town Square. The integration of some multi-story buildings along the perimeter of the square are envisioned to be phased in over time to help enclose/frame the square and add additional “eyes on the square”. If buildings are proposed that exceed 1 ½ stories (one story with mezzanine), each proposer will need to show how parking requirements are being met.



One story commercial buildings are allowed, but require a minimum facade height of 24'. Height shall be measured from the fronting street.



Through the use of clerestory windows, one story commercial buildings shall imply at least one and a half (1 1/2) stories in order to frame and enclose Town Square.

Heights of buildings along radial streets, as well as those facing Henderson Boulevard, are also encouraged to imply at least one and a half (1 1/2) stories, with a minimum facade height of 24'; height shall be measured from the fronting street.

All commercial buildings are required to have a minimum internal floor to ceiling height of 18'.

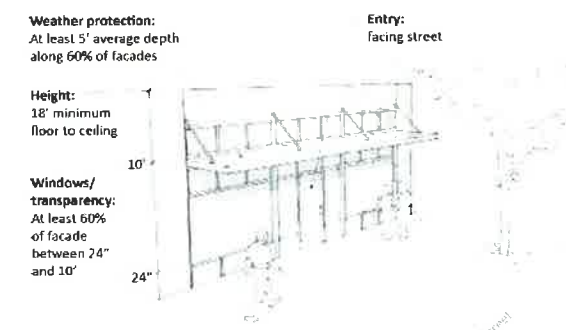
Building Frontages

There is a hierarchy of building frontages to the commercial buildings throughout the Mixed Use District. There is a need to identify guidelines for each type of building frontage to meet design goals while accommodating the necessary function of commercial buildings. Provisions herein address:

- Building/Business Entrances
- The level of facade transparency
- The amount of weather protection

Building Frontages Storefronts

This section includes all facades facing Town Square, Radial Streets, and other facades where a business' primary entry is located:



- Building/Business' primary entry must be located along this facade;
- Transparent windows or doors covering at least 60% of the facade between 24" and 10' above the sidewalk are required; and
- Weather protection averaging at least 5' deep (4' minimum) along at least 60% of the facade is required (see Commercial Facade Treatment - Weather Protection for awning types allowed). Weather protection elements shall provide at least 8' vertical clearance over the sidewalk but no higher than 14' to maintain the weather protection function and to maintain a pedestrian sense of scale.

Building Frontages: Henderson Boulevard and Secondary Street Frontages

This section includes all facades facing Henderson Boulevard and all other street facing facades that do not contain a business' primary entrance.

- Entrances along these facades are encouraged, particularly at building corners. For buildings adjacent to Henderson Boulevard, at least one public or business building entrance shall be visible from the street.
- Transparent windows or doors covering at least 40% of the facade between 24" and 10' above the sidewalk are required. Departures will be considered provided design treatments are included to enhance the pedestrian environment and design character of the facade: and

Mixed Use District: Commercial Buildings | Continued

- Weather protection elements along these frontages are encouraged and required for the following:
 - Where a business' primary entry faces this frontage, weather protection elements shall meet storefront standards noted above.
 - Office or other (non-service only) building entrances (4' deep minimum).

Building Frontages: Parking Lot and Internal Pedestrian Walkway Frontages

This section includes all parking facades facing parking lots and facades facing internal pedestrian walkways.

- Entrances along these facades are encouraged.
- Transparent windows or doors covering at least 20% of the facade between 3' and 8' above the sidewalk. Departures will be considered provided design treatments are included to enhance the pedestrian environment and design character of the facade: and
- Weather protection elements along these frontages are encouraged and required for the following:
 - Where a business' primary entry faces this frontage, weather protection elements shall meet storefront standards noted above.
 - For secondary business and other building tenant entrances, weather protection over the entry at least 4' deep is required.



Pedestrian corridor



Example of Pedestrian corridor



Roof Types

Variation in roof form is encouraged as it relates to and helps define building modulation around Town Square and other village streetscapes.

Roofline modulation is encouraged as an effective type of facade articulation. The maximum length of unmodulated roofline is 25'. Every 25' the parapet articulation must change and the height must change by a minimum of 24" OR the roof type must change (flat, mansard, gable, hip, etc.).

Continuous, unarticulated roof heights and/or roof types are not acceptable.

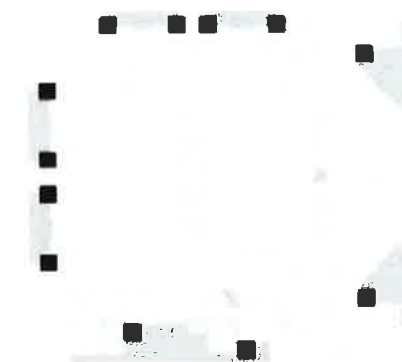


Special Corner Elements

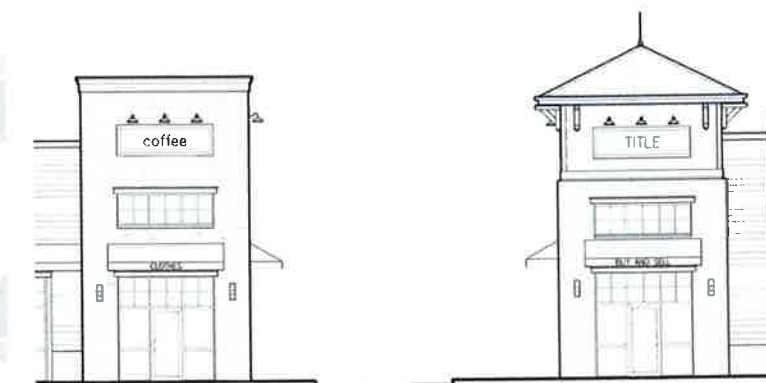
Attention should be given to differentiation of special corner elements, especially those on axis with and providing visual termination, create gateways and focal anchors to the streets surrounding Town Square.

Special corner elements may include hip roofs or compound gable roofs or flat roofs embellished with extraordinary cornice details, glazing or materials.

Each "block" facing Town Square shall encourage a corner building tower feature as highlighted in the "Location of Special Corner Elements" plan adjacent. Signage shall be used to complement and reinforce these special corner elements.



Location of Special Corner Elements



Options for Special Corner Elements

Mixed Use District: Commercial Buildings | Continued

Facade Articulation

Building façades shall integrate architectural elements that create a complementary pattern of rhythm, dividing large buildings into smaller identifiable pieces. Building Frontages (Storefronts, Henderson Boulevard, and Secondary Street Frontages) shall integrate at least 3 of the following features at intervals no greater than 25' (twenty-five feet) to create a pattern of small traditional storefronts. Building Frontages (Parking Lot Frontages and Internal Pedestrian Walkway Frontages) shall integrate at least 3 of the following features at intervals no greater than 40' (forty feet) to create a pattern of small traditional storefronts.

- i. Use of window and/or entries that reinforce the pattern of small storefront spaces;
- ii. Use of weather protection features that reinforce small storefronts. For example, one 75' wide façade articulated into three 25' wide storefronts could include a steel canopy for the middle storefront and awnings for the outside storefronts to help articulate the façade;
- iii. Providing vertical building modulation of a least 2' in depth and 4' in width if combined with a change in siding materials and/or roofline modulation;
- iv. Change of roofline or parapet;
- v. Use of vertical piers/columns that reinforce the storefront pattern;
- vi. Changing materials and/or color with a change in building plane;
- vii. Vertical elements such as a trellis with plants, green wall, or art element that meets the purpose of the guidelines; and/or
- viii. Other methods that meet the purpose of the guidelines.



Storefronts



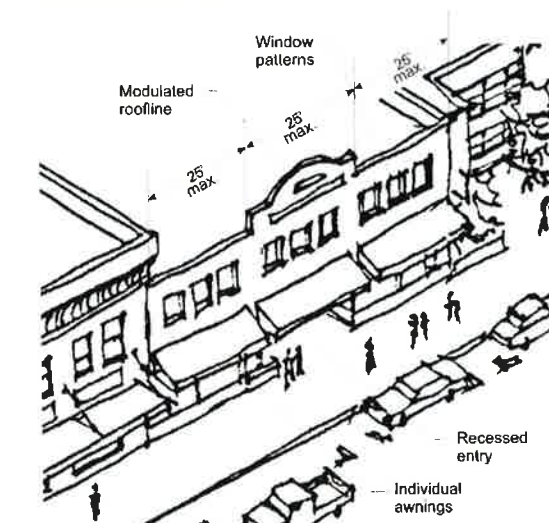
Articulation & Modulation



Modulation & Facade Articulation Examples



Good example of Articulation



Good example of roof modulation

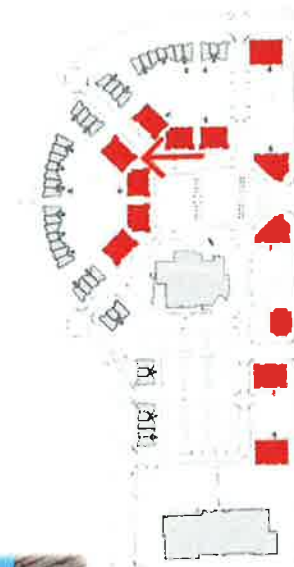
Mixed Use District: Commercial Buildings

Building Form and Materials

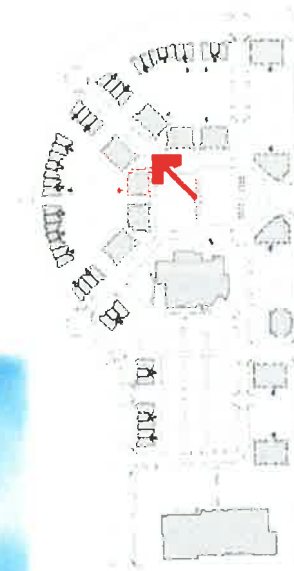
Variety in building form may include the use of flat, gabled or hip roof forms. Roof forms are encouraged to be true architectural or structural forms. Variation in roof forms (including gabled, hipped or flat) and the use of accessories such as dormers, when using sloped roofs, and embellished cornices, when using flat roofs, are encouraged.

Variety in building materials is encouraged, so long as the framework of building base, middle and top is evident and wall finishes remain consistent on all sides of buildings that can be seen by the public. Material changes should occur where there is a change in the vertical plane, the horizontal plane, or an articulation element is used (example: trim board) to separate dissimilar materials. Width of articulation shall be a minimum of 25'-40' depending on Building Frontage (see previous section) to imply historically smaller structural components. Use material changes horizontally and vertically to give identity to internal uses and implied or actual smaller individual shop owners.

The buildings throughout the Mixed Use District are truly "buildings in the round" where each building frontage is in full view of the surrounding neighborhood. As a result, there must be consistency in the design of all frontages for each individual building, including materials and detailing.



View from Town Square to Northwest



Mixed Use District: Commercial Façade Treatment

Intent of Guidelines: Façade Treatment

Provide continuity throughout the Town Square buildings by establishing the basic framework for the buildings including the rhythm of bay spacing, windows and entryways.

Create a lively streetscape and allow significant freedom and encourage creativity in the tenant occupied/improved portions of the structure, with minimal direction as regards façade, color.

Provide generous internal floor to ceiling heights (18' minimum required) for ground floor commercial uses to create attractive spaces iwth substantial natural light and the capability of accomodating the full range of permitted active commercial uses.

Facade Treatment including Tenant Improvements

Requirements for the ground floor facades, including those areas to be improved by the tenants (distinguished from the building framework) are shown in the following:

A Storefront: Window systems can be pre-finished aluminum, anodized aluminum or wood.

Doors can be configured in one of four ways:

- Centralized pair
- Centralized single
- Right hand single
- Left hand single

B Transom Windows: Either occurs above steel & glass canopy or may reside above or within fabric awning. The use of muntin bars within clearstory windows is encouraged to aid in reinforcing neo-traditional architectural styles.

C Canopy or Awning: Pedestrian cover at sidewalk can be provided:

- Steel and glass canopies supported by building facade with a design derived from the architectural bay spacing of the building.
- Fabric awnings fixed or operable; sized to “plug in” to the architectural bay spacing of the building.

D Clearstory Windows: Encouraged at all corners and within each bay to convey a multi-story scale to each commercial building. The use of muntin bars within clearstory windows is encouraged to aid in reinforcing neo-traditional architectural styles.

E Pilaster Base: 3' - 4' high base can be finished in stone, veneer simulated stone, masonry (veneer brick, or decorative CMU), tile or panelized wood.

F Corner Pilasters: 3'-0" (minimum) wide pilaster and adjacent wall can be finished in stone, veneer simulated stone, masonry (veneer brick, or decorative CMU), fiber cement siding (shingles) or panelized wood.

G Sconce Lighting: Location for tenant sconce lighting at center of pilaster if so desired.

H Signage: Locations for tenant signage panel include:

- Wall mounted above entry
- Blade sign mounted at underside of canopy or bracketed off header over doorway
- Wall mounted at face of pilaster

J Solid Display Wall: Display walls cannot be constructed within three (3) feet of window walls. Window displays require tenant maintenance to assure vitality of storefront.

K Walls: Walls can be finished in stone, veneer simulated stone, masonry (veneer brick or decorative CMU), or fiber cement siding (shingles, bevel, channel, board & batten).

L Cornices: Shall be sized appropriately for the building style and scale. Larger cornices should be incorporated at building corner elements and primary tenant entries.

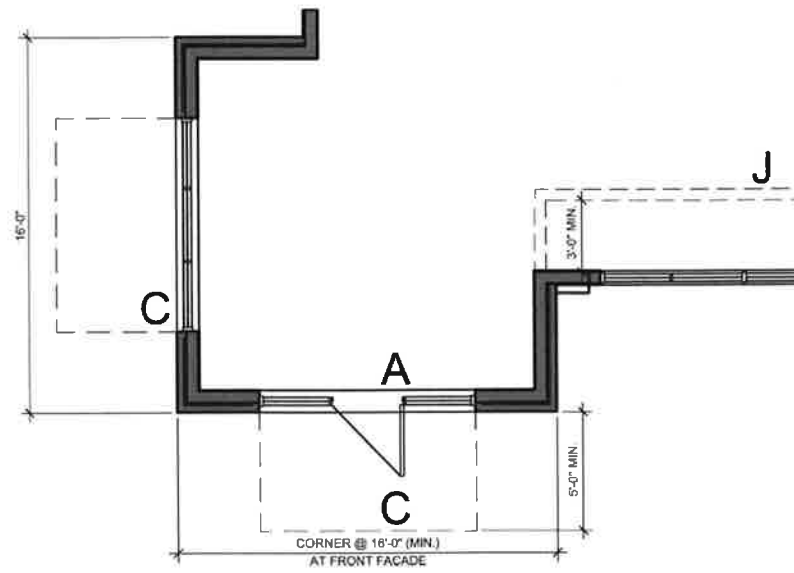
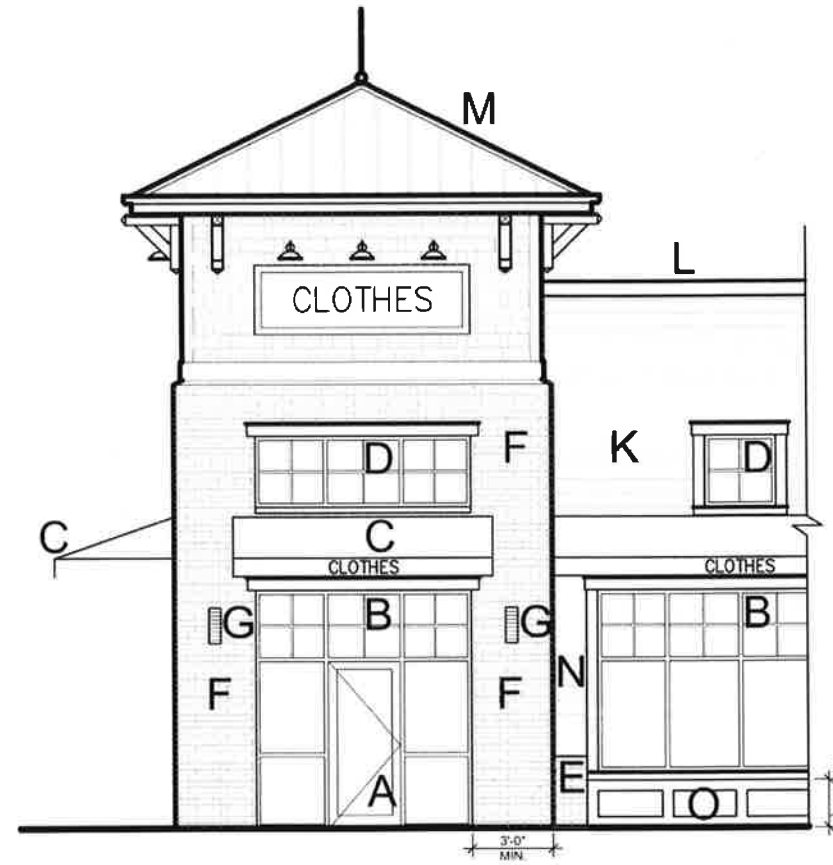
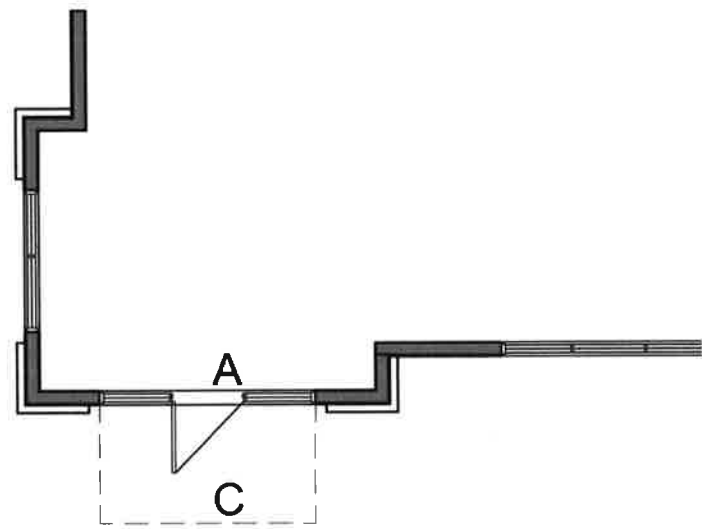
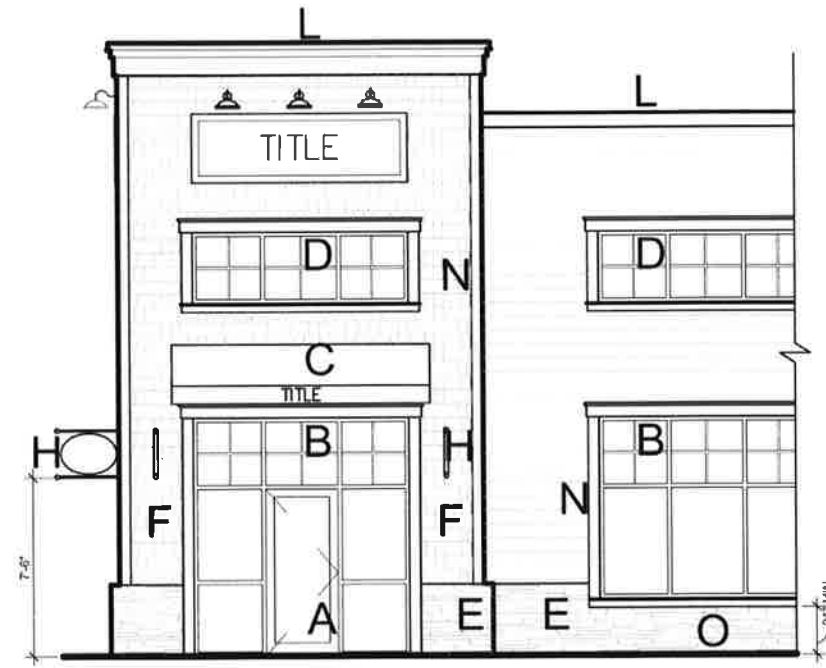
M Roof Caps: Sloped roof forms are encouraged at corner elements along primary axis (auto, pedestrian or view corridors). The use of overhangs and knee braces are encouraged to reinforce neo-traditional architectural styles.

N Trim: Shall be painted wood or fiber cement, 6" (nominal) width minimum. All trim at openings (windows, doors, vents) should be sized to reinforce neo-traditional architectural styles.

O Window Base: Shall be 24" minimum in height and constructed of panelized wood or any other compatible material listed in item 'E' Pilaster Base above. A minimum of 50% of storefront windows must meet this window base requirement.

See signage section page 32 for more details on signage requirements that are unique to the Briggs Village Mixed Use District.

Commercial Facade Improvements



Mixed Use District: Commercial Façade Treatment continued

Facade Elements and Details

Purpose: To encourage the incorporation of design details and small-scale elements into building facades that are attractive at a pedestrian scale.

Requirements:

(a) Façade details toolbox: All non-residential and mixed-use buildings shall be enhanced with appropriate details. All new buildings must employ at least two detail elements from each of the three categories below for each façade facing a street or public space. For example, a building with 75 feet of street frontage with a façade articulated at 25 foot intervals will need to meet the guidelines for each of the three façade segments below.

(i) Window and/or entry treatment:

- (A) Display windows divided into a grid of multiple panes;
- (B) Transom windows;
- (C) Roll-up windows/doors;
- (D) Other distinctive window treatment that meets the purpose of the standards;
- (E) Recessed entry;
- (F) Decorative door;
- (G) Landscaped trellises or other decorative element that incorporates landscaping near the building entry; or
- (H) Other decorative or specially designed entry treatment that meets the purpose of the guidelines.



Window Divides



Transom Windows



Decorative Door

- (ii) Building elements and façade details:
 - (A) Custom-designed weather protection element such as a steel canopy, cloth awning, or retractable awning;
 - (B) Decorative, custom hanging sign(s);
 - (C) Decorative building-mounted light fixtures;
 - (D) Bay windows, trellises, towers, and similar elements; or
 - (E) Other details or elements that meet the purpose of these guidelines.



Steel Awning



Retractable Awning



Custom Signage



Trellis planter



Bracket

- (iii) Building materials and other facade elements:
 - (A) Use of decorative building materials/use of building materials. Examples include decorative use of brick, tile, or stonework;
 - (B) Artwork on building (such as a mural) or bas-relief sculpture;
 - (C) Decorative kick-plate, pier, belt course, or other similar feature;
 - (D) Hand-crafted material, such as special wrought iron or carved wood; or
 - (E) Other details that meet the purpose of the guidelines.



Decorative mosaic tiles



Tilework & Patterns



Sculptural Mural



Stonework

“Custom,” “decorative,” or “hand-crafted” elements referenced above must be distinctive elements or unusual designs that are complementary and/or consistent with the featured architectural style.

Departures to the guidelines above will be considered provided the number, quality, and mix of details meet the purpose of the standards.

Mixed Use District: Commercial Façade Treatment continued

Window Design

Window design: Buildings shall employ techniques to recess or project individual windows above the ground floor at least two inches from the facade or incorporate window trim at least four inches in width that features color that contrasts with the base building color.

Departures will be considered where buildings employ other distinctive window or facade treatment that adds a sense of depth to the facade and/or visual interest to the building.



Acceptable and unacceptable (far right image) window design on upper floors. Note the windows in the brick building on the left are recessed from the facade. The windows in the middle images include trim. The image on the right includes no trim or recess/projection, and thus would not be permitted.

Facade Materials

Purpose:

- To encourage high-quality building materials that enhances the character and identity of Briggs Village;
- To discourage poor materials with high life-cycle costs; and
- To encourage the use of materials that reduce the visual bulk of large buildings.

Requirements:

- Walls can be finished in stone, veneer simulated stone, masonry (veneer brick or decorative CMU), panelized wood, tile, or fiber cement siding (shingles, bevel, channel, board & batten).
- Concrete block guidelines: Concrete block may be used if it is incorporated with other permitted materials and it complies with the following:
 - When used for the primary façade, buildings must incorporate a combination of textures and/or colors to add visual interest. For example, combining split or rock-façade units with smooth ground faced blocks can create distinctive patterns; and
 - Plain Concrete block may comprise no more than 30% of a facade facing a public right-of-way or open space. **Departures** to this standard will be considered provided design treatments are included to enhance the visual character of the building at all observable scales.



Acceptable and unacceptable concrete block examples. The left example uses a mixture of split-faced colored concrete block and smooth-faced concrete block, together comprising just under 30% of the whole facade. The large expanse of smooth-faced concrete block, above, is not acceptable for Briggs Village facades.

(c) Prohibited materials:

- Mirrored glass;
- T1-11-type plywood siding and similar processed sheet products;
- Chain-link fencing (except for temporary fencing and for parks);
- Fiberglass products and similar sheet products; and
- Back-lit vinyl awnings used as signs.
- Stucco, EIFS, and similar materials.
- Metal siding.

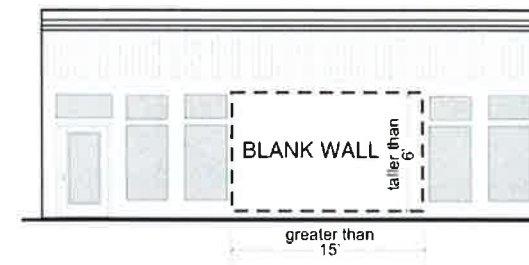
Blank Walls

Purpose:

- To avoid untreated blank walls.
- To enhance the character of Briggs Village

Requirements:

- Blank wall definition: A ground floor wall or portion of a ground floor wall over six feet in height, has a horizontal length greater than 15 feet and does not include a transparent window or door.



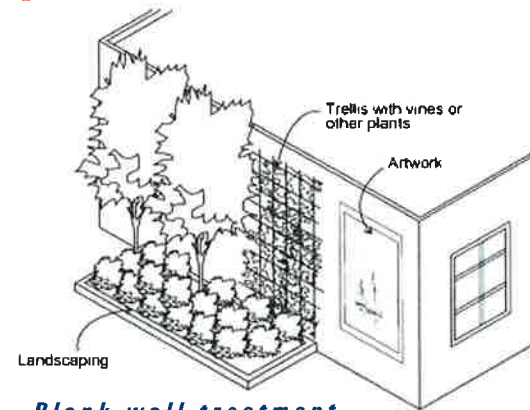
Blank wall definition illustration

Mixed Use District: Commercial Façade Treatment continued

(b) Blank wall treatment: Untreated blank walls visible from a public street, customer parking lot or pedestrian pathway are prohibited unless the following methods are used. Methods to treat blank walls can include:

- (i) Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment;
- (ii) Landscape planting bed, raised planter bed, or potted plants in front of the wall with planting materials that are sufficient to obscure or screen at least 60% of the wall's surface within 3 years;
- (iii) Installing a vertical trellis in front of the wall with climbing vines or plant materials;
- (iv) Installing a mural or other art work as approved by the reviewing authority; and/or
- (v) Special building detailing that adds visual interest at a pedestrian scale. Such detailing must use a variety of surfaces; monotonous designs will not meet the purpose of the guidelines.

For large visible blank walls, a variety of treatments may be required to meet the purpose of these guidelines.



Blank wall treatment solutions



Raised Planters & Building texture for pedestrian scale



Building detailing & raised planter



Plantings & Building detailing



Artwork or mural

Service Element Location and Design

Purpose:

- To minimize the potential negative impacts of service elements; and
- To encourage thoughtful siting of service elements that balance functional needs with the desire to screen negative impacts.

Requirements:

- (a) All developments shall provide a designated spot for service elements (refuse and disposal). Such elements shall meet the following requirements:
 - (i) Service elements shall be located to minimize the negative visual, noise, odor, and physical impacts to the street environment, adjacent (on and off-site) residents or other uses, and pedestrian areas;
 - (ii) The designated spot for service elements shall be paved with concrete;



Appropriate service area location and enclosure examples

- (iii) Appropriate enclosure of the common trash and recycling elements shall be required. Requirements and considerations:
 - (A) Service areas visible from the street, pathway, pedestrian-oriented space or public parking area shall be enclosed and screened around their perimeter by a durable wall or fence sufficient in height to screen equipment within (6' high minimum). Developments shall use materials and detailing consistent with primary structures on-site. Acceptable wall materials include brick, decorative concrete block or stone;
 - (B) The sides and rear of the enclosure must be screened with landscaping in locations visible from the street, dwelling units, customer parking areas, or pathways to soften the views of the screening element and add visual interest;
 - (C) Collection points shall be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, or does not require that a hauling truck project into any public right-of-way; and
 - (D) Proximity to adjacent residential units will be a key factor in determining appropriate service element treatment. Enclosures must screen views from adjacent buildings, especially from residential structures.

Mixed Use District: Commercial Façade Treatment continued

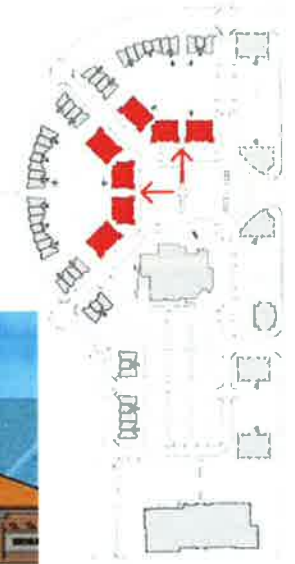
(b) Utility meters, electrical conduit, and other service utility apparatus: These elements shall be located and/or designed to minimize their visibility to the public. Project designers are strongly encouraged to coordinate with applicable service providers early in the design process to determine the best approach in meeting these guidelines. If such elements are mounted in a location visible from the street, pedestrian pathway, common open space, or shared auto courtyards, they shall be screened with vegetation or by architectural features.



Good and bad utility meter configurations. The example on the left is consolidated and somewhat screened by landscaping elements, whereas the right example is exposed and degrades the character of this project.

(c) Rooftop mechanical equipment: All rooftop mechanical equipment shall be organized, proportioned, detailed, screened, and/or colored to be an integral element of the building and minimize visual impacts from the ground level of adjacent streets and properties and from adjacent multi-family housing. For example, screening features should utilize similar building materials and forms to blend with the architectural character of the building.

Commercial Buildings at Town Square



View looking West from Town Square



View looking North from Town Square

Mixed Use District: Commercial Grocer

Intent of Guidelines: Variety in Building Form Plan and Elevation

Break plan and elevation of large buildings (greater than 180 foot facades on a side or face) to a more pedestrian scale, by expressing the designated use, through modulation, entries, glazing, canopies and other unique tenant features. Creating a varied streetscape along the northern, eastern and southern facades of the grocer is needed in order to fit this atypical building within the village. Multiple and prominent entryways along these facades are encouraged in order to break up these long facades.

Building Form and Materials

Variety in building form may include the use of flat, gabled or hip roof forms. Roof forms are encouraged to be true architectural or structural forms. Variation in roof forms, including gabled, hipped or flat, and accessories such as dormers, when using sloped roofs, and embellished cornices, when using flat roofs, are encouraged.

Variety in building materials is encouraged, so long as the framework of building base, middle and top is evident and wall finishes remain consistent on all sides of buildings that can be seen by the public. Material changes should occur in a flush configuration or in minimal offsets of two feet maximum. Width of modulation should be a minimum of fifteen feet and a maximum of sixty feet to imply historically smaller structural components. Use material changes horizontally and vertically to give identity to internal uses and implied or actual smaller

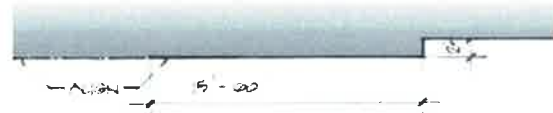


Diagram of Material Changes & Modulation

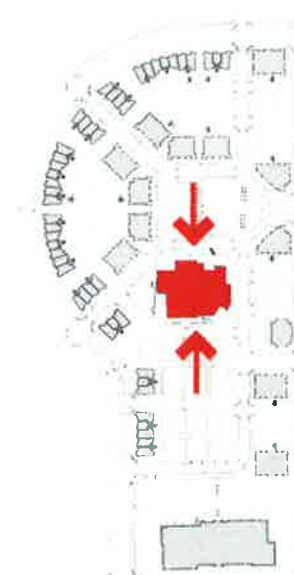


South Elevation



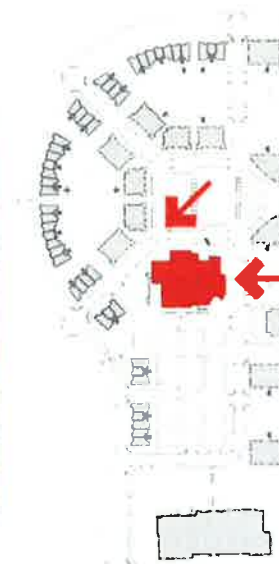
North Elevation

Grocer Elevations





East Elevation



View from Town Square to Southwest

Mixed Use District: Residential Buildings

Intent of Guidelines: Massing, Height, Articulation & Modulation

The purpose of the Guidelines is to achieve massing, height, and **articulation** goals. The guidelines are illustrative of the architectural requirements that shall be met using the tools described below.

- Ensure that buildings are appropriately scaled and proportioned for the Mixed Use District.
- Enable simple massing and modulation of the buildings, in order to be feasible in the Olympia marketplace.
- Encourage massing & façade variation of street level at special areas, such as corners and passageways.
- Special corner elements, architectural details and landscaping will aid “wayfinding” for visitors and residents through the village center.

Massing and Height

Mixed Use District Residential Buildings shall be at least three (3) stories in height in order to frame the edges of the Mixed Use District and to maximize views of the surrounding district and natural features. Building heights up to 45 feet are **allowed**; height shall be measured from the fronting street.

Heights of residential buildings along radial streets, as well as those facing the Briggs Drive, will be at least three (3) stories; height shall be measured from the fronting street.

Roof Types

Variation in roof form is encouraged as it relates to and helps define building **articulation** throughout the Mixed Use District. (See pages 9, 10 & 11 for further narrative and illustration.)

Special Corner Elements

Attention should be given to differentiation of special corner elements, especially those on axis with and providing visual termination, create gateways and focal anchors to radial streets emanating from Town Square, pedestrian pathways and other prominent corners. .

Special corner elements may include hip roofs or compound gable roofs or flat roofs embellished with extraordinary cornice details, glazing or materials.

Articulation & Modulation

Building **articulation** should follow and be expressive of the underlying housing units and structural bays.

Building **articulation** (as well as special roof forms, landscaping and facade treatments) should also accent the public passageways between Briggs Drive and Town Square and access to off-street parking areas from radial streets.

Multifamily buildings shall include articulation features at intervals that relate to the location/size of individual units within the buildings (or no more than every 30') to break up the massing of the building and add visual interest and compatibility to the surrounding context. At least three of the following features shall be employed

at intervals no greater than the unit interval of 30 feet (whichever is less).

- a. Use of windows and/or entries;
- b. Change in roofline;
- c. Change in building material, siding style, and/or window fenestration pattern;
- d. Providing vertical building modulation of at least 12" in depth if tied to a change in roofline modulation or a change in building material, siding style, or color. Balconies may be used to qualify for this option if they are recessed or projected from the façade by at least 18". Juliet balconies or other balconies that appear to be tacked on to the façade will not qualify for this option unless they employ high quality materials and effectively meet the intent of the standards;



Modulation intervals no greater than 30 feet or width of unit



Continuous roofline and monotonous color provide little facade articulation



Street View Elevation

Balconies, bay windows, and change in siding color and materials effectively articulate these facades.

Mixed Use District: Residential Buildings continued

- e. Vertical elements such as a trellis with plants, green wall, art element;
- f. Other design techniques that effectively break up the massing at no more than 30' intervals.

Departures will be considered provided they meet the intent of the standards and the design criteria set forth in these Design Guidelines.

Intent of Guidelines: Residential Facade Treatment

Residential uses should reflect the appropriate amount, type and placement of glazing, balconies and facade materials, colors and trim details.

Windows

Windows shall be predominantly vertically proportioned to reinforce the desired neo-traditional craftsman architectural style and shall be appropriate for the intended uses and follow the modulation of the building.

Building Form and Materials

Variety in building form may include the use of gabled or hip roof forms (flat roofs on a limited basis). Roof forms are encouraged to be true architectural or structural forms. Variation in roof forms and the use of accessories such as dormers, when using sloped roofs, and embellished cornices, when using flat roofs, are encouraged.

Variety in building materials is encouraged, so long as the framework of building base, middle and top is evident and wall finishes remain consistent on all sides of buildings that can be seen by the public. Width of modulation should be reflective of the housing units with a maximum of (30') thirty feet to imply historically smaller structural components. Use material changes horizontally and vertically to give identity to internal uses and implied or actual residential units.



Aerial View Residential

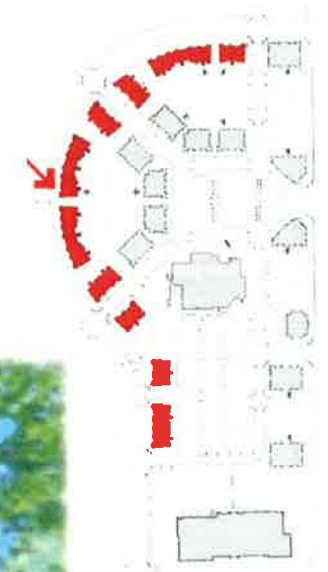


Building Side Elevation

Residential Buildings: 12 Unit Building



Unit Entry Elevation



Residential Buildings & Community Center along Briggs Drive

Mixed Use District: Residential Buildings - Façade Treatment

Intent of Guidelines: Façade Treatment

The architectural character of the multi-family residential buildings within the Mixed Use District shall be neo-traditional craftsman.

The façades shall reflect the rhythm of residential units and the variety of spaces within each unit primarily through the amount and type of glazing, façade materials, color, and trim details.

Provide continuity throughout the Mixed Use District residential buildings by establishing the basic framework for the buildings including the rhythm of bay spacing, windows and entryways.

Residential Building Heights

The Mixed Use District residential buildings are encouraged to have a minimum of 10-foot floor – floor heights..

Façade Treatment

Guidelines for the Mixed Use District residential building façades are shown in the following:

A *Corner Elements:* Corner elements are encouraged to project a minimum of (24") twenty four inches from the adjacent façades and incorporate varied roof forms and wall materials than those utilized on the adjacent façades.

B *Projecting Bays:* Projecting bays are required to project a minimum of (18") eighteen inches from the adjacent façades and incorporate varied roof forms and wall materials than those utilized on the adjacent façades. Projecting bays should aid in reinforcing the desired building massing that is consistent with the desired neo-traditional architectural styles. Projecting bays should convey a sense of rhythm that's reflective of interior residential spaces (e.g. – living rooms, dining rooms.)

C *Varied Roof Forms:* Variation in roof forms is required as it relates to and helps define residential building modulation throughout the Mixed Use District. Examples of opportunities to incorporate varied roof forms include: corner elements, projecting bays, and unit or building entries. Roof forms that utilize steeper roof pitches (8/12, 12/12) are encouraged. Also encouraged is the use of contrasting roofing materials at these locations.

D *Balconies:* Balconies are encouraged at upper levels along public streets to help activate these façades. Balconies should have a high percentage of transparency. Varied materials, from those on adjacent façades are encouraged. There is no minimum depth from the façade required for balconies. "Balconettes" or "French Balconies," balconies that do not extend significantly past the building façade and are typically defined by iron railings, are encouraged on the upper floors of residential units.

E *Trim & Details:* Trim shall be painted wood or fiber cement, (6") six inches (nominal) width minimum. All trim at openings (windows, doors, vents) should be sized to reinforce neo-traditional architectural styles. Trim is also encouraged at each floor level, building corners, projecting bays and corner elements.

F *Windows:* Windows shall be predominantly vertically proportioned to reinforce the desired neo-traditional craftsman architectural style and shall be appropriate for the intended uses (larger for living rooms, smaller for bedrooms). Windows can be grouped together, but the individual unit types should remain predominantly vertically proportioned. The use of muntin bars is required. A variety of window opening styles (fixed, single hung, casement, and slider) is acceptable as long as the predominant number of windows for each building remains vertical in proportion. Window materials can vary (vinyl, prefinished aluminum, fiberglass, prefinished wood).

G *Transom Windows:* The use of transom windows in living room areas is required to help differentiate these spaces from adjacent apartment spaces (sleeping, kitchen, dining). The use of muntin bars within transom windows is encouraged to aid in reinforcing neo-traditional architectural styles.

H *Base, Middle & Top:* Variety in building materials is required, so long as the framework of the building base, middle and top is evident and wall finishes remain consistent on all sides of the buildings that can be seen by the public. Reinforcing a strong base, middle and top through significant material changes (e.g. – masonry to fiber cement siding) at corner elements and projecting bays is encouraged. A greater emphasis on high quality durable materials (masonry, stone, simulated stone) at the base of the buildings is required. A minimum of 50% of the first floor façade must include high quality durable materials.

I *Pilasters:* (24") Twenty four inch (minimum) wide pilasters at corner elements and projecting bays are required. The ground floor level of pilasters, are encouraged to be finished in stone, veneer simulated stone, or masonry (veneer brick).

J *Walls:* Walls can be finished in stone, veneer simulated stone, veneer brick, or fiber cement siding (shingles, bevel, channel, board & batten).

K *Doors to Balconies:* Doors to balconies shall be glazed units and sized appropriately for the building style and scale. Doors can be swing doors or sliding.

L *Unit Entries:* The unit or building entries to Mixed Use District Residential buildings should stand apart from adjacent façades through the use of building massing, projecting bays, contrasting roof forms and/or contrasting wall materials and detailing. The entries to these residential buildings should add to the activation of the ground floor plane throughout the Mixed Use District.



Residential Buildings - Showing Building Entries

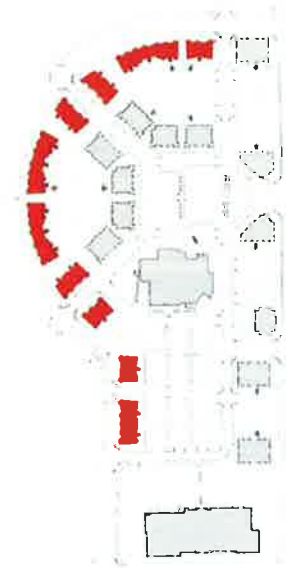
Mixed Use District: Residential - Facade Treatment



Residential Buildings - Front Elevation



Residential Buildings - Side Elevation



Mixed Use District: Parking Areas

Intent of Guidelines: Parking

Parking should be easy to find, yet unobtrusive to the pedestrian streetscape.

Guidelines will identify a range of appropriate screening devices for the surface parking areas, as well as interior planting options for surface parking lots. The guidelines are illustrative of the requirements that shall be met using the tools described below.

Please see signage guidelines for parking signage, on page 32.

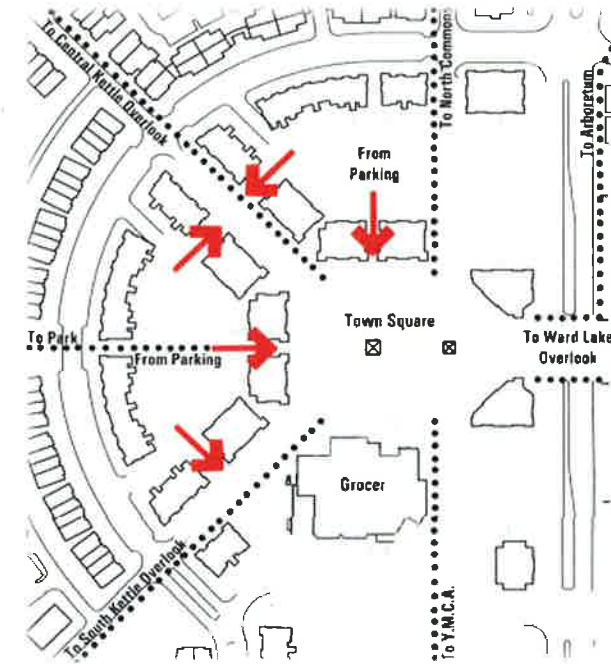
Off-street Parking -- Surface Lots

Screening: Screen parking from street edge with dense landscaping, low walls or fencing in character with buildings; maintain vehicular and pedestrian security sight lines. The ground plane should be planted with shrubs and groundcovers.

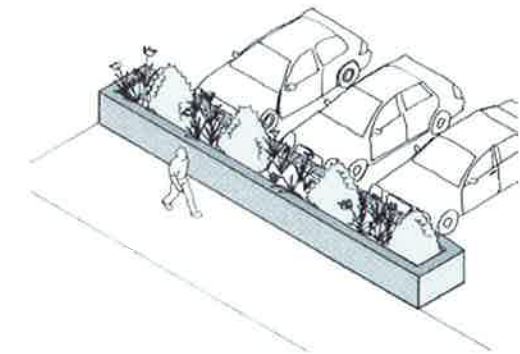
Landscaping: Provide canopy trees to provide shade to break up the visual impact of parking area. Explore opportunities to group landscaped areas to create memorable islands, with associated shrub and groundcover understory. Parking areas adjacent to Henderson Boulevard will use berms, shrubs, groundcover plantings or low walls to minimize appearances from the arterial.

Pedestrian Links

Pedestrian links are the mid-block pedestrian connections. These are generally organized on an overall radial framework. These generally connect the Town Square to Briggs Boulevard and outward to residential neighborhoods and open space via surface parking lots. Guidelines recommend hardscape, planting, furniture, and lighting along these pedestrian links.



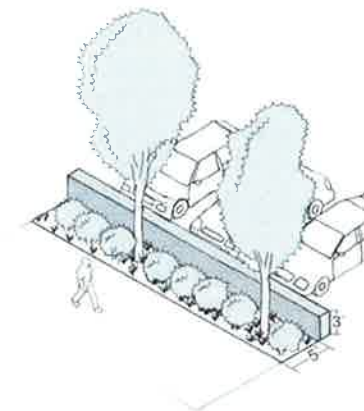
**Pedestrian Links:
Access to/from Parking Areas**



Elevated planter made with permanent materials



Parking Lots



Landscape Strip with Low Wall

View into Town Square



Mixed Use District: Site Design & Details

Intent of Guidelines: Site Design & Details

The purpose of the guidelines are to achieve site design/detail goals. The guidelines are illustrative of the requirements that shall be met using the tools described below.

Provide direction outside of street rights-of-way.

Create a palette of landscaping materials for use in the Mixed Use District.

Site Planning

TownSquare marks the intersection of several vehicular, pedestrian and visual axes. The site is thus the focal point of the village; it is also the center from which the energy and character of the village radiates outward. The axial relationships, the site orientation, and the land use patterns provide an organizing framework for development of the site. The southern, western and northern edges of Town Square are intended for a high level of commercial activity. The Pavilion has been located at the axial nexus of this area and is intended to be the heart of a more active area of the Town Square. The eastern edge of the Town Square, with the Clock Tower at its axial nexus is intended to be a gathering place for more passive activities.

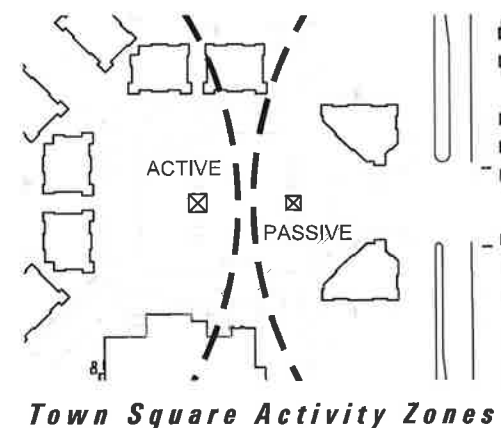
Town Square is officially one acre in size; however the limits of this central gathering and activity space extend beyond these measured boundaries to include the roadway around the Square and the opposite sidewalk. The internal roadway circling the Square is raised to the level of the sidewalk and delineated by paving materials, bollards, and trees. Town Square has been designed to sponsor day-to-day retail activity as well as seasonal community events where the Square in the center of Briggs Village can be closed to vehicles for street fair activities. Annual events such as cider presses, flower shows, plant sales, and garden fairs could become Briggs Village traditions that evoke the history of the site and enhance the community's future.

Surrounding the Square are 24' high (minimum) commercial buildings with even higher corner features that help define the open space and house both retail and office space. Town Square is intended to be an active, community hub for Briggs Village residents and their neighbors. The Village Center and Town Square, specifically, will be a comfortable, family-oriented environment where one can enjoy a cup of coffee, visit with friends, or play checkers in the Square.

Please see the Landscape Design Guidelines for additional discussion on the Mixed Use District.

Plantings

Create cohesive, simple mass shrub plantings, allow views between shrubs and tree canopy and allow turf in gathering areas. The landscape within the Village Center is urban in character, with hanging baskets, container plantings, and trees planted in tree wells in the sidewalk with ornamental grates. Isolated plantings in the commercial area will be dense, luxurious, and attractive to make an impact in this setting. The landscape design will involve careful use of paving materials, ornamental plants, and street furniture for impromptu meetings with friends or places to sit and enjoy the sun and a good book. Retail uses will be encouraged to make use of the sidewalk for displaying merchandise or provide outdoor dining.



Hardscape

Town Square will have an elegant quality and an uncomplicated palette of materials: simple yet detailed paving designs and straightforward plant materials that speak to the geologic history on the Briggs Village site, celebrating the six kettles and Ward Lake. Paving materials should be appropriate to building materials in Town Square and suitable for year-around use, including use in the rain.

Lighting

Lighting within the Village Center will highlight the architecture and delineate pedestrian and vehicular space.

- Pedestrian-scaled light standards of 12' to 15' shall be used throughout all pedestrian areas of the Mixed Use District. All pedestrian-scaled light fixtures shall match the Briggs Village Town Center Standard (see example below).
- Auto/Pedestrian-scaled light standards on major collector streets in Briggs Village (Example: Briggs Drive) shall match the Briggs Village Town Center Standard (see example below).
- Pedestrian-scaled light bollards are encouraged at pedestrian connections through parking lots and other pedestrian connections between commercial buildings throughout the Mixed Use District. The design of these bollards should be consistent with the adjacent pedestrian-scaled light standards.
- All of the above light fixtures shall minimize lighting trespass to adjacent uses/parcels.



Pedestrian-scaled light standard



Auto/Pedestrian-scaled light standard

Furniture

Provide ample and diverse seating opportunities: incorporate seat walls as appropriate at pavement/planting edge.

Select or design a bench type as a signature piece.

Mixed Use District: Signage

Intent of Guidelines

Create a graphic identity for Briggs Village, which visually conveys the desired look and feel for this project. Components of this identity include typeface, materials, colors, symbols and art. Incorporate this identity into a set of graphic guidelines for current and future signage. The guidelines are illustrative of the requirements that shall be met using the tools described below.

Provide general wayfinding and programming showing the type and locations of signs. Detailed sign specifications and message schedules will be included in signage plans in each phase of development.

Village & Building Identity Signage

Briggs Village identity signage will consist of monument type signs, village directories, kiosks, building mounted signage and freestanding signs.

- Monument type signs would be located at key access points from Henderson Boulevard.
- Village directories would be located at key pedestrian entryways or focal points within the village.
- Building mounted signage would be located in prominent positions, including the tower element and should be consistent with the style of architecture.
- Freestanding signs would be utilized throughout for vehicular and pedestrian directional, identification and regulatory purposes.
- Establish address identification.



Parking & Directional Signage

Directional and parking signage will be critical since the majority of the parking is located off-street and not visible to drivers.

Parking signage may include freestanding, building mounted, entrance identification, directional, instructional and regulatory signs.

These signs may have prominent locations within the village and along streetscapes in order to assure driving safety, visibility and ease of wayfinding.

Tenant Signage

Purpose:

Establishing tenant signage guidelines is a key element in creating a lively, unique shopping environment at the street level.

- Signage requirements outlined below are intended to supplement the requirements of OMC 18.42 Signs. Where conflict may occur the requirements stated herein shall govern.
- Tenant signage may consist of building signage, banners, blade signage, marquee signs, and awning signage, and may be visible to both vehicle passengers and pedestrians.
- Signage on or below weather protection elements, visible by pedestrians, is strongly encouraged.



Requirements:

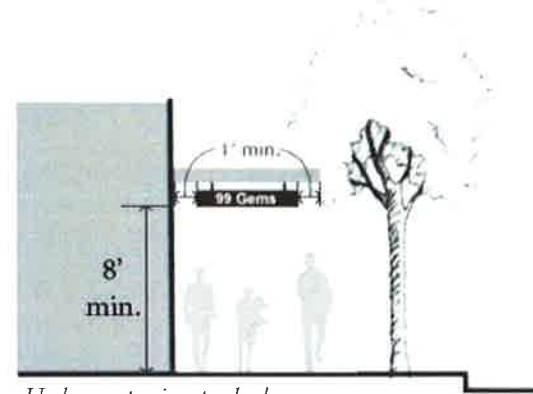
- a. All building mounted signage must be externally lit.
- b. Building signage must be proportional to the storefront. Signage can be no wider than 2/3's the width of wall segment it is mounted on (25' maximum storefront wall length x 2/3 = 16.67' maximum sign width).
- c. Building signage letters: maximum of 24" high.
- d. Building signage Area: maximum signage area is 1.5 square foot per lineal foot of storefront that sign is mounted on. Logos, symbols, are included in the maximum signage area allowed.
- e. Building signage is allowed on each façade that contains an entry and/or windows associated with the business.
- f. At least one sign is required below weather protection elements, visible by pedestrians, at each business entry.
- g. Window signs: a sign permanently mounted on a window (ex. – neon sign) or permanently painted on the window is allowed and can be considered in addition to building signage allowed. Window signs are limited to 25% of the size of the window.

Mixed Use District: Signage continued

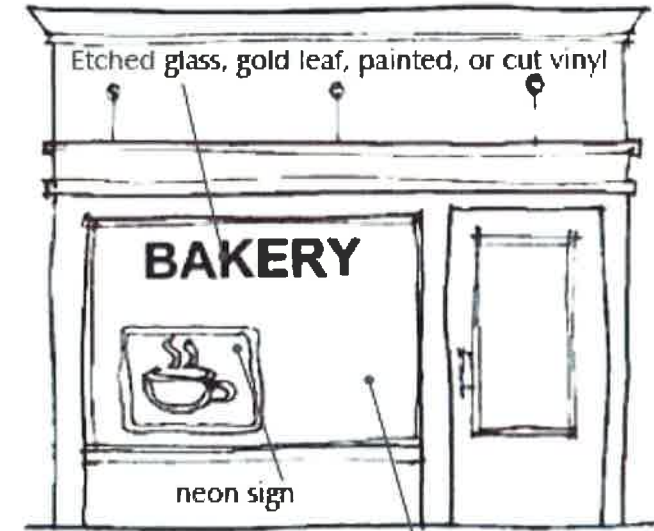
- h. Projecting signs: 10' minimum clearance from grade except when mounted under a marquee or weather protection element, minimum clearance is 8'. Sign cannot project from the face of the building more than 3'. Blade signage under a weather protection element must be kept 1' from face of building and 1' back from edge of weather protection element.
- i. Awning signage: maximum letter height is 12"
- j. Signage lighting: minimize light spillage on adjacent businesses, residences or properties.
- k. Neon signage below the line of weather protection is allowed.
- l. Sandwich board signage: one per business; see OMC 18.42.180.
- m. Signage Maintenance: all signage must be kept fully lit (where applicable), clean and in "like new" condition at all times.



Blade signage

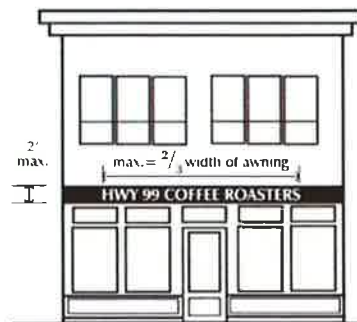


Under canopy sign standards

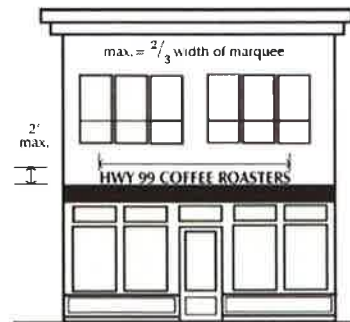


Window signs are limited to 25% of window

Window sign standards



Sign placed on front of marquee



Sign placed on top of marquee



Sign placed on awning

Prohibited Signage:

- i. Internally lit signs.
- ii. No freestanding signs.
- iii. No back lit awning signage.
- iv. Animated signs not allowed.
- v. No roof mounted signs.

Multi-Family "Clustered" Apartments: View from Briggs Boulevard



BUILDING DESIGN GUIDELINES: MULTI-FAMILY HOUSING

Overall Design Intent

The multi-family housing buildings will be significantly involved in “setting the theme” or character of the village given its prominent location on Yelm Highway, Henderson Boulevard, and Briggs Boulevard. Serving roughly half of the village’s residents, the buildings must function as well on the inside as they appear on the outside. The guidelines are illustrative of the architectural requirements that shall be met using the tools described below. The following goals apply to this important housing type:

- Create a continuous or rhythmic street wall in an effort to enclose and visually narrow the street.
- “People the street” by providing outdoor living spaces such as porches and balconies along the street facade. Reflect the scale and identity of individual living units in the facade of the building through the use of projecting bays, columned pediments or covered entrance porches.
- Incorporate key elements of the neo-classical and colonial revival design styles chosen as the defining character of the village. (See definitions of design styles on page 56.)
- Create desirable living units through:
 - Minimal common internal walls
 - Maximum exterior wall area for lighting, air and privacy
 - Few common entries and little “pass-by” traffic along building walkways.

Types of Units

Four multi-family housing types are planned for Briggs Village that will both meet key goals for creating the desired streetscape and building design character.

“Clustered” apartments are multi-family units having an interior surface parking court, surrounded by three-story, 12-unit apartment buildings. This is probably the most like apartments currently found in Thurston County.

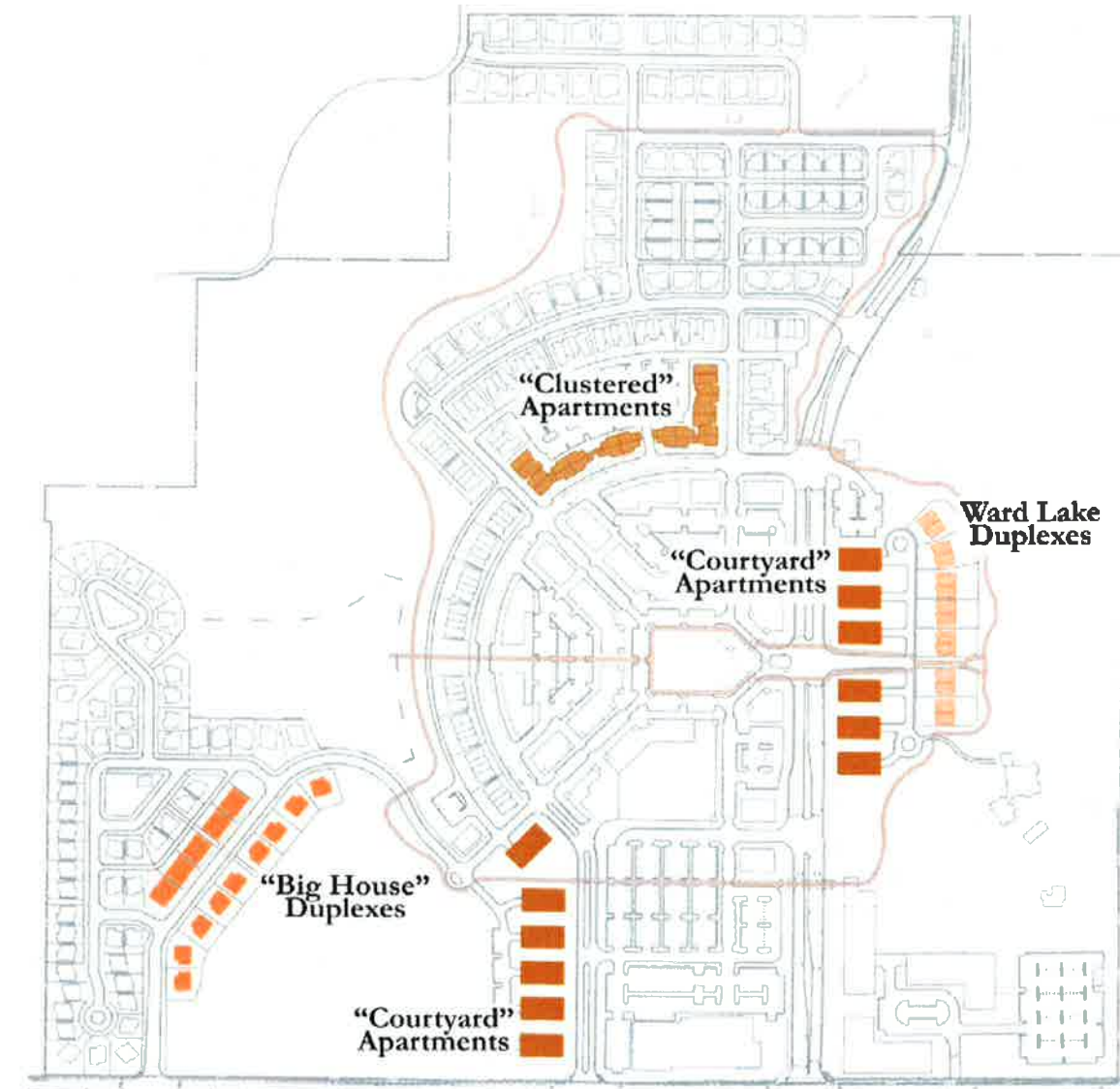
“Courtyard” apartments are multi-family units having a significant amount of parking beneath the buildings, and suggest a relatively high level of amenity. These projects are prominently located within the village and may enjoy views of open space and Ward Lake.

“Big House” duplexes are located in the West Residential neighborhood and intended to look more like a large, single family home than the traditional, two-unit duplex.

“Ward Lake” duplexes are planned for the lots near Ward Lake and the Arboretum. These two-unit homes are planned to include a larger setback with a landscaped buffer along the neighborhood lane.

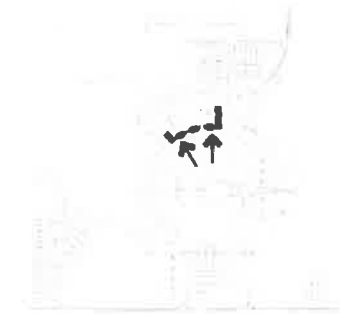
Remark re: multi-family/single-family in Town Square? Senior Living?

ADD DUPLEXES TO MAP



Location of Multi-Family Housing Types

"Clustered" Apartments: Boulevard/Street Elevation



Multi-Family Housing: “Clustered” Apartments

Intent of Guidelines: Building Massing Modulation & Roofs

Create a continuous or rhythmic street facade in an effort to enclose and visually narrow the street. Incorporate key elements of neo-classical and colonial revival styles (e.g., pediments, pilasters and columns and symmetrical massing).

Building Height

Clustered apartment buildings shall be three (3) stories in height, counting from the fronting street.

Building Articulation & Modulation

The buildings will be comprised of a base, middle and top.

Modulation will reflect individual living units, and be expressed through a rhythm of gable roof forms, pediments and classical pilasters and columns, which create porches, balconies and entries. The modulation shall be in residentially appropriate 16 to 32 foot intervals and should be reinforced by the careful, symmetrical placement of windows and doors. A minimum 4 foot depth is suggested for building modulation. All building elements, including color, should reinforce the rhythm of bays along the building facade.

Roof Forms & Pitch

Gable and hip roof forms, typical to the classical style, are encouraged, with no minimum or maximum roof pitch (8:12 typical). Boxed or enclosed soffits are required.

Chimneys

Chimneys are intended to emphasize roof profile. Chimney size, height and placement should reinforce the rhythm of bays and balconies. Integrate chimney materials with building materials. No exposed pre-fab metal flues or flue caps allowed.

Intent of Guidelines: Facade Treatment

Provide or suggest outdoor living spaces (e.g., porches and balconies) along the street facade reflect individual living units in the facade of the building through the use of bays, pediments or entries to form the porches, balconies and bays.

Entryways, Doors & Windows

Placement of doors and windows will reinforce the rhythm of the bays and balconies, and likely be strongly symmetrical.

Doors and windows should be of a type and proportion consistent with the building style; vertically proportioned window openings shall be designed to provide shade and shadow detail, paneled doors with relites are typical of the neo-classical and colonial revival styles.

Porches, Balconies & Arcades

Open balustrades, railings only; no enclosed porches or half walls. Use newel posts to break-up long expanses of railings.

Exterior Stairs

Stairs are intended to provide safe, private access to upper story units. Stairs will be integrated into the building, that is, no “fire-escape-like” stairwells. Stairs are shown located between buildings and have defined, landscaped landings.

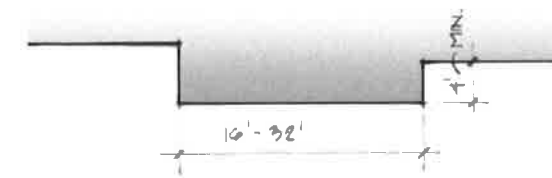
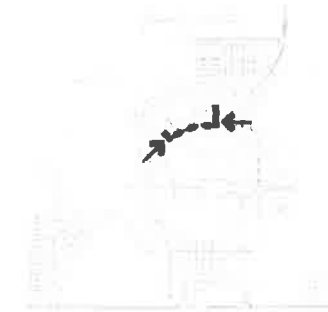


Diagram of Building Modulation for Apartments

"Clustered" Apartments: Radial Street Elevation



Multi-Family Housing: "Clustered" Apartments

Intent of Guidelines: Building Materials & Details

Provide a consistent standard/level of material quality and workmanship throughout the multi-family projects, while allowing project identity and variety.

Materials

Siding: Wood, cementitious composition, masonry or simulated masonry (e.g., stucco or synthetic). Rusticated ground floor treatments include: masonry or simulated masonry. Wall finishes shall remain consistent on all sides of buildings that can be seen by the public.

Trim: Consistent with building style.

Doors: Paneled doors with fanlights, divided lights and sidelights typical to style.

Garage Doors: Paneled to coordinate with entrance doors and provide a level of detail consistent with style.

Roof: Metal, composition, treated wood and tile.

Balustrades & Railings: Open balustrades and railings of metal or wood.

Color

Color should be used to emphasize building modulation, individual units and architectural details. Values should generally comply with the following scheme: roof and base of building as darkest value, body of building as medium value and trim as lightest value.

"Clustered" Apartments: Site Planning



Multi-Family Housing: "Clustered" Apartments

Intent of Guidelines: Community Facilities

Community facilities (e.g., sales or managers' offices, recreation & fitness, laundry) may be located either within living unit structures or in a separate structure. If separate, ensure building design is consistent with main building elements.

Create facilities that are safe and accessible to multi-family residents.

Site Planning

Locate central to residents, or at entry to project. Consider solar access when orienting building on site, especially for lighting of communal area (e.g., fitness, pool, lounge).

Massing, Modulation & Roof Forms

Design consistent with main living unit buildings; minimize building footprint in order to maximize outdoor open spaces.

Storage Facilities, Carports

Use same building materials as main living unit buildings or screen heavily.

Intent of Guidelines: Site Details

Ensure safety, security and privacy for residents in the multi-family projects.

Design site to minimize need for fences and walls that isolate residents from neighbors and streets.

Provide buffering of parking and nuisances (e.g., lighting and trash) for neighboring properties.

Provide location and material type criteria for site planning. Design of mailboxes and signage will be provided at land division and building permit approval phases.

Parking

Locate parking in interior surface lots or underneath the building, away from the streets and with access from alleys or lanes.

Provide 5-6 foot, lighted walkways (paved or crushed rock) from parking areas to buildings, including community facilities.

Landscaping

Parking Areas: Landscape parking areas consistent with Mixed Use District parking landscaping standards. Provide screening with hedges; no low walls required.

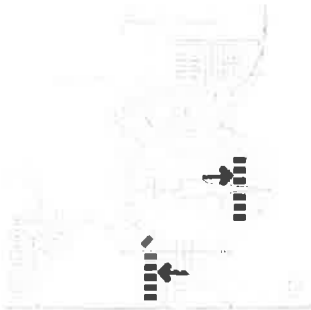
Front & Side Yards: Front and side yards that abut a street should be visually open to the street. Walls or fencing is not recommended.

Screening: Screen trash areas with fencing consistent with City codes. Plant materials to be evergreen, consistent with site-wide materials.

Walls, Fencing: Minimize site walls or fencing. Walls or fencing may be provided where safety, security warrants. Walls or fencing recommended for screening only in tight areas, where landscape/plant materials alone are inadequate to provide sufficient screening. Walls or fencing to be in character with buildings. Use walls in conjunction with plantings: vines on vertical surfaces, ground plane to be planted with shrubs and groundcovers.

Mailboxes, Trash: Locate mailboxes convenient to the residents and postmen. If grouping multiple mailboxes, provide covered, lighted access. Structure design to be consistent with materials, color, style of main buildings.

Multi-Family "Courtyard" Apartments: Side Elevation



Multi-Family Housing: "Courtyard" Apartments

Overall Intent of Guidelines:

The orientation of the three-story buildings at right angles to the street creates semi-public, landscaped courtyards between buildings. These courtyards are intended to enhance a sense of community among residents who share them as entryways to their homes, while softening the transition between buildings and providing a view corridor for the adjacent streetscapes.

The building guidelines for the "courtyard" apartments are largely the same guidelines for the "clustered" apartments. They are repeated here to reduce potential confusion regarding apartment type and to create a complete set of guidelines for each type.

Intent of Guidelines: Building Massing, Modulation & Roofs

Create a street facade with a repetitive rhythm reflecting the theme-setting architectural expression of the village while setting an appropriate scale along the entrance streets to the village in an effort to enclose and visually narrow the street.

Incorporate key elements of neo-classical and colonial revival styles (e.g., pediments, columns and symmetry).

Building Height

"Courtyard" apartments shall be three (3) stories in height, counting from the fronting street. The buildings may be stepped back to allow upper story views. For example, along Henderson Boulevard, the building height may step down toward the lake.

Building Articulation & Modulation

The buildings will be comprised of a base, middle and top.

Modulation will reflect individual living units and be expressed through a rhythm of gable roof forms, pediments and classical columns, which create porches, balconies and entries. The modulation shall be in residentially appropriate 16 to 32 foot intervals and should be reinforced by the careful, symmetrical placement of windows and doors. A minimum 4 foot depth is suggested for building modulation. (See page 30 for a diagram of the modulation.) All building elements, including color, should reinforce the rhythm of bays along the building facade.

Roof Forms & Pitch

Gable and hip roof forms, typical to the classical style, are encouraged, with no minimum or maximum roof pitch (8:12 typical). Boxed or enclosed soffits are required.

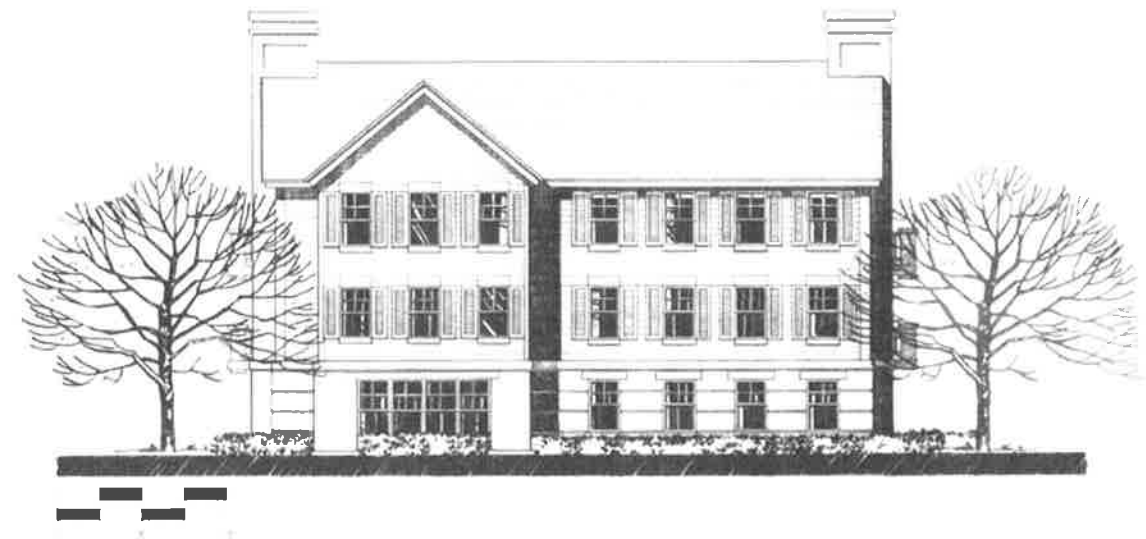
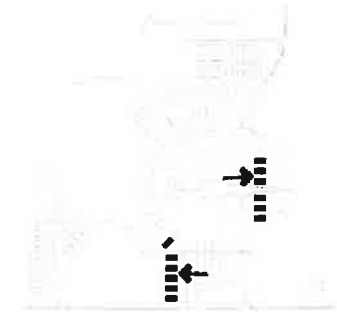
Chimneys

Chimneys are intended to emphasize roof profile. Chimney size, height and placement should reinforce the rhythm of bays and balconies. Integrate chimney materials with building materials. No exposed pre-fab metal flues.



"Courtyard" Apartments: View Between Buildings

Multi-Family "Courtyard" Apartments: Street Facade Variation



Multi-Family Housing: “Courtyard” Apartments

Intent of Guidelines: Facade Treatment

Provide or suggest outdoor living spaces (e.g., porches and balconies) along the street facade to reflect individual living units in the facade of the building through the use of bays, pediments or entries to form the porches, balconies and bays.

Entryways, Doors & Windows

Placement of doors and windows will reinforce the rhythm of bays and balconies, and likely be strongly symmetrical.

Doors and windows should be of a type and proportion consistent with the building style; vertically proportioned window openings shall be designed to provide shade and shadow detail, paneled doors with relites are typical of the neo-classical and colonial revival styles.

Porches, Balconies & Arcades

Open balustrades, railings only; no enclosed porches or half walls. Use newel posts to break-up long expanses of railings.

Exterior Stairs

Stairs are intended to provide safe, private access to upper story units. Stairs will be integrated into the building, that is, no “fire-escape-like” stairwells. Stairs are shown located between buildings and have defined, landscaped landings.

Intent of Guidelines: Building Materials & Details

Provide a consistent standard/level of material quality and workmanship throughout the multi-family projects, while allowing project identity and variety.

Materials

Siding: Wood, cementitious composition, masonry or simulated masonry (e.g., stucco or synthetic). Rusticated ground floor treatments include: masonry or simulated masonry. Wall finishes shall remain consistent on all sides of buildings that can be seen by the public.

Trim: Consistent with building style.

Doors: Paneled doors with fanlights, divided lights and sidelights typical to style.

Garage Doors: Paneled to coordinate with entrance doors and provide a level of detail consistent with style.

Roof: Metal, composition, treated wood and tile.

Balustrades & Railings: Open balustrades and railings of metal or wood.

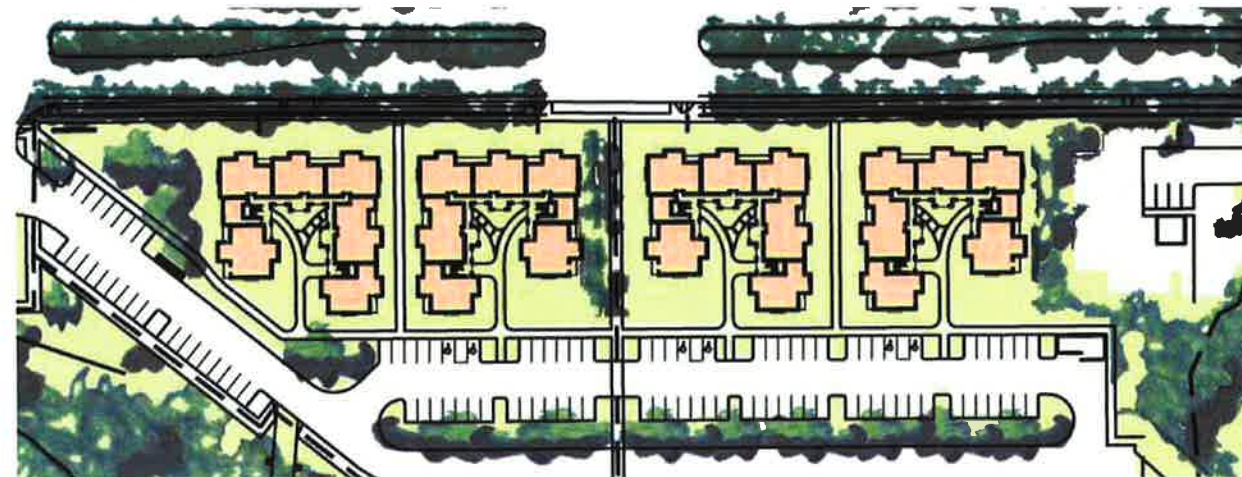
Color

Color should be used to emphasize building modulation, individual units and architectural details. Values should generally comply with the following scheme: roof and base of building as darkest value, body of building as medium value and trim as lightest value.

"Courtyard" Apartments: Site Planning



DRAWING NOT TO SCALE



DRAWING NOT TO SCALE

Multi-Family Housing: "Courtyard" Apartments

Intent of Guidelines: Community Facilities

Community facilities (e.g., sales or managers' offices, recreation & fitness, laundry) may be located either within living unit structures or in a separate structure. If separate, ensure building design is consistent with main building elements.

Create facilities that are safe and accessible to multi-family residents.

Site Planning

Locate central to residents, or at entry to project. Consider solar access when orienting building on site, especially for lighting of communal area (e.g., fitness, pool, lounge).

Massing, Modulation & Roof Forms

Design consistent with main living unit buildings; minimize building footprint in order to maximize outdoor open spaces.

Storage Facilities, Carports

Use same building materials as main living unit buildings or screen heavily.

Intent of Guidelines: Site Details

Ensure safety, security and privacy for residents in the multi-family projects.

Design site to minimize need for fences and walls that isolate residents from neighbors and streets.

Provide buffering of parking and nuisances (e.g., lighting and trash) for neighboring properties.

Provide location and material type criteria for site planning. Design of mailboxes and signage will be provided at land division and building permit approval phases.

Parking

Locate parking in interior surface lots or underneath the building, away from the streets and with access from alleys or lanes.

Provide 5-6 foot, lighted walkways (paved or crushed rock) from parking areas to buildings, including community facilities.

Landscaping

Parking Areas: Landscape parking areas consistent with Mixed Use District parking landscaping standards. Provide screening with hedges; no low walls required.

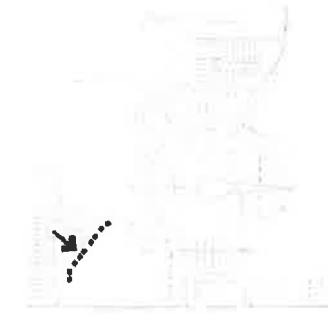
Front & Side Yards: Front and side yards that abut a street should be visually open to the street. Walls or fencing is not recommended.

Screening: Screen trash areas with fencing consistent with City codes. Plant materials to be evergreen, consistent with site-wide materials.

Walls, Fencing: Minimize site walls or fencing. Walls or fencing may be provided where safety, security warrants. Walls or fencing recommended for screening only in tight areas, where landscape/plant materials alone are inadequate to provide sufficient screening. Walls or fencing to be in character with buildings. Use walls in conjunction with plantings: vines on vertical surfaces, ground plane to be planted with shrubs and groundcovers.

Mailboxes, Trash: Locate mailboxes convenient to the residents and postmen. If grouping multiple mailboxes, provide covered, lighted access. Structure design to be consistent with materials, color, style of main buildings.

"Big House" Duplex Elevation



Multi-Family Housing: Duplexes

Overall Design Intent

Duplexes are multi-family units in city zoning, but townhome-like in character. Duplex Homes include two types: “Big House” duplexes and “Ward Lake” duplexes. Both duplex types are envisioned to blend into the single-family residential aesthetic; most “Big House” duplexes will have alley access, which should help in creating the street appearance of large, single homes while “Ward Lake” duplexes are set back from a smaller, more wooded lane.

“Big House” Duplexes

Overall Design Intent

“Big House” duplexes lining the west entry road into the village are intended to closely resemble “big houses,” in order to fit into a single-family detached housing neighborhood.

Ways to achieve this “big house” look include asymmetrical massing, placing the second entry in the side yard. These units necessarily require wider lots. The guidelines are illustrative of the architectural requirements that shall be met using the tools described below.

Intent of Guidelines: Building Massing & Roof Forms

“Big House” duplexes will fit into the single-family neighborhoods by adopting typical single-family roof configurations, utilizing asymmetrical massing and entrance placement and generally disguising the fact that these are two-unit buildings. The guidelines are illustrative of the architectural requirements that shall be met using the tools described below.

Building Height & Modulation

“Big House” duplexes will be a maximum of two (2) stories in height; stories shall be counted from the highest point of the lot.

Significant building modulation is needed for the “Big House” duplexes in order to diminish the apparent size and scale of the two-unit building. Modulation may be used to downplay the second entryway to the unit. Garages will also be downplayed by locating them at the side or underneath the units. Shared driveways are encouraged to reduce the amount of paving and curb cuts needed to serve the units, and reinforce the idea of single unit buildings.

Facade Treatment & Building Details

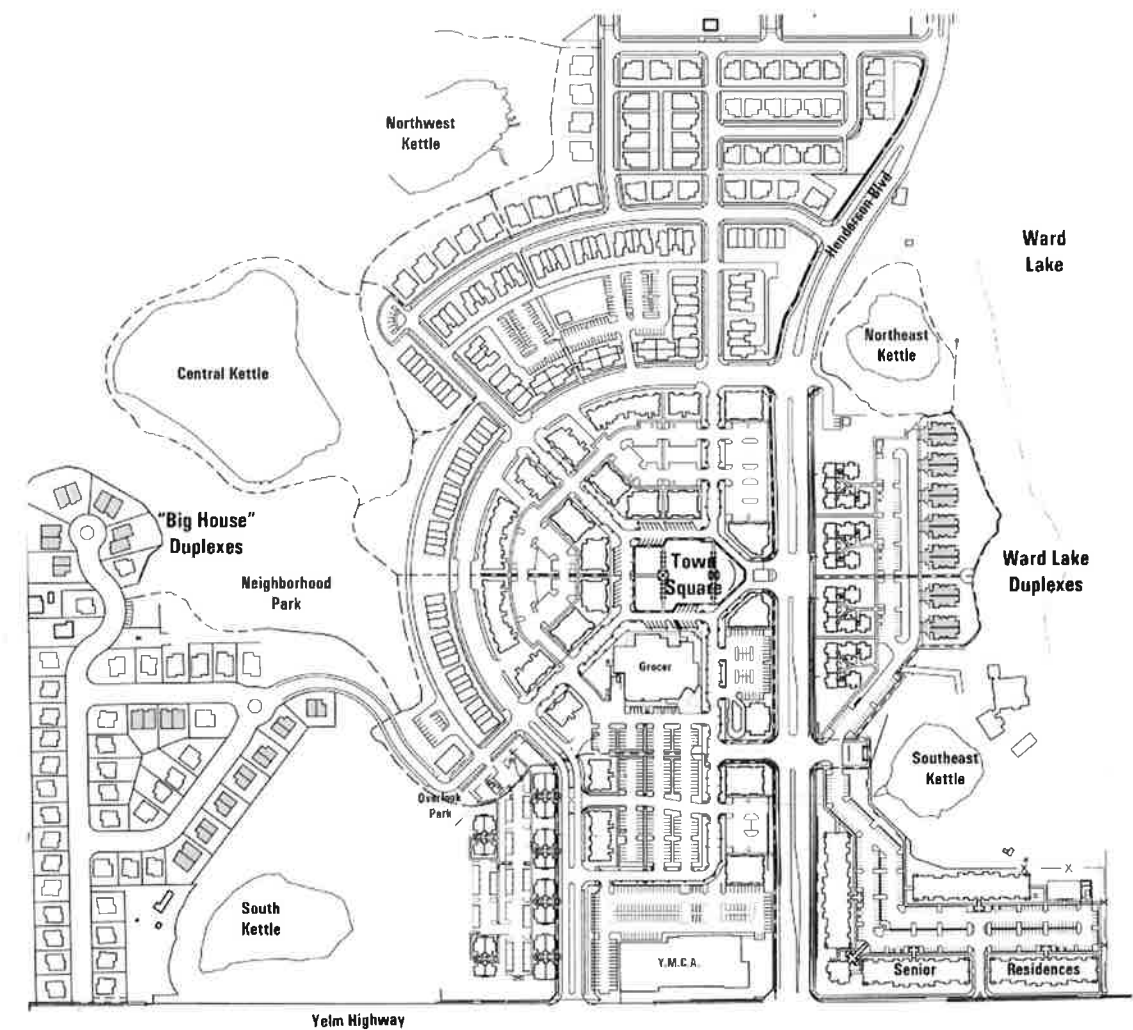
Provide a consistent standard/level of material quality and workmanship throughout the duplexes, while allowing living unit identity and variety.

Entryways, Doors & Windows

Doors and windows to be of a type and proportion consistent with the building style; vertically proportioned divided light windows, paneled doors with side lights and transoms.

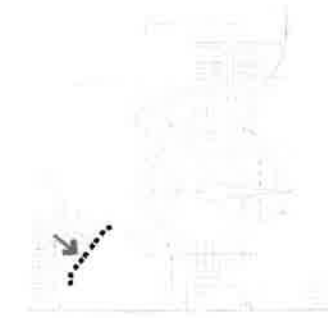
Porches, Balconies & Arcades

Open balustrades, railings only; no enclosed porches or half walls. Railings of metal or wood.



Location of Duplex Homes

"Big House" Duplex Variation



Multi-Family Housing: “Big House” Duplexes

Building Materials & Color

Siding: Wood, composition, masonry or simulated masonry (e.g., stucco or synthetic). Wall finishes shall remain consistent on all sides of buildings that can be seen by the public.

Trim: Consistent with building style.

Roof: Standing seam metal, composition, shingle and treated wood.

Chimneys: Chimney materials should utilize masonry, simulated masonry (stucco) or wood/composition siding to differentiate chimney from the rest of the building. No exposed pre-fab metal flues.

Colors: Color should be used to reinforce the illusion that these are single-family dwellings.

Site Details

Ensure safety, security and privacy for residents in the multi-family projects.

Provide location and material type criteria for site planning.

Allow for design of mailboxes, signage at land division and building permit approval phases of development.

Parking

Locate parking behind, beside or beneath the units, using alley access where possible.

Landscaping

Parking Areas: Screen parking areas from communal open spaces. See plant list for materials.

Front & Side Yards: Consider site as one house in development of front and side yards. Compose walk or walks and plantings with idea to providing unified identity to building facade. Landscape treatment should be in keeping with single-family detached homes.

Screening, Fencing: Fencing permitted along side yards and back yards where alley is provided only. No front yard fencing.

Mailboxes, Trash: Locate mailboxes within units or in groups of two boxes minimum. Trash shall be located on alley, where provided, or within units and brought to curb for pickup.

Ward Lake Duplexes

Overall Design Intent

The duplex neighborhood overlooking Ward Lake is planned to allow a wide diversity of housing style, like the single-family neighborhoods, and to also allow an orientation away from the street and towards the lake.

The streetscape of the single-family neighborhood is replaced with a smaller, more wooded lane. An open space easement or tract is planned to run along the edge of the lane to provide a landscaped buffer to the garages that serve these units. The guidelines are illustrative of the architectural requirements that shall be met using the tools described below.

Range of Housing Styles

The range of housing styles is the same as for single-family detached housing. (See page 66 for definition of styles.)

Building Heights & Roof Forms

“Ward Lake” duplexes are limited to a maximum height of two (2) stories; stories shall be counted from the highest point of the lot. If designed for senior home buyers, buildings are likely to locate most of the living area on the ground floor, with guest units on a second story.

Like the single-family housing, a variety of roof forms may be used, although the range of roof pitches may be widened, to allow lower pitched roofs along the lake edge.

Building Modulation

Recessing the garages is not critical to the streetscape for these units, due to the landscape buffer along the lane.

Entryways, Doors & Windows

Open gates, columns or trellises are required for each driveway from the lane, to suggest the sense of entry to each lot/building. There are no prescribed locations for building entries.

Doors and windows to be of a type and proportion consistent with the building style.

Porches, Balconies & Arcades, Siding, Trim, Roof, Chimneys and Color

Please see single-family housing guidelines.

Site Details: Landscaping

Landscaping of the buffer along the lane should follow the style of the Arboretum. View corridors and tree thinning along Ward Lake will follow the guidelines of the tree plan. Fencing is allowed only for side and rear yards.

"Boulevard" Townhomes: View from Briggs Boulevard



BUILDING DESIGN GUIDELINES: SINGLE FAMILY TOWNHOMES

Overall Design Intent

The single family townhomes are important in providing a transition in density, from multi-family to single family neighborhoods.

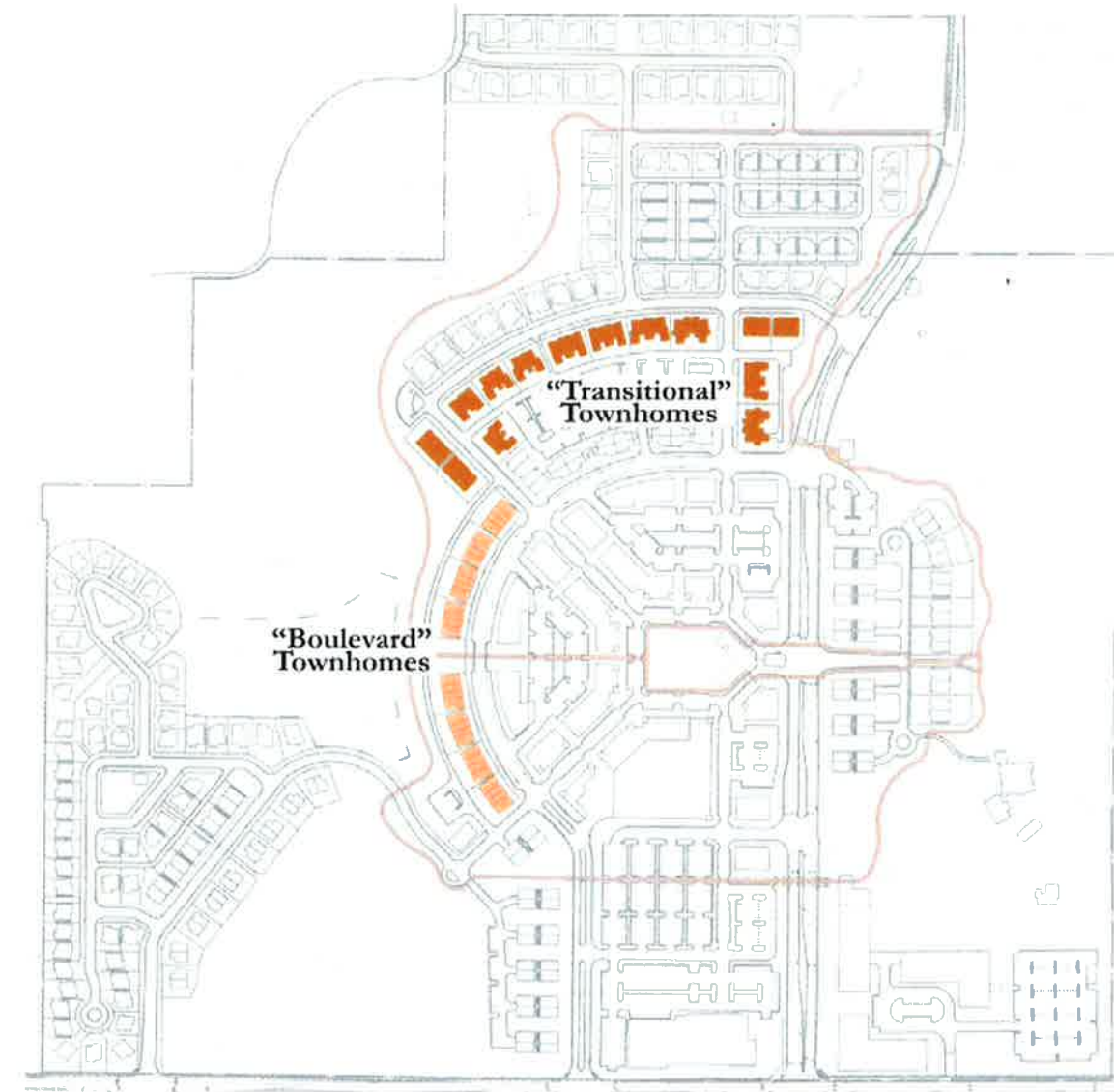
Two types of townhomes are planned for Briggs Village that will meet key goals for creating the desired streetscape and building design character, depending on their location. The guidelines are illustrative of the architectural requirements that shall be met using the tools described below.

“Boulevard” Townhomes

The four-unit townhomes that line the internal Briggs Boulevard are intended to provide a strong street wall, emphasizing the building’s height with 3rd floor dormers and minimizing facade modulation along the street edge. Townhome units may reflect a fairly uniform choice of porch roofs and color within any one building.

“Transitional” Townhomes

The three- and four-unit townhomes that face single-family detached homes are intended to complement their neighbors, by lowering rooflines, softening roof forms, and modulating the front facade with the use of porches. A more varied color scheme than used for the “Boulevard” townhomes may be appropriate for townhomes fitting in with the single-family neighbors.



Townhome Locations

"Boulevard" Townhome Variations: View from Briggs Boulevard



Single Family: “Boulevard” Townhomes

Intent of Guidelines: Building Massing, Modulation & Roof Forms

Adapt townhomes to the local neighborhood and streetscape conditions (i.e., the multi-family neighbors vs. single family detached homes and boulevard street vs. the local arterial).

Incorporate key elements and colonial revival of neo-classical design styles chosen as the defining character of the village.

Building Heights & Roof Forms

“Boulevard” townhomes will be a minimum of two (2) stories and a maximum of three (3) stories in height. Stories shall be counted from the highest point of the lot. Three-story units shall emphasize their building height with 3rd story dormers. The first floor is slightly raised above street level. Parking underneath the buildings on sloping sites may enable 2-3 story building heights along the street front. Gabled roofs may be aligned with ridges perpendicular to the street, to emphasize the roof line. Chimneys should be ganged and used to emphasize the roof form, rhythm of individual units.

Building Modulation

The amount and types of building modulation will vary by type of townhome. All building modulation should be reinforced by the careful, symmetrical placement of windows and doors. There is no minimum depth suggested for the modulation.

“Boulevard” townhomes are intended to create a strong street facade; a minimal amount of modulation may be necessary, potentially involving only the front porches and entries to each unit.

Intent of Guidelines: Facade Treatment & Building Details

Provide a consistent standard/level of material quality and workmanship throughout the townhomes, while allowing living unit identity and variety.

Entryways, Doors & Windows

Doors and windows to be of a type and proportion consistent with the building style; vertically proportioned windows, paneled doors with side lights or transoms are typical.

Porches, Balconies & Arcades

Porches and balconies should have open railings of painted wood or metal consistent with the architectural style.

Building Materials

Siding: Wood, composition, masonry or simulated masonry (e.g., stucco or synthetic). Wall finishes shall remain consistent on all sides of buildings that can be seen by the public.

Trim: Consistent with building style; no butt end joints.

Roof: Standing metal seam, composition, shingle and treated wood.

Chimneys: Integrate chimney materials with building materials. No exposed pre-fab metal flues.

Color

Color should be used to emphasize building modulation, individual units and architectural details. Values should comply with the following scheme: roof and base of building as darkest value, body of building as medium value, trim as lightest value. Metal elements to be painted dark.

"Boulevard" Townhome Elevation



Single Family: "Boulevard" Townhomes

Intent of Guidelines: Site Details

Ensure safety, security and privacy for residents in the townhome projects.

Provide location and material type criteria for site planning,

Allow for design of mailboxes, signage at land division and building permit approval phases of development.

Parking

Locate parking behind, beside or beneath the units, using alley access where possible.

Landscaping

Parking Areas: Screen parking areas from communal open spaces. See plant list for materials.

Front & Side Yards: Consider site as one house in development of front and side yards. Compose walk or walks and plantings with idea to providing unified identity to building facade. To add feeling of depth to front yard and to provide better transition from public to private, develop landscape in "layers" - low hedge at street edge, then groundcovers, then foundation plantings at building, with specimen trees as an intermediate layer.

Screening, Fencing: Fencing permitted along side yards and back yards where alley is provided only. No front yard fencing.

Mailboxes, Trash: Locate mailboxes within units or in groups of two boxes minimum. Trash shall be located on alley, where provided, or within units and brought to curb for pickup.



"Boulevard" Townhome Variation

"Transitional" Townhomes facing Single Family Detached Housing



Single Family: "Transitional" Townhomes

Intent of Guidelines: Building Massing, Modulation & Roof Forms

Adapt the scale and modulation of the townhomes to the local neighborhood and streetscape conditions (i.e., single family detached homes and local arterial).

Incorporate key elements of colonial revival and neo-classical design styles chosen as the defining character of the village.

Building Height, Roof Forms & Modulation

"Transitional" townhomes feature a single family influenced massing, including a lowered roofline and building heights of two (2) stories. Stories shall be counted from the highest point of the lot. Dormers shall be dropped to the second story level; variation in building form and detail should emphasize the scale of the individual dwelling unit.

Building modulation should be reinforced by the careful, symmetrical placement of windows and doors. A minimum depth of 4'-0" is suggested for the modulation, although decisions regarding such dimensions will be made on a case-by-case basis.

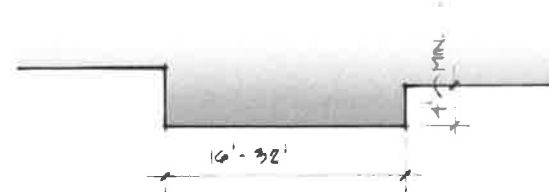


Diagram of Building Modulation



"Transitional" Townhome Elevation



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Single Family: "Transitional" Townhomes

Intent of Guidelines: Facade Treatment & Building Details

Provide a consistent standard/level of material quality and workmanship throughout the townhomes, while reinforcing living unit identity and variety.

Entryways, Doors & Windows

Doors and windows to be of a type and proportion consistent with the building style; vertically proportioned windows and paneled doors with side lights and transoms.

Porches, Balconies & Arcades

Porches and balconies should have open railings of painted wood or metal consistent with the chosen architectural style.

Building Materials

Siding: Wood, composition, masonry or simulated masonry (e.g., stucco or synthetic). Wall finishes shall remain consistent on all sides of buildings that can be seen by the public.

Trim: Consistent with building style; no butt end joints.

Roof: Standing metal seam, composition, shingle and treated wood.

Chimneys: Integrate chimney materials with building materials. No exposed pre-fab metal flues.

Color

Color should be used to emphasize building modulation, individual units and architectural details. Values should comply with the following scheme: roof and base of building as darkest value, body of building as medium value, trim as lightest value. Metal elements to be painted dark.

Intent of Guidelines: Site Details

Ensure safety, security and privacy for residents in the townhome projects.

Provide location and material type criteria for site planning.

Allow for design of mailboxes, signage at land division and building permit approval phases of development.

Parking

Locate parking behind, beside or beneath the units, using alley access where possible.

Landscaping

Parking Areas: Screen parking areas from communal open spaces. See plant list for materials.

Front & Side Yards: To add feeling of depth to front yard and to provide better transition from public to private, develop landscape in "layers" - low hedge at street edge, then groundcovers, then foundation plantings at building, with specimen trees as an intermediate layer.

Screening, Fencing: Fencing permitted along side yards and back yards where alley is provided only. No front yard fencing.

Mailboxes, Trash: Locate mailboxes within units or in groups of two boxes minimum. Trash shall be located on alley, where provided, or within units and brought to curb for pickup.

Single Family Neighborhood: View North toward North Residential Phase "Commons"



BUILDING DESIGN GUIDELINES: SINGLE FAMILY DETACHED HOMES

Overall Intent of Guidelines

The single family neighborhoods are envisioned to be a pleasing combination of a well-ordered streetscape, with a strong street facade and rhythm of trees and lighting and a variety of housing styles that extends beyond the neo-classical and colonial revival styles. The guidelines are illustrative of the architectural requirements that shall be met using the tools described below.

Streetscape

On-street parking, vertical curbs, 8-foot wide planting strips with regularly placed street trees and streetlight standards and sidewalks are combined to create an intimate and layered streetscape.

The 50-70 foot wide lots will ensure a consistent massing of buildings; most homes will maximize their lot frontage. A consistent 12-20 foot front yard setback will ensure that the housing will form a strong street facade and enclose the 53-foot street right-of-way.

See Streetscape Design Guidelines for street sections and descriptions.

Range of Housing Styles

The range of acceptable architectural styles is broadened for the single family homes in order to:

- Adapt to smaller sites and steep topography
- Appeal to a broader market of home buyers
- Allow for diversity within a well-ordered plan and blend with nearby housing.

The classical, colonial and Georgian architectural styles of the townhomes and multi-family housing will be expanded to include classically influenced craftsman and Tudor styles. These pre-modern styles may be adapted to fit into the village, using roof forms, porch details and massing similar to the classical and colonial styles. Local examples of this variety of housing styles are found in older neighborhoods throughout Puget Sound, including Wallingford, Queen Anne and Montlake communities in Seattle and the South Capitol neighborhood in Olympia.

Housing Styles

The chosen housing styles for Briggs Village are intended only to set a direction for design. “Pure” versions of the housing styles are not expected and styles will need to be adapted to site conditions, lot sizes and conventional building materials.

Neo-Classical

Neo-classical styles of the 1920s are primarily hip-roofed models, with full-height porches supported by classical columns. Doors and windows are typically placed symmetrically on the front facade, although housing layouts for smaller lots in the Briggs Village may lead to asymmetrical placements of entryways. Windows are typically vertically proportioned.

Colonial Revival

Colonial Revival refers to the renewed interest in Early English and Dutch houses of the Atlantic seaboard, such as Georgian and Adams models. The predominant building forms are one and two story, hip-roofed and side gabled houses. The windows are typically symmetrically placed on the front facade and often consist of double-hung, paired windows with divided light upper sashes. Doors are highlighted with a decorative crown, side lights, or an extended porch with slender columns.

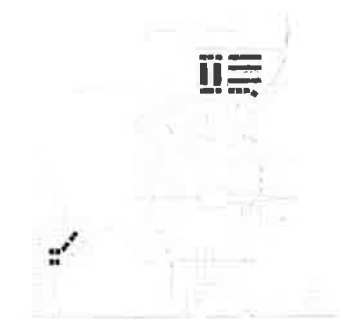
Craftsman

One of the early indigenous American architectural styles, craftsman style homes are typically one to one and one-half stories, with low pitched front, side or cross gabled roofs and wide eaves. Porches often extend the full width of the facade, with splayed columns and massive piers. Roof rafters are often exposed at overhangs, with supporting brackets added as structurally expressive detail.

Tudor

A popular housing styles during the 1920s and 1930s that typically involves a steeply pitched roof, usually side gabled and a prominent cross gable on the front facade. Windows are typically tall and narrow, grouped and with multi-paned glazing. Ornamental false half timbering is also common.

Single Family Streetscape: 50-foot wide Lots with Alley Access



Single Family Detached Homes

Intent of Guidelines: Building Massing, Modulation & Roof Forms

To create a cohesive streetscape, with consistent building setbacks, massing and roof pitches while providing a variety of housing styles.

To both encourage pedestrian friendliness and protect residents' privacy through careful placement of porches, doors, windows and garages.

To encourage outdoor living spaces (e.g., porches and balconies) along the street.

Building Heights & Roof Forms

Single family detached homes shall be a maximum of two (2) stories in height; stories shall be counted from the highest point of the lot.

Buildings shall be raised from the street elevation where possible and consistent with neighboring homes. On sites level with the sidewalk, first floor elevations should be at least 12 inches above grade.

A variety of roof forms may be used, with roof pitches ranging from moderate to steeply pitched (i.e., minimum 8:12 pitch). Roof forms of porches, dormers and garages should be consistent with chosen architectural style and primary structure.

Roof overhangs should be sized to provide a shadowline on the facade, protect sidewalls, in accordance with chosen architectural style.

Building Modulation

The most critical building modulation is the setback of the garage from the front wall of the house on those lots with street (and not alley) access. A minimum 4-foot modulation is required for those lots.

Front facades greater than 32 feet in width will include some form of modulation, including porches, to reflect a building massing that is consistent with homes on the smaller lots and to provide sheltered outdoor, street-oriented living spaces.

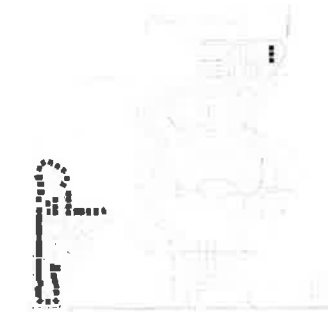
Dormers

The use of dormers is encouraged to provide light and ventilation in 1-1/2 and 2 story homes; dormers should reflect the chosen architectural style.

Porches

Porches should be a minimum 6 feet in depth, to provide usable, covered outdoor area.

Single Family Streetscape: 60-foot plus wide Lots with Recessed Garages



Single Family Detached Homes

Intent of Guidelines: Facade Treatment & Building Materials

To provide a consistent standard/level of material quality and workmanship throughout the single family neighborhood, while accommodating a variety of styles.

Entryways, Doors & Windows

Devote a significant amount of the front facade to windows and the entryway.

Doors are required from all primary, street-facing porches.

Doors and windows to be of a type and proportion consistent with the building style; vertically proportioned windows, paneled doors with side lights and transoms.

Siding

Materials include: wood, cementitious composition, masonry or simulated masonry (e.g., stucco or synthetic). Wall finishes shall remain consistent on all sides of buildings that can be seen by the public.

Trim

Required on all windows and doors, consistent with building style.

Mitered corners on trim boards on all corners.

Roof

Fascia and rake boards and shingle molding; extend rake boards to capture ends of gutters.

Materials include standing seam metal, composition, shingles or treated wood.

Chimneys

Chimney materials should utilize masonry, simulated masonry (stucco) or wood/composition siding to differentiate chimney from the rest of the building. No exposed pre-fab metal flues.

Color

Color should be used to emphasize building modulation and architectural details, left to building or customer to allow variety throughout neighborhood.

Minimum three colors per home. Metal elements to be painted dark.

Single Family Streetscape: 70-foot wide Lots with Basement Parking Option



Single Family Streetscape: 70-foot wide Lots with Garages at Rear of Lot



Single Family Streetscape: 70-foot wide Lots with Recessed Garages



Single Family Detached Homes

Intent of Guidelines: Site Details

To promote safety, security and privacy for residents.

To address issues that potentially compromise streetscapes, such as street-facing garages, curbcuts, setbacks and fencing.

To protect views from common open space areas, as well as from homes, by identifying appropriate backyard fencing and screening materials.

Parking

Locate parking behind, beside or beneath the units, using alley access where possible. For those streets without alleys, the locations of garages will be consistent for the entire street, to ensure a regular street tree and lighting pattern. (Please see streetscape diagrams for various garage options and their impact on tree spacing.)

Garage location will likely be dependent upon topography, sloping sites may preclude garages in back of lot or basement garages.

Lots with street access only: do not “pair” driveways. Maintain a regular rhythm of street trees and driveways. Sharing of driveways in order to reduce size of curbcut is permitted, if desired.

Landscaping

Front & Side Yards: Front and side yards that abut a street should be visually open to the street. Walls or fencing is not recommended. Plantings should be low and varied. A variety of trees are recommended to add depth and diversity to the neighborhood.

Backyards: Backyards may be designed to suit residents’ tastes.

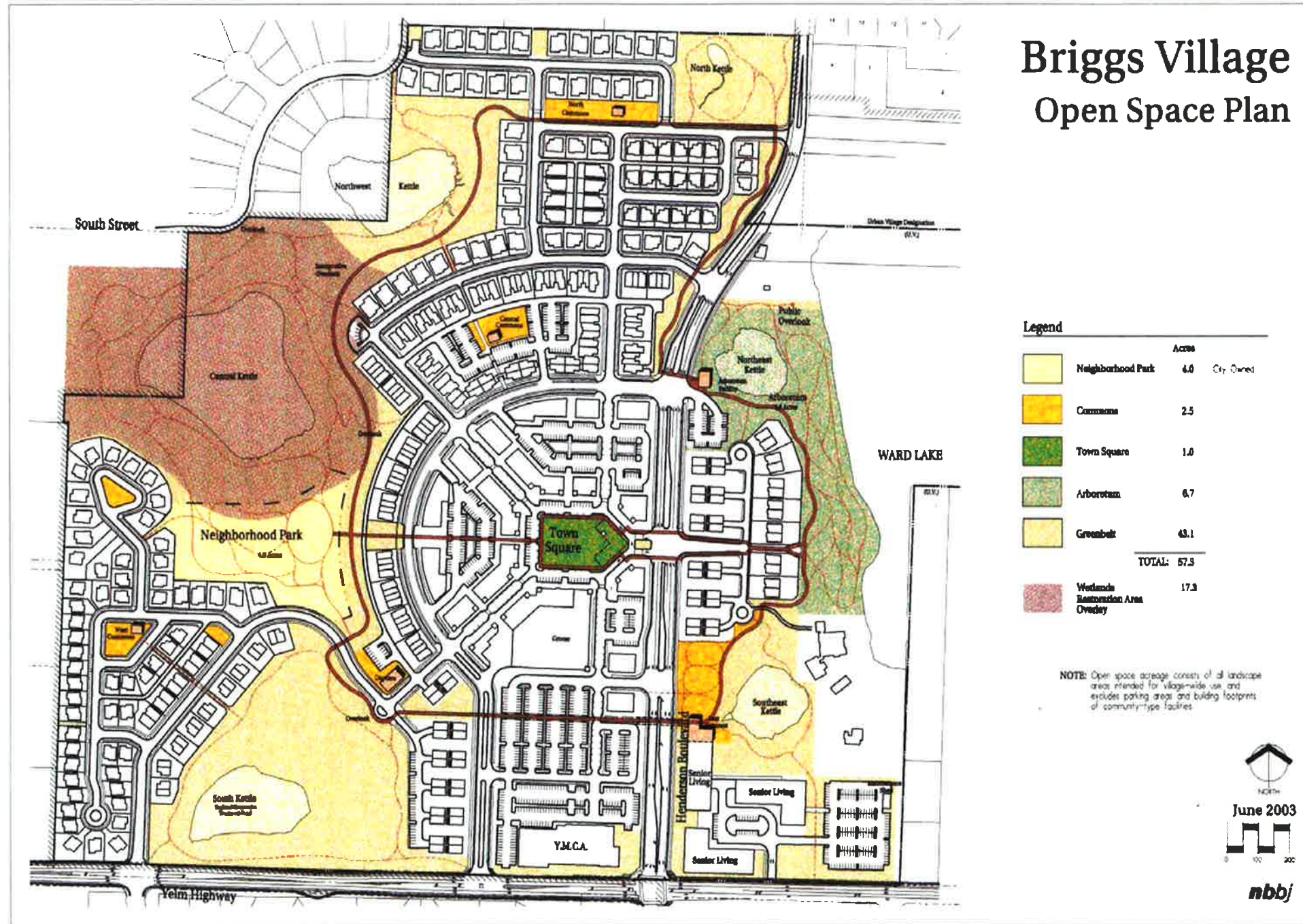
Fencing

Front Yard: No fencing.

Side Yard: Solid privacy fencing (6’ height), in keeping with building permitted between adjacent property buildings and 10 feet to rear of house.

Rear Yard: Solid privacy fencing (6’ height), in keeping with building along property lines on alley sites. Fencing type shall be consistent within block.

Transparent fencing (4’ height) of open ornamental metalwork, or black vinyl chain link, permitted along side yards, back of house, to rear property line where solid privacy fencing is not warranted (where rear yard directly abuts open space).



BRIGGS VILLAGE LANDSCAPE DESIGN GUIDELINES

Overall Design Intent

The Landscape Design Guidelines are intended to meet several goals for the project's community spaces: the village landscape, the special natural features on-site and the circulation system:

- Create a distinctive landscape throughout the village.
- Reflect the Briggs Family history and site heritage as a nursery through the types and variety of plant materials.
- Build on Olympia's "Olmstead" tradition in the design and planting of the greenbelt area.
- Restore and enhance natural features of the site, including the Central Kettle's function as a forested wetland.
- Create an "urban forest" -- keep, protect and maintain existing trees wherever possible and plant a new forest on new streets and within open space areas.
- Allow the identities of the neighborhoods and Town Square to emerge through street trees, lighting fixtures and paving.
- Highlight the village trail system through coordinated plantings, lighting and furniture, thereby providing continuity and connection throughout the village.

Use of Guidelines

These guidelines are meant to direct the development of communal open spaces and rights-of-way within the village. Detailed guidelines for privately held lots, such as within the multi-family projects, are included in the Building Design Guidelines.

Landscape Design Vision

Briggs Village will be a community where people will live together, work together, and play together. The master planning efforts, the architecture and the landscape design are intended to yield a welcoming environment. Great design and attention to detail throughout the site will produce an enduring, comfortable community setting. The Briggs Village landscape will be a key component to achieving this vision.

The Briggs Village landscape will support the vision of family and health.

The landscape design throughout the Village will offer opportunities for recreation, community gatherings of all sizes, exploration, botanical and horticultural education and enjoyment of a beautiful setting. Over fifty acres of open space will be dedicated to the residents, neighbors and visitors of Briggs Village. Miles of trails will be used for exercise and connection to the community. The Neighborhood Park and the four commons provide settings for informal sports and competition.

The Briggs Village landscape will articulate the Nursery history.

The Briggs Nursery heritage of the family and of the site will be remembered through the greenhouse architecture of the Town Square Covered Area as well as grid and grove plantings recalling the lines of cans and greenhouses once found throughout the property. Rhododendrons developed by Bruce Briggs will be featured in the Briggs Village landscape and celebrated as part of the site's past.

The Briggs Village landscape will perform as an arboretum.

While the official Arboretum is limited to the western shore of Ward Lake, the entire Village will function as an arboretum setting, using plant materials and interpretive signage. A variety of lush plants will be used to create a beautiful environment while educating the pedestrian on botanical history and horticultural practices.

Briggs Village is envisioned as a neo-traditional neighborhood with a sense of permanence and place. This community and the landscape that enhances it will only grow stronger and more beautiful as it matures.

View North into South Kettle & South Kettle Shelf



MASTER LANDSCAPE CONCEPT

Landscape Design Character

Briggs Village is envisioned and designed to be a community that will reflect the Briggs family commitment to family and health:

- Residential neighborhoods are designed around ‘commons’ areas that will support community gatherings and activities;
- The central location of the Village Center – including a grocer, retail stores, and offices – provides conveniences within easy walking distance (less than ¼ mile for most residents);
- Almost 40% of the site has been designated as open space, including Town Square, the six kettles, and a City park;
- The Central Kettle will be involved in a significant wetland restoration effort, covering 17.6 acres; and
- In addition to the YMCA, fitness opportunities include more than three miles of trails that are planned throughout the Village to promote jogging, walking, and exploration.

The master landscape concept for Briggs Village is intended to support this vision of family and health as well as reflect on the history of the Briggs family and the site, both having been involved in the nursery trade since 1912. The project includes the development of an Arboretum along the shores of Ward Lake; while the formal Arboretum is limited to 6.6 acres, all 137 acres should articulate the nursery history and perform as an informal arboretum by incorporating a variety of lush plantings and providing an opportunity to learn about flora in the Pacific Northwest.

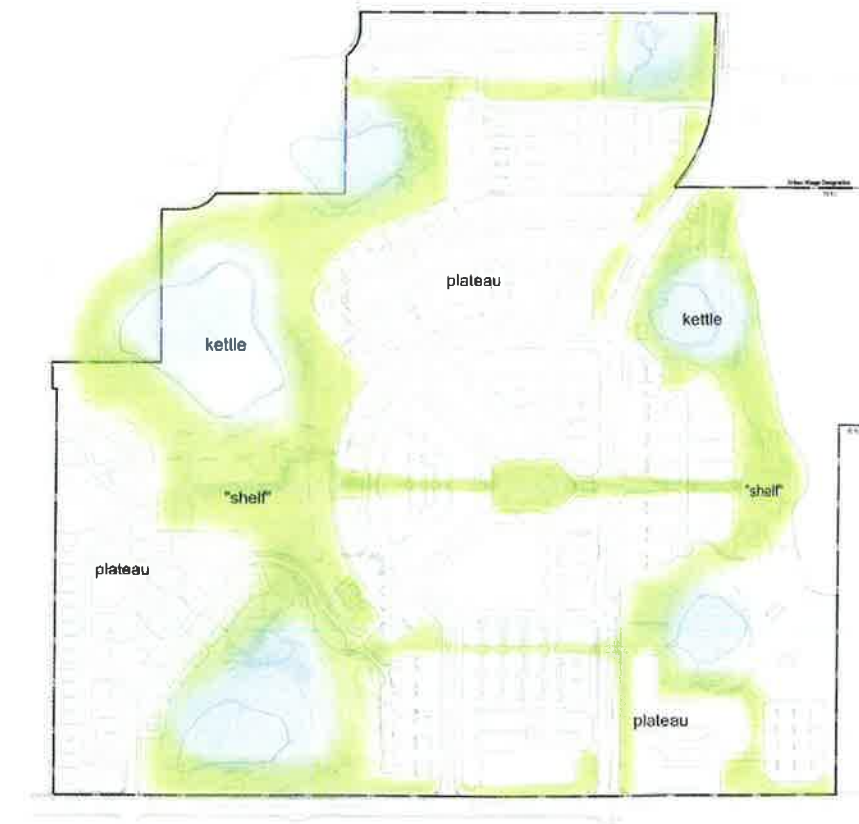
In addition to the arboretum treatment, the Briggs Village landscape concept is further defined by three key components linking together the neighborhoods within the Village. These landscape linkages involve:

- the “shelf,” or relative plateau connecting the kettles;
- east-west pedestrian connections that tie together the Village neighborhoods; and
- streetscape hierarchy, providing circulation through the site.

Together, these landscape linkages - via topography, trails, sidewalks, vehicles and bicycles, define one’s experience of Briggs Village. The following pages describe these three key linkages and the landscape design tools that help achieve the design intent for the whole site and the application of these tools to specific areas within the village. These guidelines are illustrative of the requirements that shall be met using the tools described below.

Landscape Linkages: “The Shelf”

“The shelf” is the relatively flat area embracing and linking the six kettles on-site. The shelf acts as the interface between nature and culture, between the kettles and the people places. This topographic feature is unique to Briggs Village; the shelf tells the story of both the geological history of the site and the operational history of the nursery. Grading and planting design will celebrate the shelf formation and its role as the common green-belt, allowing all residents and visitors to experience this transition area. The shelf hosts the trail network, several outlooks into the kettles, the Arboretum and the 4-acre Neighborhood Park.



“The Shelf” Diagram

South Kettle Linkage, Looking West



Master Landscape Concept

Landscape Linkages: East-West Connections

The three east-west connections are crucial linkages in unifying Briggs Village east and west of Henderson Boulevard. While the development of the village will likely occur in phases, the success of the community will depend partially on the cohesion of all the pieces. Henderson Boulevard interrupts the otherwise contiguous village community, separating the East Residential Phase from the other Briggs Village neighborhoods. These east-west linkages will help overcome this division and unite the development phases.

- North Phase Link - The northernmost link is part of the main loop trail in the North Residential Phase and incorporates the North Commons.
- Southern Kettles Link - The southernmost link is also part of the main loop trail, connecting the South Kettle overlook to the East Commons and Senior Housing development.
- Town Square Link - The central, primary east-west connection links the Neighborhood Park, across Briggs Boulevard into the Mixed Use District, to Town Square and across Henderson Boulevard to the Arboretum overlook in the East Residential Phase.



East-West Connections Diagram

Landscape Linkages: Streetscape Hierarchy

Streets within Briggs Village are organized as a hierarchy of street types based on traffic demand, road width and purpose. The resulting streetscapes are therefore designed to serve different functions and roles within the Village. The street hierarchy is based on three basic street types:

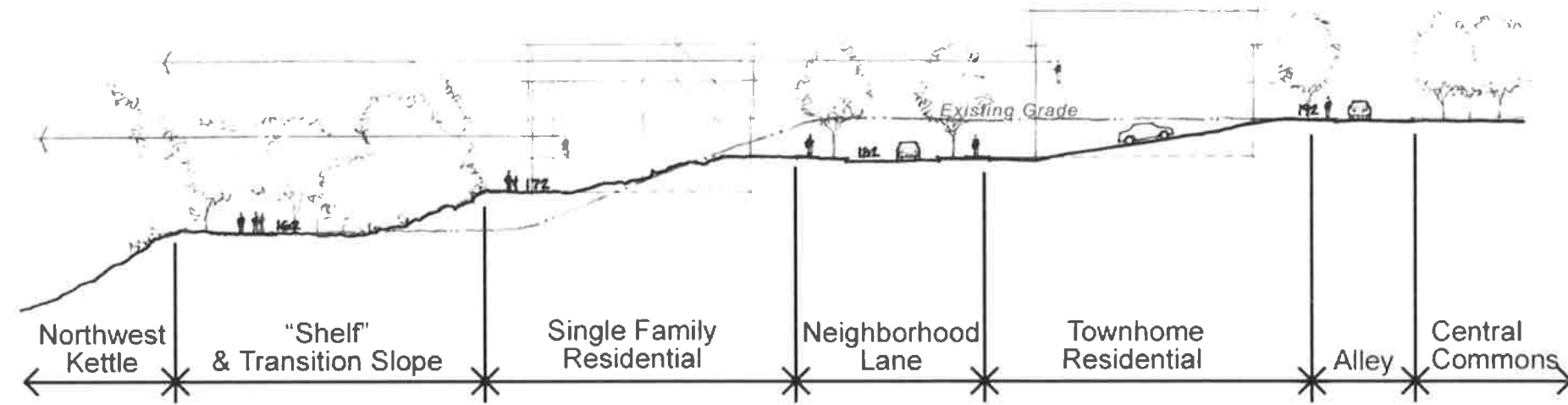
- Grand Avenues - the largest in scale, moving the bulk of the traffic either through or adjacent to Briggs Village. Grand avenues include Henderson Boulevard and Yelm Highway, and to some extent, Briggs Boulevard.
- Great Streets - the axial roadways that connect the residential neighborhoods with Town Square.
- Neighborhood Lanes - the remaining streets that are smaller in scale, serving the local circulation needs of each Village neighborhood.

For further details on each streetscape type, see page 74.

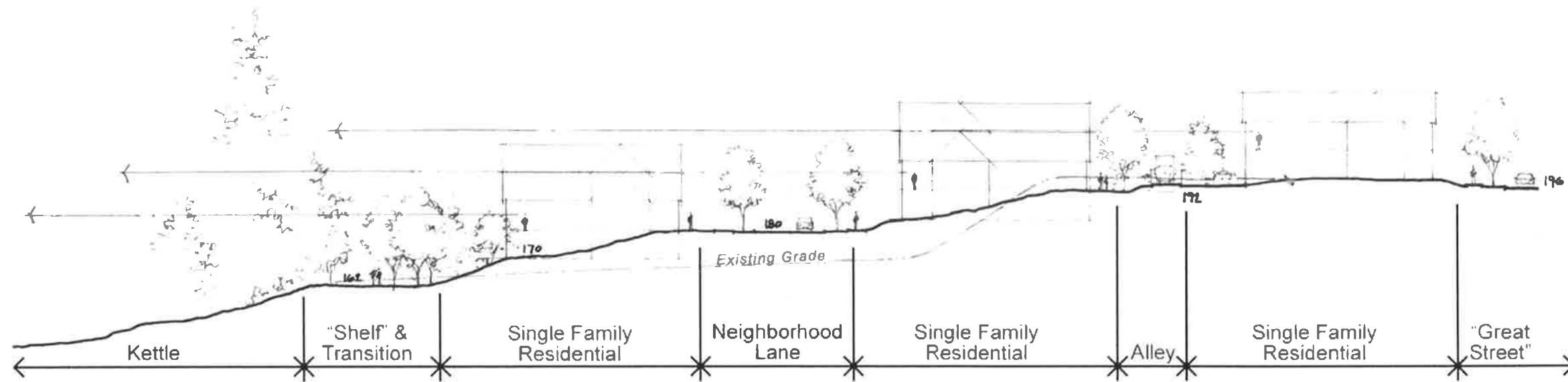
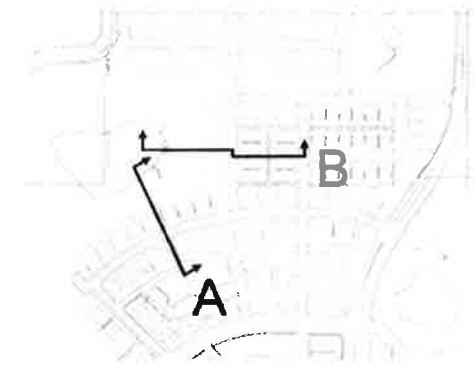


Streetscapes Diagram

Grading Design: Typical Sections through the North Residential Phase



SECTION A



SECTION B

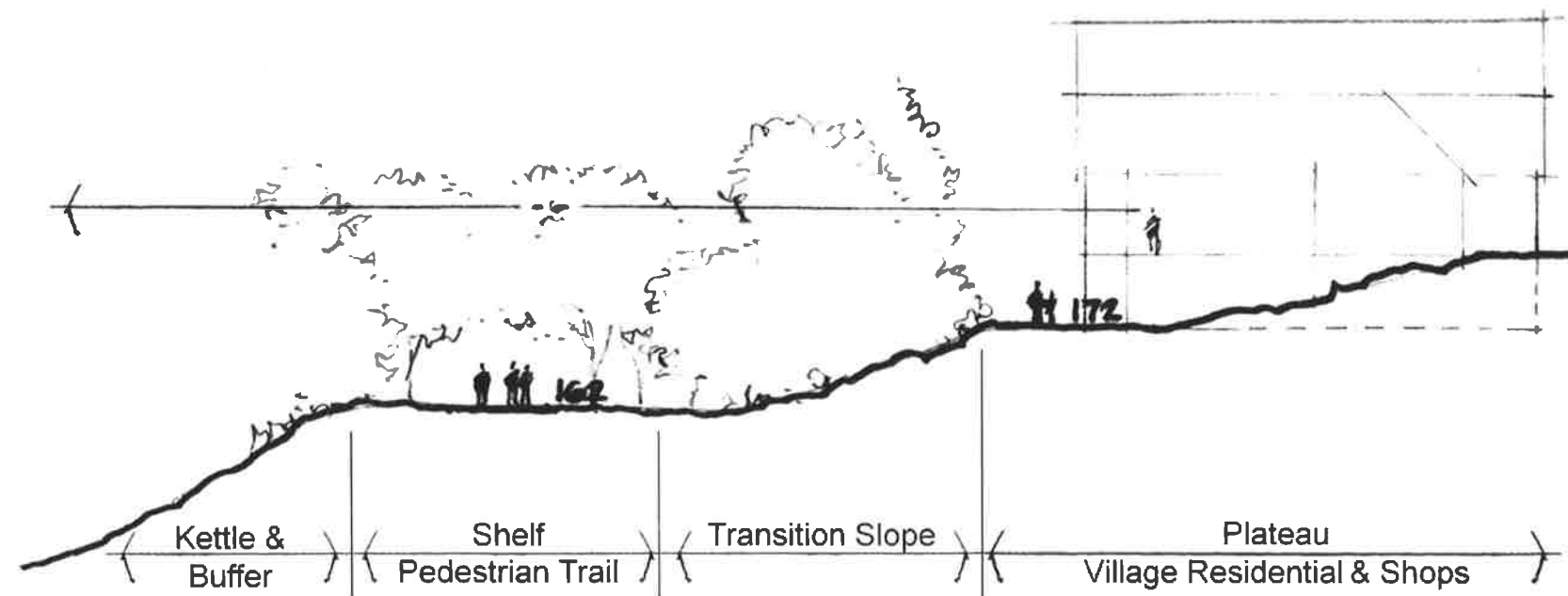
LANDSCAPE DESIGN TOOLS

Grading Design

Development of the site will entail grading in order to meet the engineering and construction needs but also in order to design the experience as one moves through the neighborhoods and the Village Center. For example, the relationship between the kettles, the trail network and the residential lots must be carefully detailed so that the 'shelf' is gracefully expressed and tells the story of the site's history. Grading design will help enhance the community character of the Village and "grounding" the architecture into the site, rooting the structures into the land.

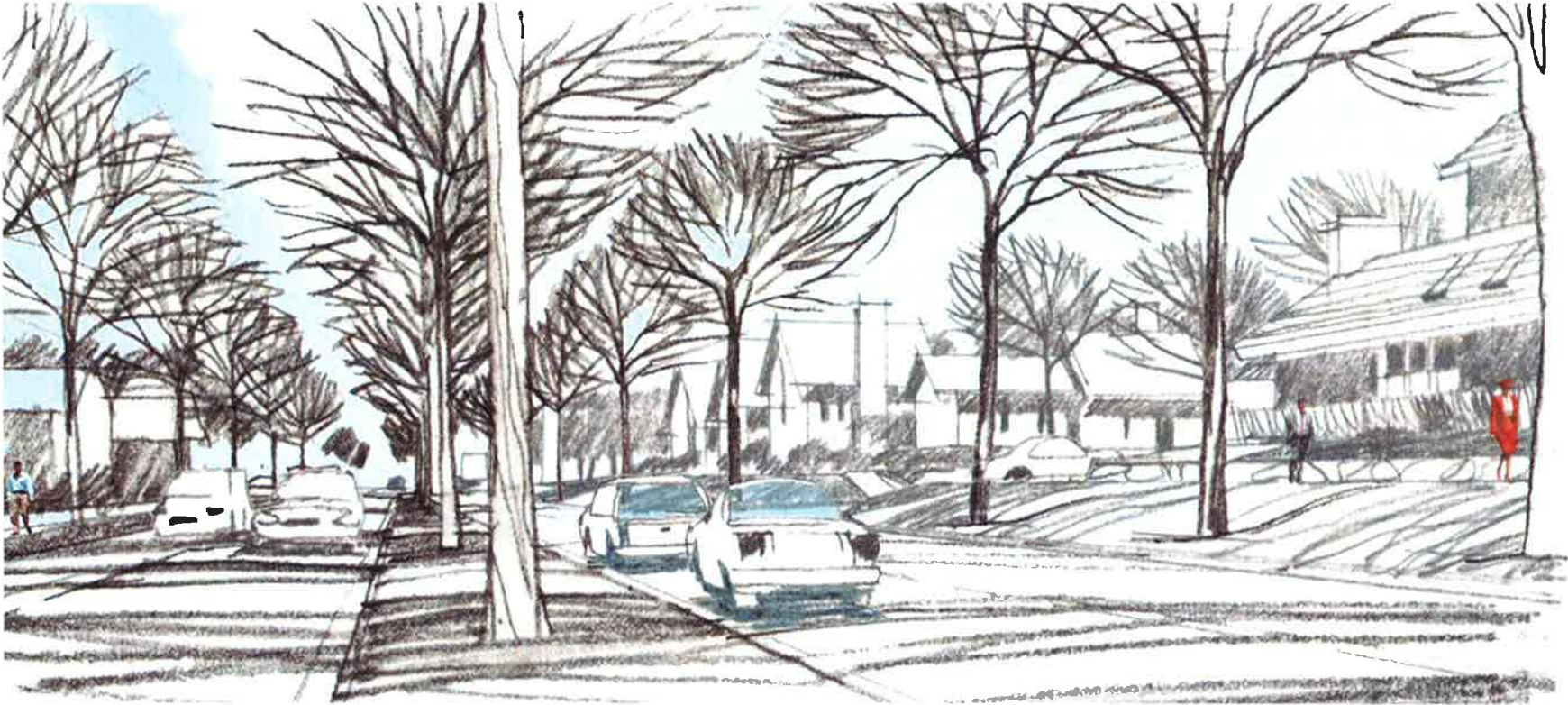
The 'shelf' serves as the common greenbelt, hosting the main loop trail as well as the Neighborhood Park and the Arboretum, is a significant component of the Village grading design. As each phase of development is designed and constructed, particular attention will be paid to this topographic area and the role it will serve in articulating the history of the site and providing a transition from the kettles to the built, people places. Conceptually, the section below illustrates the intent of the 'shelf' as a midway point, or interface, between nature and culture.

Detailed grading design plans will be developed for each phase of Briggs Village. The conceptual sections illustrated on these pages demonstrate the grading design intent for the 'Shelf' and the North Residential Phase.



Typical 'Shelf' Grading Section

Henderson Boulevard, Looking South



Landscape Design Tools

Streetscapes

Street design significantly determines the scale and speed of traffic as well as the visual and aesthetic impacts of the neighborhood environment. Reducing the width of streets can help control vehicular speeds, minimize impervious surfaces, and create a more intimate and welcoming landscape environment. By doing so, Briggs Village further meets the City of Olympia's goals for pedestrian-friendly streets. The design of the following streetscapes is intended to minimize impervious surfaces, reduce light pollution and conserve energy.

Each of the three basic street types: grand avenues, great streets, and neighborhood lanes serves different roles in directing people through the Village, by car, bicycle, or by foot. The design of each streetscape is described in terms of use, width, designated parking and bicycle lanes and preferred lighting schemes. (For further discussion of lighting within the Village, please see the Lighting Section on page 82.) A list of potential street trees for each street type is included on the Street Tree plan on page 83.

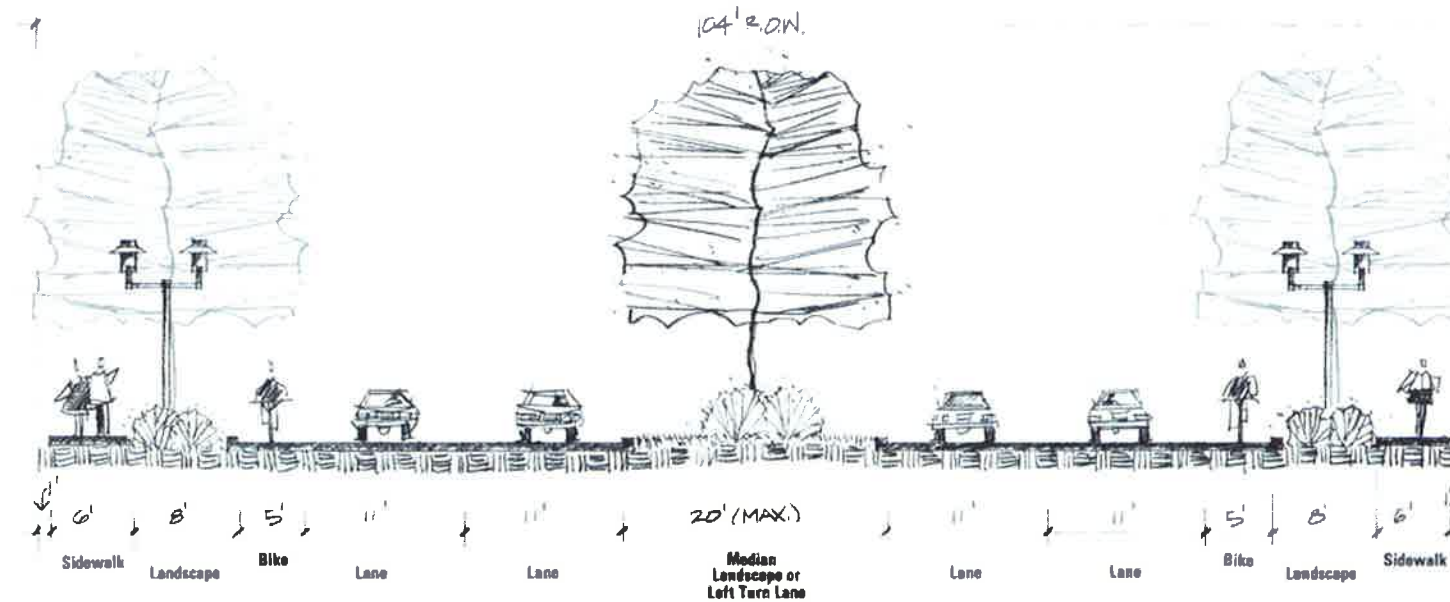
Streetscapes: Grand Avenues

Grand avenues are the streets in Briggs Village that are largest in scale, with multiple lanes and significant tree canopy, including planted medians where possible. This street type will introduce vehicles to the site and into the Village. Henderson Boulevard will be the most significant grand avenue in the village, moving traffic both into and through the property. Henderson will be widened to a 3 to 5 lane boulevard with a center median and significant tree and groundcover plantings. Grand avenues include 11' wide vehicular travel lanes and 5' wide bicycle lanes.

Henderson Boulevard

The designated right-of-way for Henderson Boulevard is a maximum of 104' in width.

The preferred lighting design utilizes pedestrian scaled light standards along both sides of the street at a more frequent interval to meet City of Olympia standards. Traditional lighting will occur, as necessary, at the proposed signal locations.



Henderson Boulevard Section

BLANK

Landscape Design Tools

Streetscapes: Grand Avenues

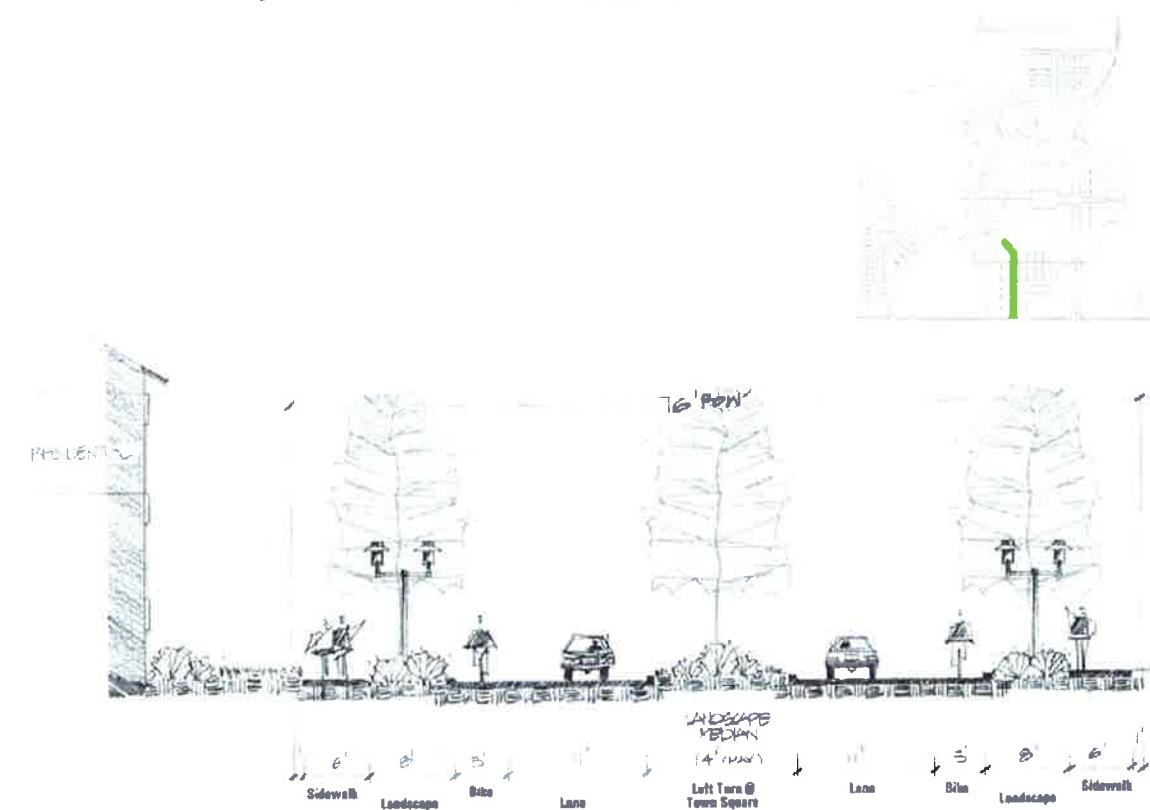
Briggs Boulevard

Briggs Boulevard, to some extent, could also be considered a 'grand avenue'. This roadway will serve to move traffic through Briggs Village and along the Mixed Use District as well as provide a secondary route between Henderson Boulevard and Yelm Highway.

The southernmost portion of Briggs Boulevard will include a landscaped median, from Yelm to the first 'great street' providing entry to Town Square or the West Residential Phase. The designated right-of-way of Briggs Boulevard is a maximum of 76' in width.

From this point northward, the median ends and Briggs Boulevard transitions to more of a neighborhood roadway, providing access to the residential neighborhoods. On-street parking is available on both sides of the street.

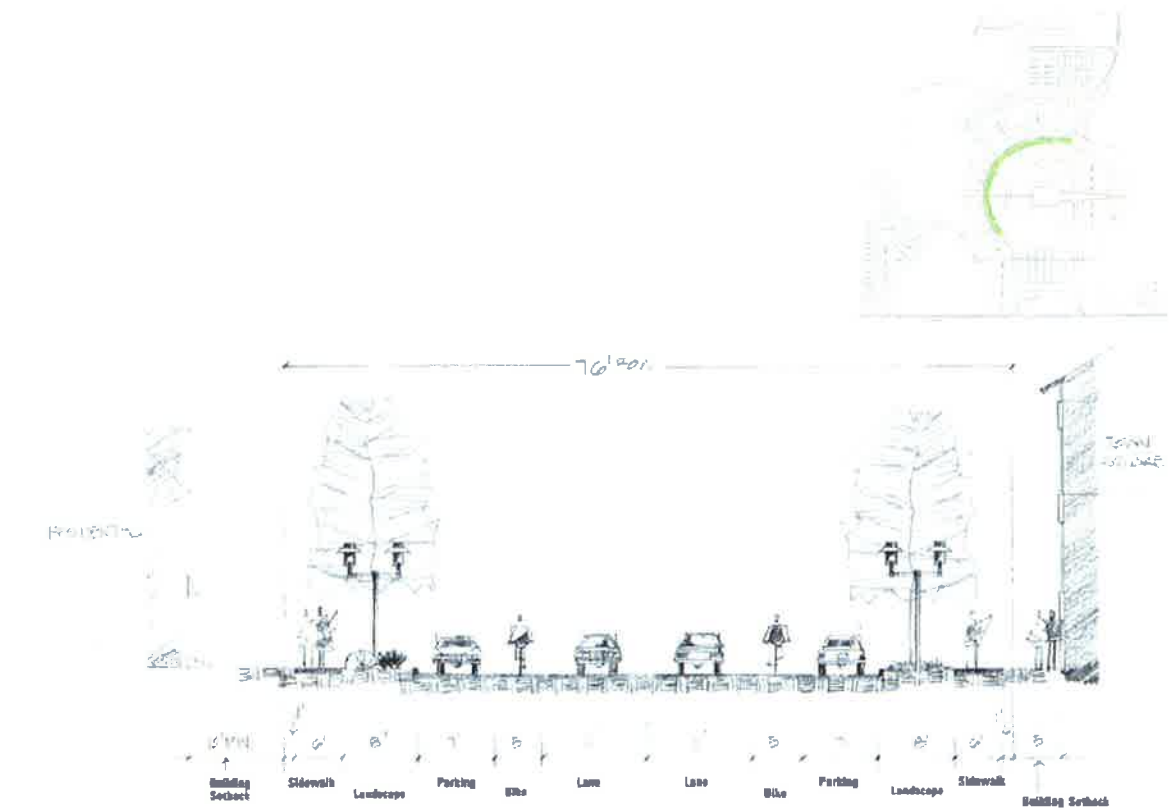
The preferred lighting design for Briggs Boulevard utilizes pedestrian scaled light standards along both sides of the street at a more frequent interval to meet City of Olympia standards.



Briggs Boulevard Section, at Yelm Highway

Yelm Highway

Yelm Highway is a significant east-west arterial moving people along the southern boundary of the Village. This grand avenue lies outside the property yet provides a significant view into the site. Currently, there are no street trees in the recently widened streetscape and the highway appears as a broad strip of hardscape. Briggs Village would propose that both sides of Yelm Highway should include street trees and pedestrian-scaled lighting to improve the pedestrian environment.



Briggs Boulevard Section (north)

'Great Street' View into Town Square



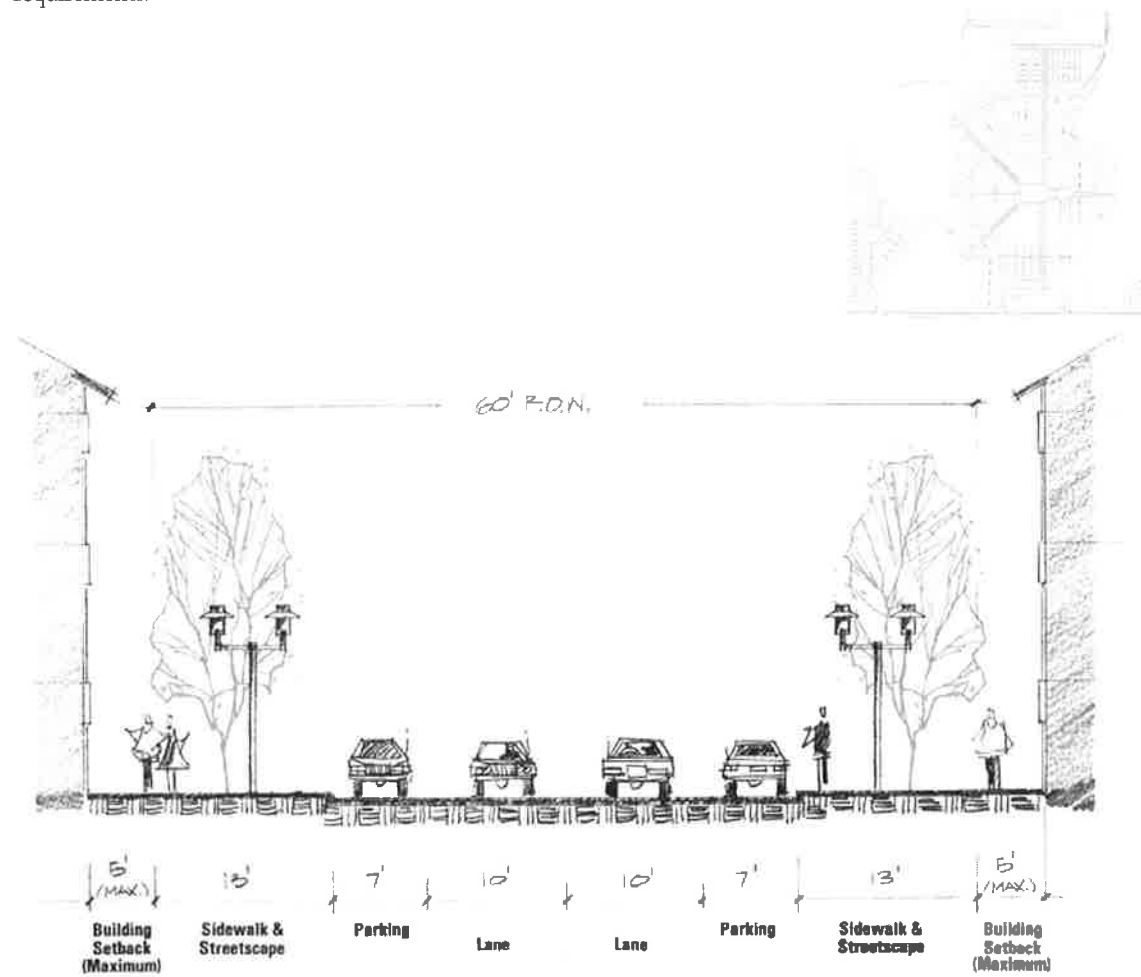
Landscape Design Tools

Streetscapes: Great Streets

The 'great streets' in Briggs Village are the axial roadways that connect the community with the Mixed Use District in the Village Center and the Town Square. Each 'great street' terminates at a special community gathering place: overlooks viewing the Central and South Kettles, the Arboretum, the North Commons and the YMCA. These connector streets are smaller in scale, compared to the 'grand avenues' and begin the transition from the residential neighborhoods to the more urban Village Center. These streets will include directory markers and design details that will orient the pedestrian and provide wayfinding directions.

The designated right-of-way for these roadways is a maximum of 60' in width.

Pedestrian-scaled lighting fixtures will be installed on both sides of the street and will comply with City requirements.



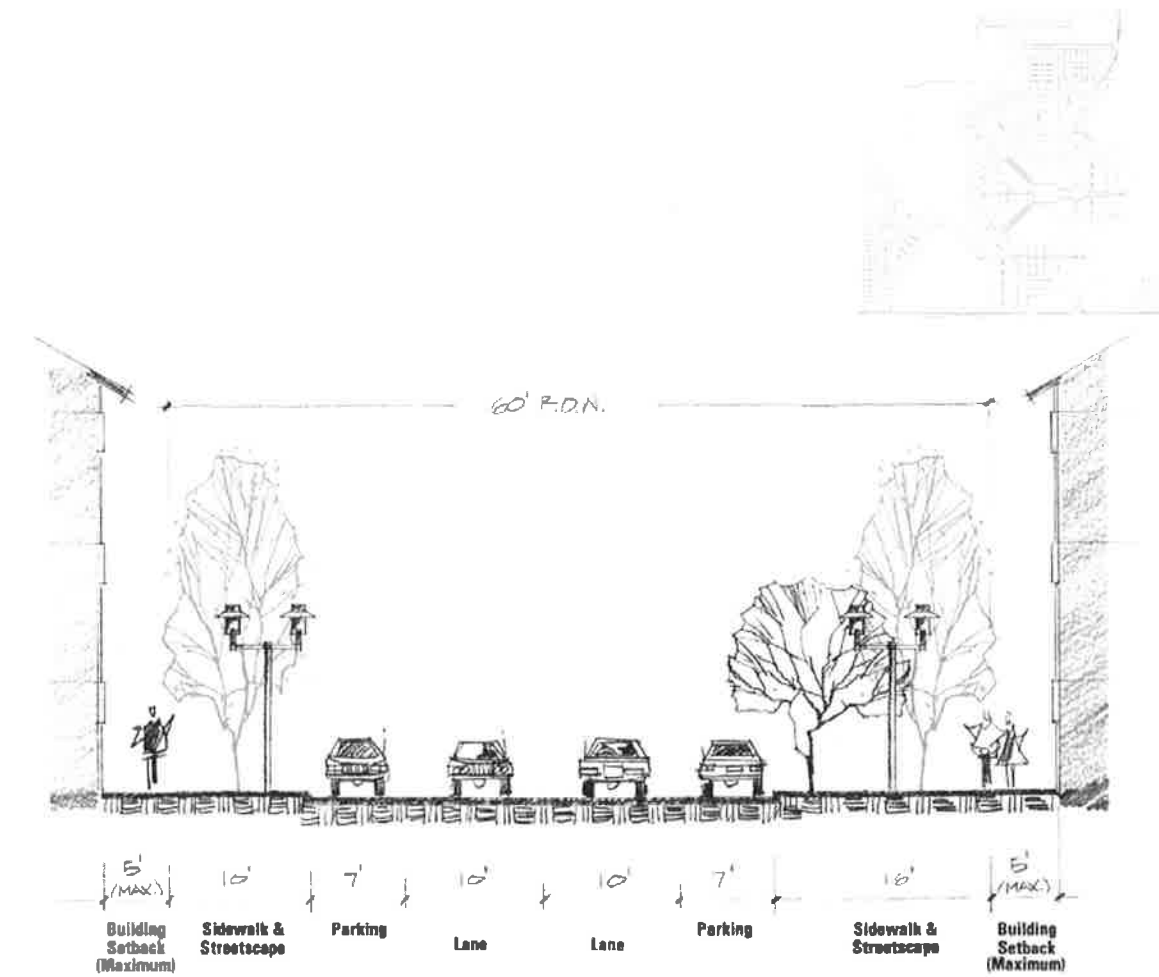
'Great Streets': Axial Roadways Section

Axial Roadways

'Great streets' west and/or north of Briggs Boulevard are symmetrical in section, providing equal street tree plantings and on-street parking on both sides of the street. Sidewalks and landscaping is designed within a maximum width of 18'.

Axial Roadways - Special Condition within the Mixed Use District

Two unique conditions apply to the blocks internal to the Mixed Use District, i.e., east and south of Briggs Boulevard. The sidewalk and landscaping on one side of the street is widened to a maximum of 21' to encourage retail use and allow a double row of trees to be planted, celebrating the approach to Town Square.



'Great Streets': Special Condition Section

View into Town Square, Looking East



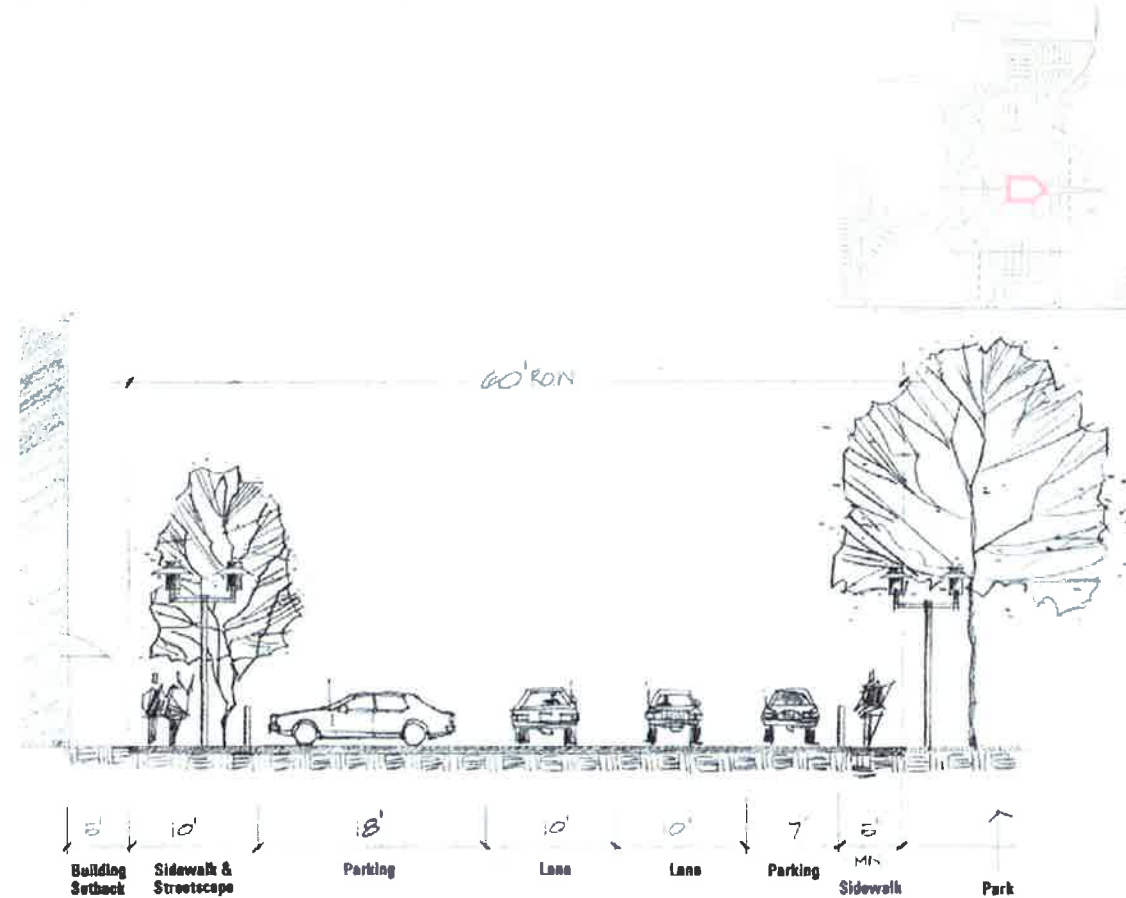
Landscape Design Tools

Streetscapes: Great Streets

Town Square

As one approaches Town Square, the paving materials will change to a more detailed pattern and the road will gradually ramp up to the level of the sidewalk (i.e., no curbs). Bollards, special paving and color will mark the delineation between the roadway and the sidewalk. Town Square is predominantly a pedestrian environment, which is not limited to the central hardscape/landscape area. The experience of Town Square includes the roads and the sidewalks adjacent to the retail storefronts.

The designated right-of-way still measures 60' in width, however travel lanes are reduced to 10' around Town Square in order to encourage slower speeds of travel. On-street parking is provided on both sides of the street, concentrating the majority of parking (perpendicular) on the retail side and minimizing the number of parking (parallel) stalls provided on the Town Square side.



'Great Streets': Town Square



Conceptual Plan: Paving Patterns

Pedestrian View down 'Great Street' to YMCA

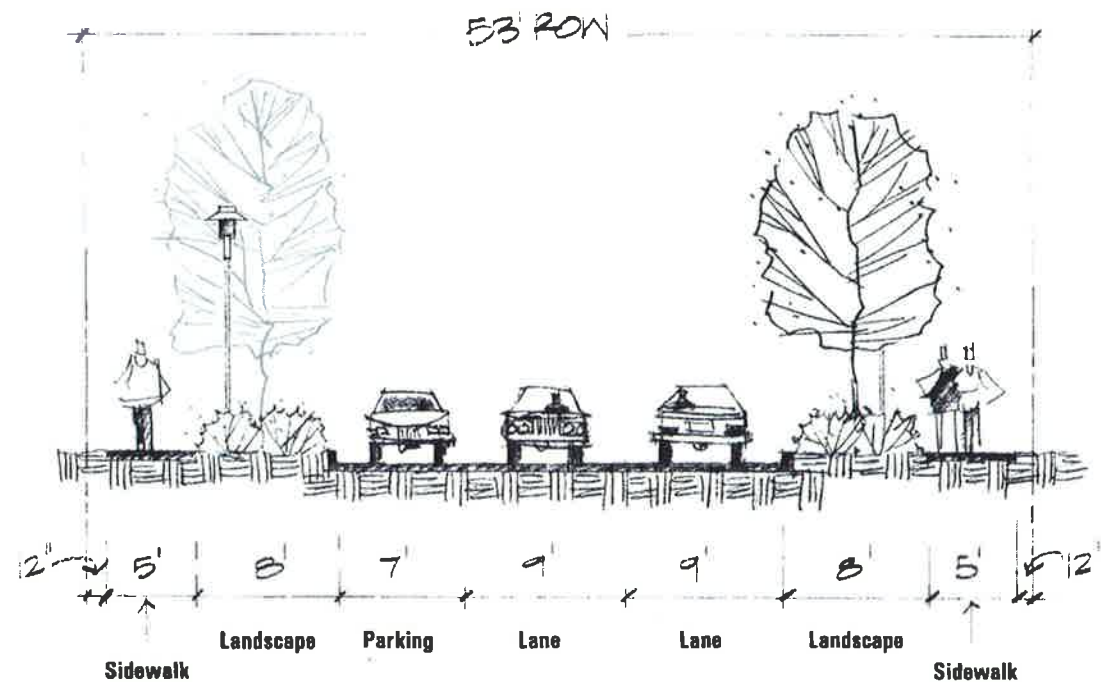


Landscape Design Tools

Streetscapes: Neighborhood Lanes

The neighborhood lanes are the roadways strictly within the residential areas of Briggs Village. These infill streets are smaller scale, much more intimate settings displaying a variety of smaller, more informal street trees. The designated right-of-way is 53' in width. On-street parking is provided on one side of the neighborhood lane only.

Pedestrian-scale lighting is provided at staggered intervals, on alternate sides of the street at a spacing to meet City foot-candle requirements.



Neighborhood Lane Section

Lighting Design Intent

Briggs Village lighting design will create a safe, comfortable environment, help in wayfinding, and highlight significant architectural elements and appropriate community spaces. The lighting design will also take into consideration the most current energy conservation and sustainable practices as well as meet the City of Olympia foot-candle requirements. Lighting within Briggs Village will:

- Promote safety and facilitate policing;
- Facilitate pedestrian traffic;
- Minimize light pollution; and
- Reinforce the Briggs Village identity.

Safety concerns are of the utmost importance in designing the Briggs Village community. Sufficient, responsible lighting will be provided throughout the Village to ensure a safe, and secure environment. Lighting will not be provided in areas that may not be feasible to police, as a means of discouraging nocturnal activity in that location. The trail network, for example, may be an attractive place to exercise in the evenings, however, use of the trails will be discouraged after dusk, as it may prove difficult to ensure individual safety.

Street lighting in Briggs Village is primarily designed for the pedestrian, rather than the vehicles, which are equipped with their own headlights. Thus, lighting will focus at the edges of the streets, primarily on the pedestrian way. Up-lighting or down-lighting on building facades, will help define the street and create a discernible and safe path.

The lighting plan throughout the Village will be designed to minimize light pollution, reducing unnecessary ambient light for Briggs Village residents and the surrounding neighbors. Light standards greater than 15' in height or fixtures that tend to floodlight a broad area are strongly discouraged. The goal is to direct the lights downward to the ground level and building entrances. Poles of 12' to 15' high are better suited to accomplish this objective.

Lighting will also be used to reinforce the Briggs Village identity by: differentiating between streetscapes as a tool in wayfinding, emphasizing the urban design character in the Village Center, and highlighting architectural details. Light will help define the 'grand avenues' and 'great streets' as main traffic corridors, and the neighborhood lanes at a smaller scale. Lighting should facilitate the intended use of a space and enhance its design by casting light on building facades to outline the edges of the corridor, as the most effective way of describing a path and providing spatial coherence. In the residential areas, pedestrian-scaled lighting standards will illuminate sidewalks for safety, walking, and secure access to parked vehicles.

Landscape Design Tools

Planting Design

Planting design will significantly contribute to the vision that the whole Briggs Village landscape will perform as an arboretum. The planting will highlight the great horticultural potential of the Puget Sound basin, with a selection of trees, shrubs, and groundcovers that have seasonal color, fragrance, attractive flowers, and interesting or unusual shapes and textures. The variety of plants in the Village will promote basic botanical understanding through the use of interpretive signage and displays. A plant's botanical name and common name, place of origin, appropriate horticultural uses, and other attributes can easily be communicated to passers-by, adding interest and promoting a spirit of inquiry about botany. Native varieties will be included; Village tree species may include maples, oaks, ash; flowering trees such as magnolias and cherries, and richly textured species such as birch, paper bark maples, and coral bark maples.

Street Trees

The street tree planting design will strengthen the visual identity of places in the Village, by associating places and streets with a particular tree species. This variation will include changes in overall shape of the trees, and size and shape of the leaves, flowers, and fruits.

Desired street tree characteristics for each of the three street types have narrowed down the list of potential tree species suitable for the design intentions. The 'grand avenues' will each display a different tree species, large in form and with broad, distinct canopies at maturity. Large trees such as northern red oak or 'Accolade' elm, will be used at Henderson Boulevard and Yelm Highway. Limiting planting to a single species will emphasize the formality of these major corridors and create a unique threshold.

Briggs Village 'great streets' require the use of tree species that are easily identifiable to all visitors in order to reinforce the wayfinding nature of these roadways. Columnar trees such as Armstrong maple and European hornbeam will punctuate the way to Town Square from the residential neighborhoods. In addition, the interior blocks of the two axial 'great streets' will feature a second species of tree on the wider sidewalk to celebrate the arrival at the Village Center. Candidate species for this role are showy ornamental species such as Yoshino cherry or flowering crabapples.

Neighborhood lanes will be planted with a variety of small to medium tree species. The resulting variety of color and shape is more informal and well suited for residential areas.

Irrigation Design

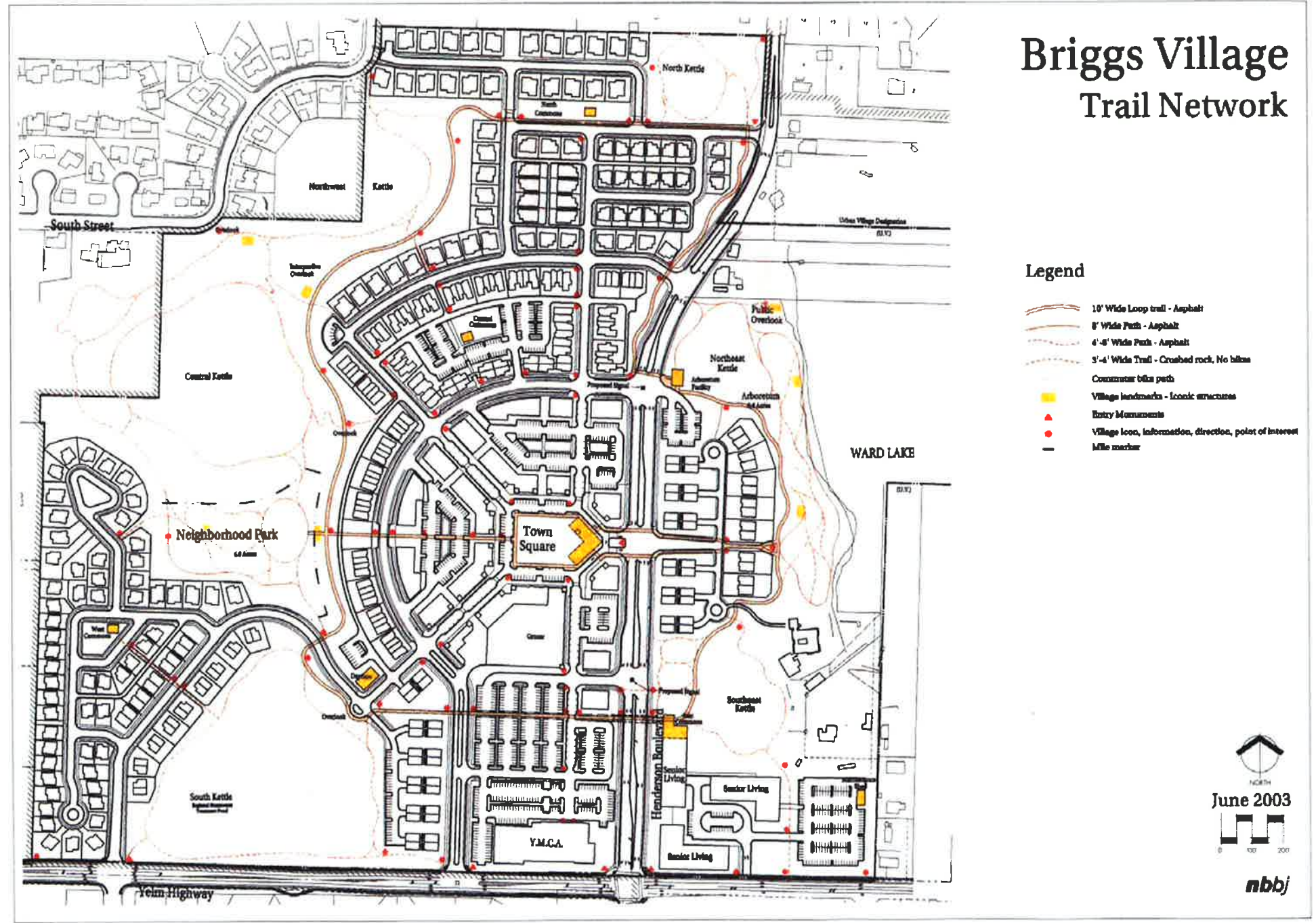
Careful management of water resources and the assigned land use of an area will guide the planting design throughout Briggs Village. Portions of the site, such as the Village Center around Town Square, will call for an urban landscape treatment, while other areas, such as the kettles will be assigned looser, more natural plantings. The anticipated, relative water demand for each area is in part, based on the proportion of climate responsive plants recommended for each zone. The planting density and the necessary irrigation requirements are greatest at the Village Center, mixed-use district. As one moves out from the center, into the residential areas and open space, increasing the relative number of climate responsive plants reduces the irrigation demand.

The concentration of buildings and paved surfaces in the Village Center offers relatively little landscape coverage. Plantings need to be dense, luxurious and attractive to make an impact in this setting; accordingly, the district will be assigned generous irrigation resources and the smallest proportion of climate responsive plants. The plant species used here will generally require regular irrigation regimes – as a result, the water demand per square foot of landscaped area is high. However, because the total landscaped area is small, overall water demand from this zone is still relatively low.

The residential neighborhoods will have extensive landscape coverage, which could result in very high levels of water consumption. To reduce water consumption, multi-family areas and individual lot owners will be encouraged to use climate responsive plants on at least 40% of the landscaped area of their lot.

The highest proportion of climate responsive plants will occur in the public open space areas, such as the Commons; their use will also be encouraged as part of the Neighborhood Park design, to be completed by the City of Olympia. Irrigation in these locations will be concentrated mainly in areas that must sustain a high level of pedestrian use, such as lawns.

Two areas that are unique to Briggs Village will be exempt from irrigation limitations. The first could be considered "critical urban areas" - those places that are important to Briggs Village's image and identity, such as the great streets and Town Square. The second is the Arboretum, which by definition will need the autonomy to irrigate as needed to support its function.



Landscape Design Tools

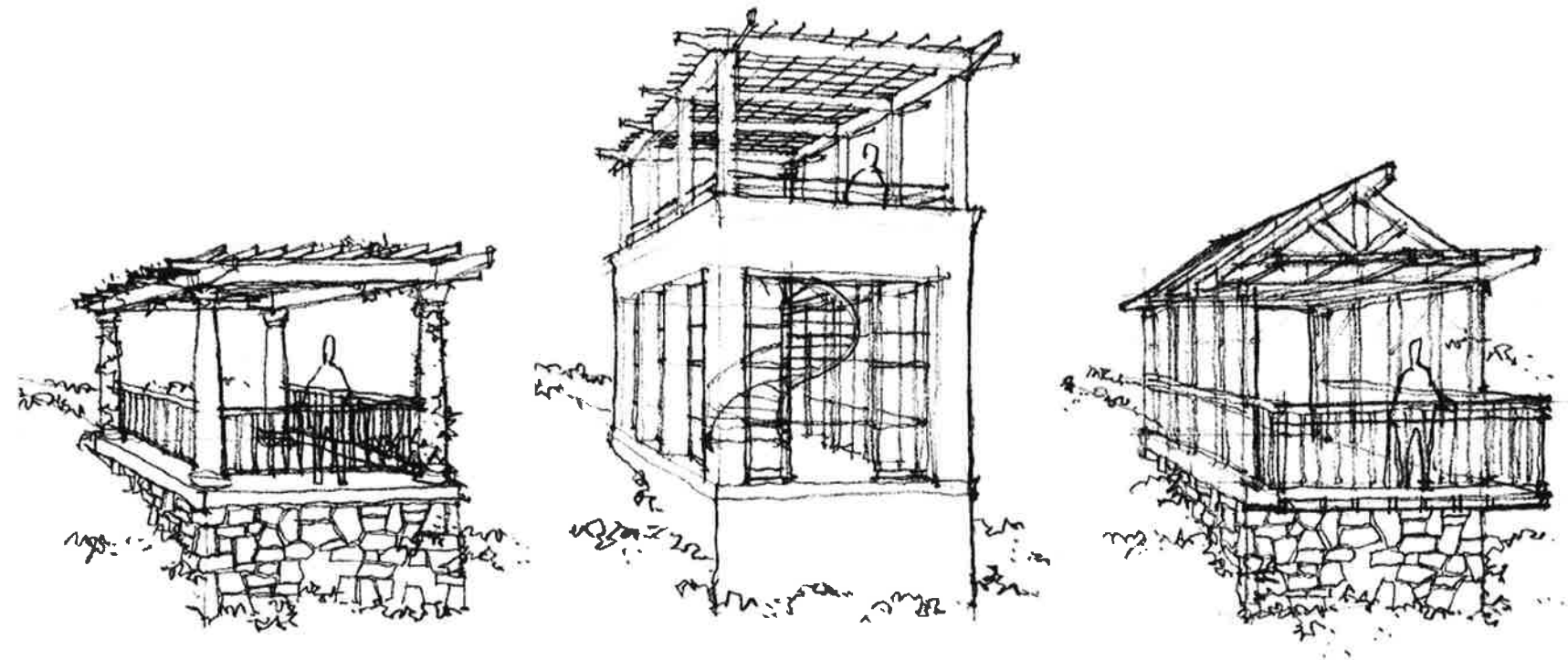
Trail Network

The trail network coursing through Briggs Village is an integral part of the open space and fitness program. The trail network is intended to achieve the following goals:

- Ensure safe, lighted and accessible trails throughout the village, which connect the Town Square, the neighborhoods and open spaces.
- Use signage and lighting to highlight the trail connections, complement the village design style.
- Provide comfortable places to rest, gather, park a bike.
- Minimize conflict between walkers, joggers and bikers.
- Allow year-round use of trails and open space through location, siting and trail surfacing.
- Provide a complete off-road loop through all areas of the Village for joggers and pedestrians.
- Bicycle use should be incorporated wherever possible.

A hierarchy of four trail types is envisioned for the Village. Many of these trails follow the general definitions and guidelines for trail development included in the Olympia, Lacey and Tumwater Urban Trails Plan prepared by the Thurston Regional Planning Council (1993). Reference to their definitions is included in parentheses for the Briggs Village trails, described below.

- The main loop trail is paved (asphalt, concrete, or a combination) and measures 10' wide with 2-foot dirt shoulder and 12% maximum slope. The Loop Trail will accommodate vehicular access for maintenance and emergencies. (Class I Trail Urban Multi-Use)
- An 8' wide asphalt path with 2-foot shoulders and 12% maximum slope is designed to serve moderate volumes of pedestrian traffic; this secondary trail will be widely used in the Arboretum and throughout the Neighborhood Park. (Class II Trail Urban Bike and Walkway)
- A third, asphalt paved path measuring 4'-6' in width is designed for interpretive purposes along the kettle edges and connecting smaller scale components of the neighborhoods. This path type is intended for exploration and learning, rather than wheeled recreation.
- Crushed rock will delineate a true nature trail, measuring 4' in width with an 18% maximum slope. This path type allows for closer exploration of the natural environment, through dense vegetation and across some of the steeper slopes. (Class III Trail Natural Pedestrian)



Potential Trail Overlooks at Ward Lake & Central Kettle

Typical Trail View



Landscape Design Tools

Trail Network, cont'd.

Together the network measures more than three miles in length, connecting the neighborhoods to public open spaces and landmarks. (See the Trail Network Plan.) The trails complement the public sidewalks and bike lanes, though they are intended to bring the open space into pedestrian experiences and add another dimension to outdoor activities. Additionally, the trail network provides alternative access to and from different parts of Briggs Village. This is particularly practical for children who will be able to bicycle or walk to parks, grocery store, and home in a safe environment.

Situated on 'the shelf', the loop trail is the principal route in the system as it connects all the neighborhoods with the Village Center, the kettles, and the Arboretum, as well as the North and East Commons. The loop trail will be paved for recreation purposes and to allow maintenance and emergency access to the open space areas.

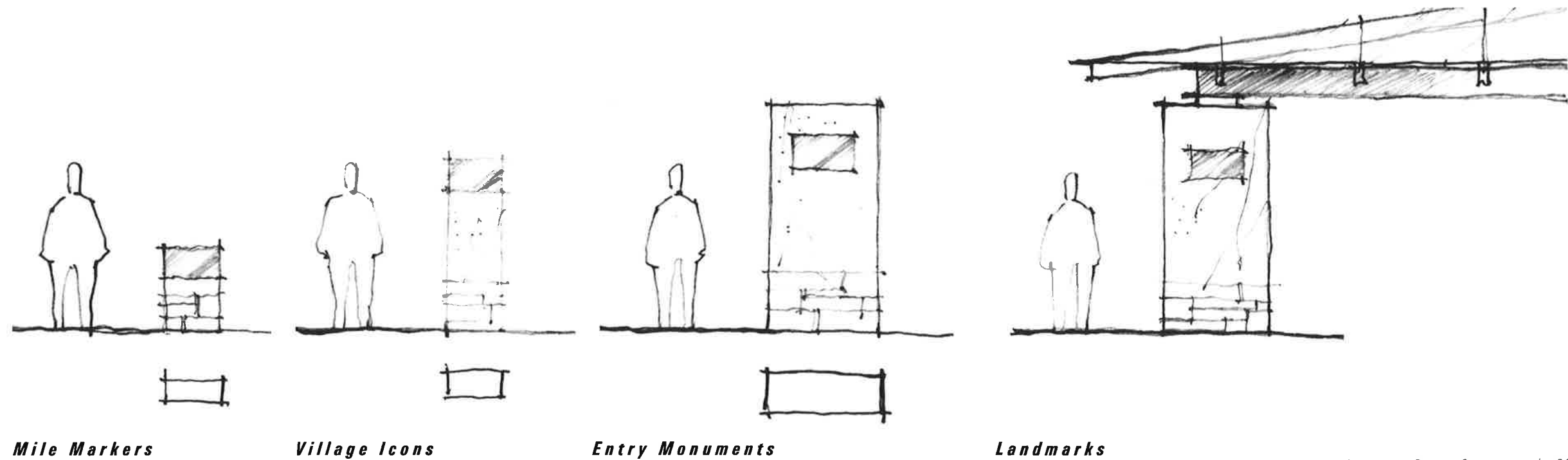
The three significant east-west linkages are included in the loop trail, along the North Commons, from the Neighborhood Park through Town Square to the Arboretum and from the South Kettle through the Henderson Boulevard pedestrian tunnel to the East Commons. This southernmost linkage has been designed as a raised, protected sidewalk through the grocer parking area with significant landscape plantings. The majority of the trails will not be lighted in order to discourage night use of the trail network since a very minimal level of security will be available in those areas. Exceptions include where the loop trail intersects the Village Center and at the neighborhood Commons.

Trail Network: Markers

A system of iconic markers will be installed along key points along the trail network and throughout Briggs Village. The markers will assist in wayfinding, identifying the Village boundaries and entry points, and supplying information. The markers are intended to facilitate the user interface with all the public facilities and open spaces Briggs Village offers. They will include a hierarchy of landmarks and signs; the more significant the place or event, the greater the size and importance of an iconic element. The marker system will be of a distinct design character and may incorporate stone or pre-cast concrete units that will integrate with the building materials.

Four types, or scales, of markers are currently envisioned. Examples of the iconic 'family' of markers are illustrated here in elevation and in plan views.

- **Mile Markers** on the loop trail measure distance.
- **Village Icons** can be used as trailheads or simple, repetitive elements that enhance village identity. They are points of interest that are important to the experience and movement along the trail system and may have an interpretive value that relates to its specific location.
- **Entry Monuments** announce passage into the Briggs Village community or identify neighborhood amenities.
- **Landmarks** are icons at the grandest scale. These markers become integrated into the architecture of community buildings, serving as unique, Briggs Village landmarks.



Community Furniture



Landscape Design Tools

Community Furniture

Street furniture should be limited to those essential items necessary for civic life, so as to avoid cluttering up the pedestrian way. Furniture selections should be an expression of the overall village architecture, rather than reflecting a single building style, since furniture, while concentrated in the Mixed Use District, is a signature of the entire community. The furniture will set Briggs Village apart from surrounding neighborhoods and mark new form of development, as well as add to the comfort and pedestrian friendliness of the streets and community spaces.

Benches

A “signature” bench will be selected or designed for Briggs Village. Selection of a bench should take into account village requirements for attractiveness, durability and ease of care. Materials should be durable, likely using a combination of wood and metal. Location of the benches will be identified during plat design for each phase of the village.

Bike Racks

Bike racks should be unobtrusive and will be selected in a style and material consistent with other community furniture, such as the benches.

Trash Containers

Trash containers should be unobtrusive and will be selected in a style and material consistent with other community furniture, such as the benches.

Play Structures

Play structures shall meet or exceed safety guidelines set forth by national standards. Surfaces shall meet or exceed requirements set forth by national lead impacts safety standards. Play structures will likely be located in the “commons” areas for each phase of the village.

Tree Wells

Trees not located in the landscape strip (Town Square) should have a consistent treatment.

Trees shall be planted at least 3 feet from the curb.

Tree well size shall provide a minimum of 25 square feet of planting area (or per City of Olympia standards). A 4' x 6' tree well is preferred, since it provides maximum walking space.

Definition of Key Open Space Areas

Together, the landscape design tools will achieve the master landscape concept - the articulation of the nursery history and the performance of the Village landscape as an arboretum. The guidelines for these tools apply to the entire site, however a few areas demand additional discussion due to their role and importance in the Briggs Village landscape:

- The Arboretum
- Mixed Use District
- The ‘Shelf’ & Wetland Enhancement Areas
- Residential Neighborhoods

In addition, the 4-acre Neighborhood Park is a key open space within the Briggs Village that will be developed, maintained and operated by the City of Olympia. Design guidelines for this passive recreation area are not included in this document as the City will follow its public involvement processes as part of their design effort.

The following pages describe the design intent for these four key landscape components and the application of the design tools for each designation.

View through Arboretum, Looking West



ARBORETUM DESIGN GUIDELINES

Role & Relationship to Briggs Village

The entire Briggs Village landscape is envisioned to perform as an arboretum through the use of a variety of lush plantings and interpretive signage. In addition, 6.6 acres along the shores of Ward Lake have been designated as an Arboretum to honor Bruce and Doris Briggs and their passion for enhancing the quality of life through plants, which greatly contributed to the success of Briggs Nursery. The Arboretum design will reflect Bruce's work with the boundless variety of colors, forms and texture found in plant materials and the introduction of non-native species to this region. The challenging topography of the site is a dramatic setting for an array of plant material of every scale, from groundcover to small and large shrubs, from small trees to large canopy trees.

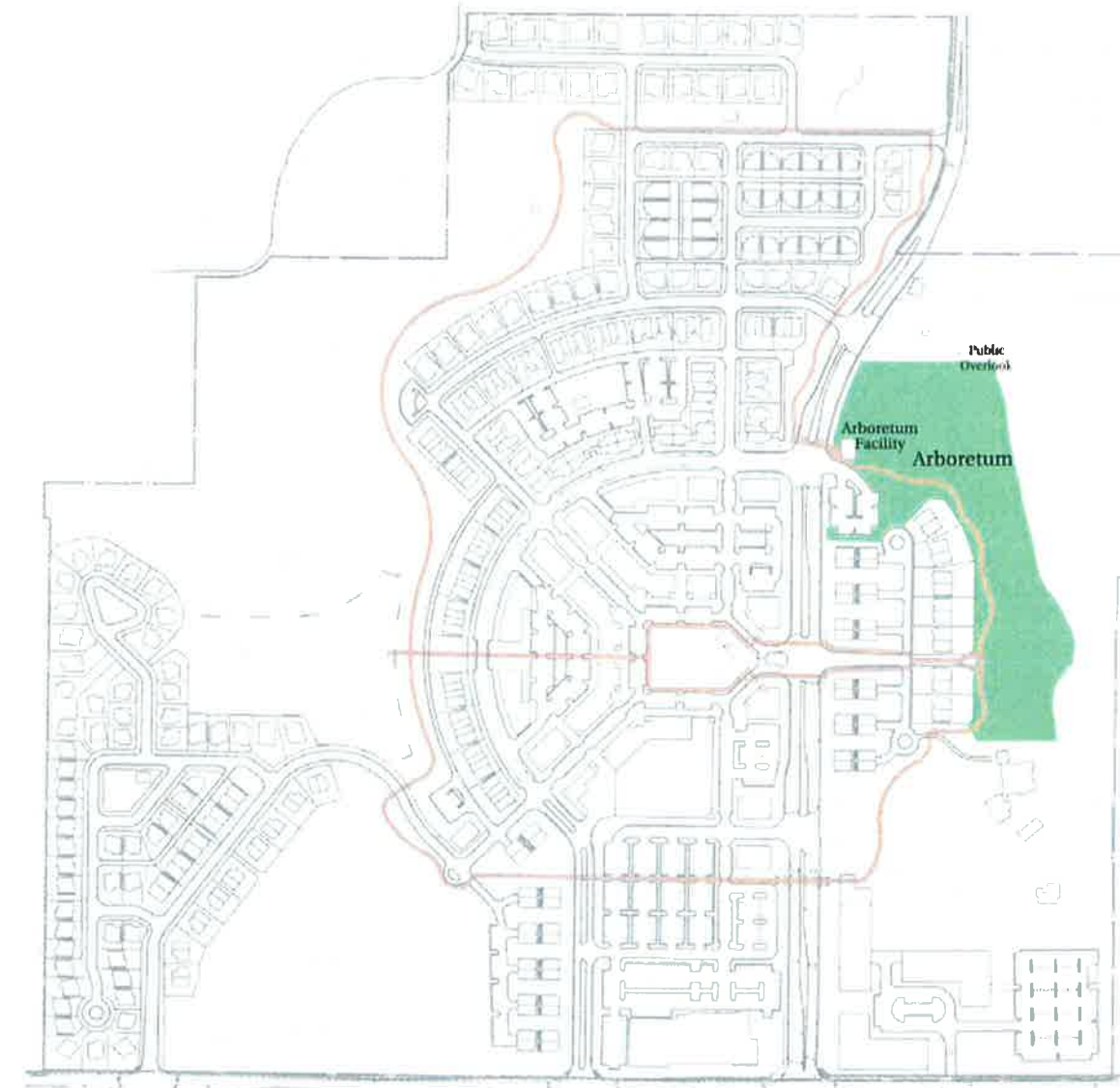
Potential Design Concept

One conceptual design for the Arboretum showcases plant species from around the world that are capable of flourishing in the verdant Puget Sound basin. Plants would be organized into distinct ecosystems: arid, riparian, evergreen forest and prairie. Several paths would cross every "ecosystem", each revealing plants that are native to a particular continent. This network of paths, meandering gently through these ecological microcosms, would permit the visitor to experience the plant material in its simulated native habitat.

Strolling through the Arboretum, one might traverse the Australian evergreen forest ecosystem, then pass into South American floodplains, and in doing so, learn about the origins of the trees and plants in the forests of the Pacific Northwest. This region, with its abundance of mixed and woodland forests, shares many climatic and ecological traits with regions in Japan, Europe and around the world. The Arboretum will explain to its visitors where many of our common plants and trees originated, how they came to the Northwest and define their appropriate uses.

The plant collection would include both deciduous and evergreen plant materials. Evergreens provide a natural screen between the Arboretum and the adjacent homes, while deciduous trees would be used in areas that benefit from the summer canopies and maximize winter sunlight.

The upper area of the Arboretum - surrounding the Northeastern Kettle - would be dedicated to plants native to the Pacific Northwest. The proposed Arboretum Center would feature interpretive displays and more detailed information about the plant materials and provide a place to rest and relax.



Location of the Arboretum

Mixed Use District Streetscape & View into Town Square



MIXED USE DISTRICT LANDSCAPE DESIGN

Commercial Landscape Concept

Town Square is officially one acre in size, however the limits of this central gathering and activity space extend beyond these measured boundaries to include the roadway around the Square and the opposite sidewalk. The internal roadway circling the Square is raised to the level of the sidewalk and delineated by paving materials, bollards, and trees. Town Square has been designed to sponsor day-to-day retail activity as well as seasonal community events where the Square in the center of Briggs Village can be closed to vehicles for street fair activities. Annual events such as cider presses, flower shows, plant sales, and garden fairs could become Briggs Village traditions that evoke the history of the site and enhance the community's future.

The landscape design will involve careful use of paving materials, ornamental plants, and street furniture for impromptu meetings with friends or places to sit and enjoy the sun and a good book. Retail uses will be encouraged to make use of the sidewalk for displaying merchandise or provide outdoor dining. The guidelines are illustrative of the requirements that shall be met using the tools described below.

Plantings

Create cohesive, simple mass shrub plantings, allow views between shrubs and tree canopy and allow turf in gathering areas. The landscape within the Village Center is urban in character, with hanging baskets, container plantings, and trees planted in tree wells in the sidewalk with ornamental grates. Isolated plantings in the commercial area will be dense, luxurious, and attractive to make an impact in this setting.

Hardscape

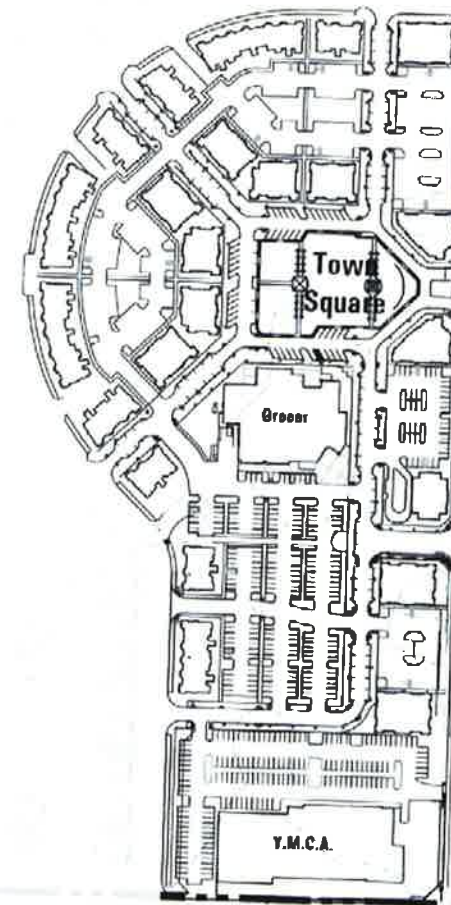
Town Square will have an elegant quality and an uncomplicated palette of materials: simple yet detailed paving designs, uncomplicated plant materials, and urban water features. Including water in the Square will bring soothing sounds and speak to the geologic history on the Briggs Village site, celebrating the six kettles and Ward Lake. Paving materials should be appropriate to building materials in Town Square and suitable for year-around use.

Lighting

Lighting within the Village Center will highlight the architecture and delineate pedestrian and vehicular space. Light standards of 12' to 15' in height may be used in combination with lighted bollards around the Town Square.

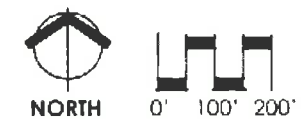
Furniture

Provide ample and diverse seating opportunities: incorporate seatwalls as appropriate at pavement/planting edge. Select or design a bench type as a signature piece.



Legend

- Trail (existing)
- Trail (proposed)



Village Center Phase

View across 'the Shelf' toward Town Square



THE 'SHELF' & WETLAND ENHANCEMENT AREAS

Intent of Guidelines

In addition to the role of the 'shelf' as a critical landscape linkage, the 'shelf' and the wetland enhancement areas will serve many functions:

- Offer numerous points of access to the village-wide trail network and places to walk, jog, bike, rest and meditate, picnic, recreate and take field trips
- Showcase Briggs Nursery plants and history.
- Provide relief to the density of the built environment
- Utilize the natural features of the site, including slopes, kettles and views

The intent of the 'shelf' is to showcase plant materials at areas adjacent to roadways and at buffers between building development and natural open space areas as defined by alleys, trails and other boundaries.

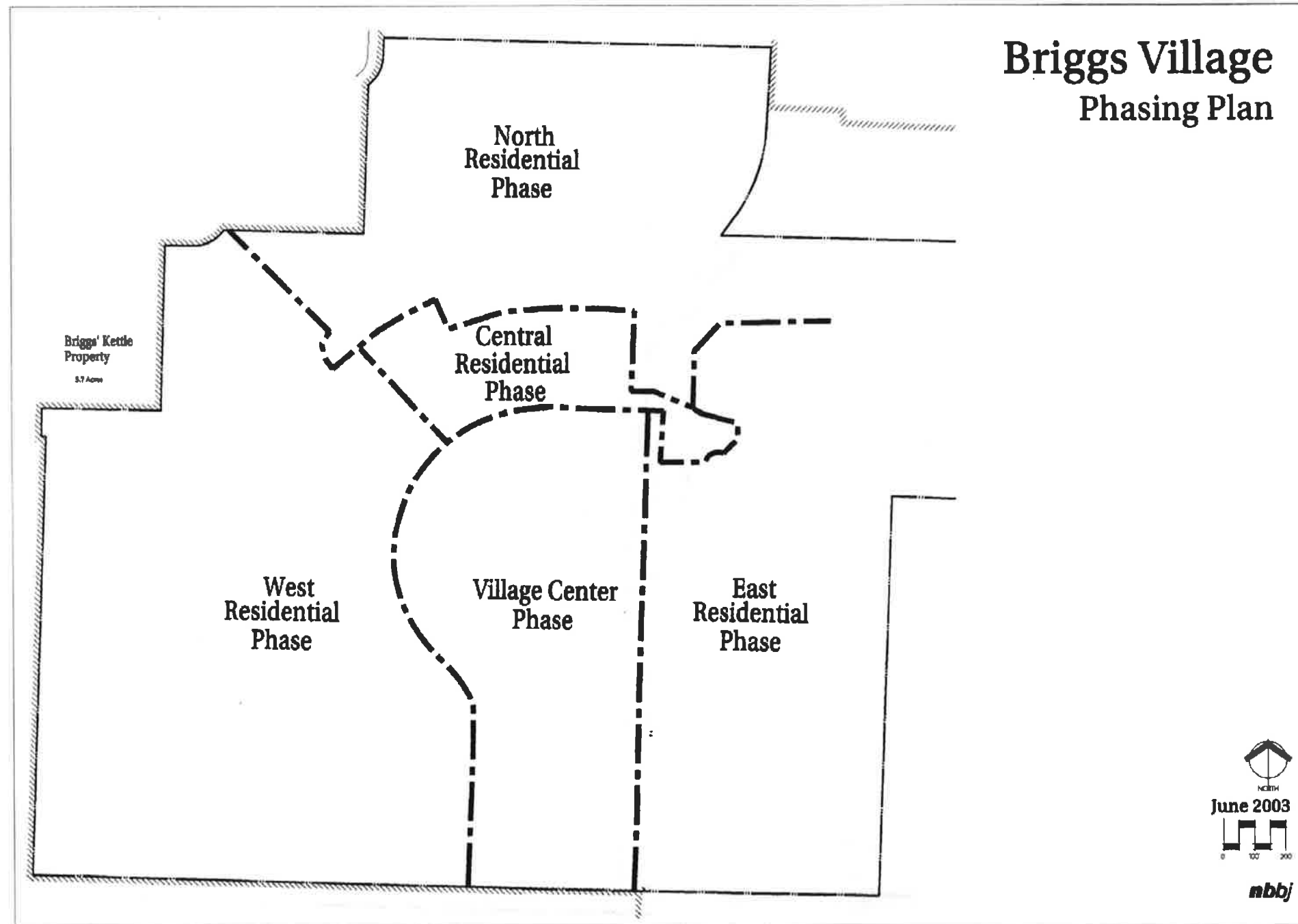
Wetland Enhancement Areas: Site Planning & Planting

The design of the Wetland Enhancement Areas, and the Central Kettle, in particular, will follow the guidelines set forth in the Corps approved mitigation plan. The extensive work at the Central Kettle will enhance the conditions - both natural and aesthetic, of the wetland and significantly contribute to the beauty of the Village open space. A simplified plan of the restoration work is included here, for convenience.



Central Kettle Restoration Plan: Planting Areas

Phasing Plan



RESIDENTIAL NEIGHBORHOODS

Residential Landscape Concept

Beyond the attractions of the Mixed Use District and Town Square, the Arboretum, the Neighborhood Park and the YMCA, Briggs Village is a place to live. The residential neighborhoods within the Village are intended to host traditional, well-designed family homes, in a variety of settings - townhomes, duplexes, quality apartment homes, Town Square and senior living units, as well as single family houses. The ownership, implementation and maintenance of the residential landscapes will vary, however the goal is to encourage residents to enjoy their gardens and streetscapes as part of the overall Briggs Village arboretum setting.

Street trees, neighborhood commons' plantings and entry treatments to each residential phase will consist of a variety of planting materials as part of the residential neighborhood setting. In keeping with the Briggs Nursery heritage, educational programs may be offered to residents regarding the use of native plants and climate responsive species, as well as sound horticultural practices.

The residential landscape concept is here introduced in terms of the vision and potential issues for each phase of residential development. For an understanding of the geographical definition of the development phases, please see the Phasing Plan on the preceding page.

North Residential Phase

The first implementation of this landscape design approach to the residential neighborhoods will occur in the North Residential Phase. Landscape design issues for this initial phase of Briggs Village include:

- **Central Kettle Restoration:** work begins on the restoration of the Central Kettle (mostly grading and clearing at this stage)
- **North Commons**
- **Main Loop Trail:** first sections of the loop trail constructed and associated 'shelf' landscape planted
- **Entry Landscape on Henderson Boulevard:** boulevard and arboretum 'shelf' treatment along Henderson
- **Streetscapes**



North Residential Phase

North Entry Landmark on Henderson Boulevard



Residential Neighborhoods

North Residential Phase, cont'd.

The most prominent landscape element of the North Residential Phase will be the entry treatment on Henderson Boulevard and the beginning of the boulevard tree planting. The entry landscape starts at the North Kettle and continues down the west side of the 'grand avenue' to the public overlook viewing Ward Lake and the future Arboretum facility. This North Residential Phase landscape design will announce the presence of Briggs Village, introduce the Village as an arboretum concept and incorporate the future Arboretum Foundation facility as a hallmark of what is to come.

The landscape design east of the North Kettle will incorporate an entry structure that marks the arrival of the passer-by into Briggs Village and provides shelter for informal community celebrations. Tree plantings appear organized in grid patterns, evoking images of the nursery history and framing views into the landscape. This entry landscape provides visual impact for those driving by and offers a comfortable setting for a variety of community activities and exploration of the North Kettle.

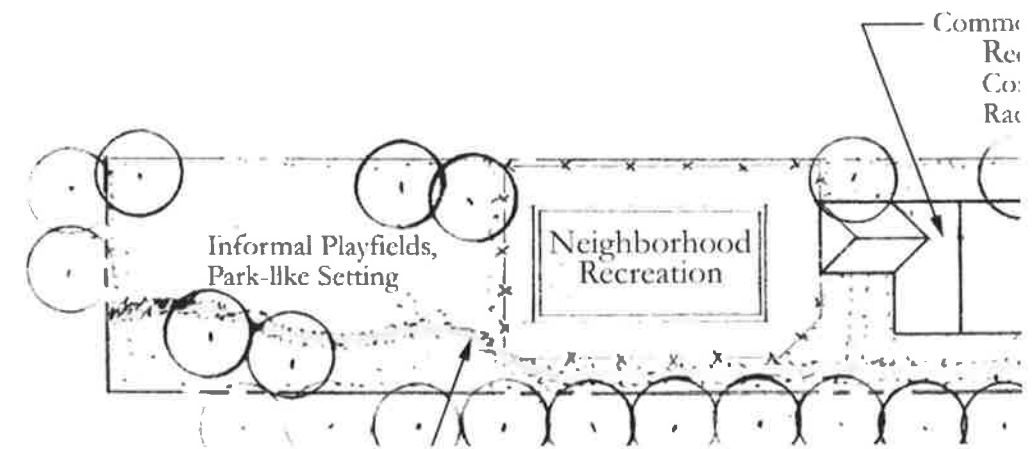
As the road bends to the southeast, the entry landscape narrows along Henderson Boulevard. The variety of handsome homes comes into view beyond the loop trail, which is set back from the roadway and the shrubbery plantings. The tree canopy is young, but will eventually create a comfortable enclosure as one drives through this landscape that is much different than what was experienced just up the road. This stretch of Henderson is unique; something special is happening here.

Signage indicates Ward Lake is to the left and can be viewed by the public. The landscape is now duplicated on the west side of the boulevard as well and a single, non-residential building sits near the road ahead. This structure is styled in the Pacific Northwest vernacular architecture and fits into the lush landscape behind it. There's a place to pull off and leave the car to allow further exploration. The trail leads back into the tree canopy toward the public overlook. Set back from the trail, the ground starts sloping away into a great depression. More signage explains the geology that formed this "Northeast Kettle" and the isolated wetland's relationship to the local hydrology system. The overlook offers a cozy shelter and a clear view of Ward Lake.

The single structure near the road is open to the public. It is the future home of the Briggs Arboretum facility, the interpretive center for more than six acres of botanical beauty and education. For now, the facility currently offers information on Briggs Village and its future development, as well as a good latte. As the Village continues development and planting for the Arboretum begins, this building will offer a perfect vantage point for watching the Briggs Arboretum evolve and grow.

Commons

Each of the four neighborhoods are planned to include one or more "commons," recreational areas aimed at serving the families of each neighborhood. Opportunities for the commons could provide for a variety of potential activities such as racquetball, basketball, outdoor tennis, field games, and swimming as depicted in the graphic below.



Potential North Commons Site Plan

West Residential Commons



Residential Neighborhoods

Issues for Future Residential Phases

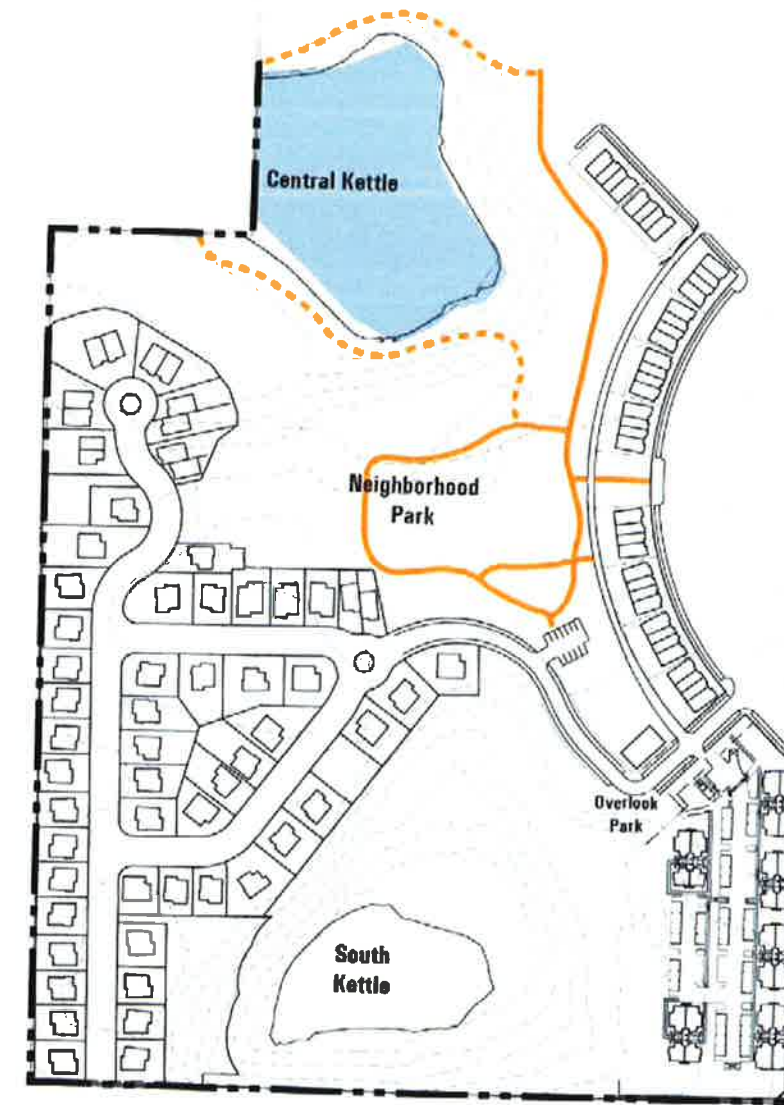
Development of the North Residential Phase will offer many lessons for continued improvement of the Briggs Village community as construction continues. Key issues for the landscape design of the West, Central and East Residential Phases are summarized here, however the details will be developed closer to the construction of each phase in order to benefit from the lessons learned. Each neighborhood landscape will contribute to the overall Briggs Village landscape concept, evoking the Nursery history and creating an arboretum environment.

West Residential Phase

Landscape design in the West Residential Phase involves:

- **Central Kettle Restoration:** completion of the restoration project installation
- **South Kettle:** development of the kettle into a regional stormwater treatment system and planting of the surrounding 'shelf'
- **Main Loop Trail:** additional sections of the loop trail and associated 'shelf' landscape
- **West Commons**
- **City of Olympia Neighborhood Park:** development of the 4-acre neighborhood park
- **Streetscapes**

In addition, a mixture of single family and multi-family homes will be constructed and residential landscapes installed. The trail network will be continued; the loop trail and lesser trails will then link five of the six kettles. Street trees will be installed along the neighborhood lanes and portions of Briggs Boulevard.



Legend

- Trail (existing)
- - - Trail (proposed)



West Residential Phase

Central Residential Commons Site Plan



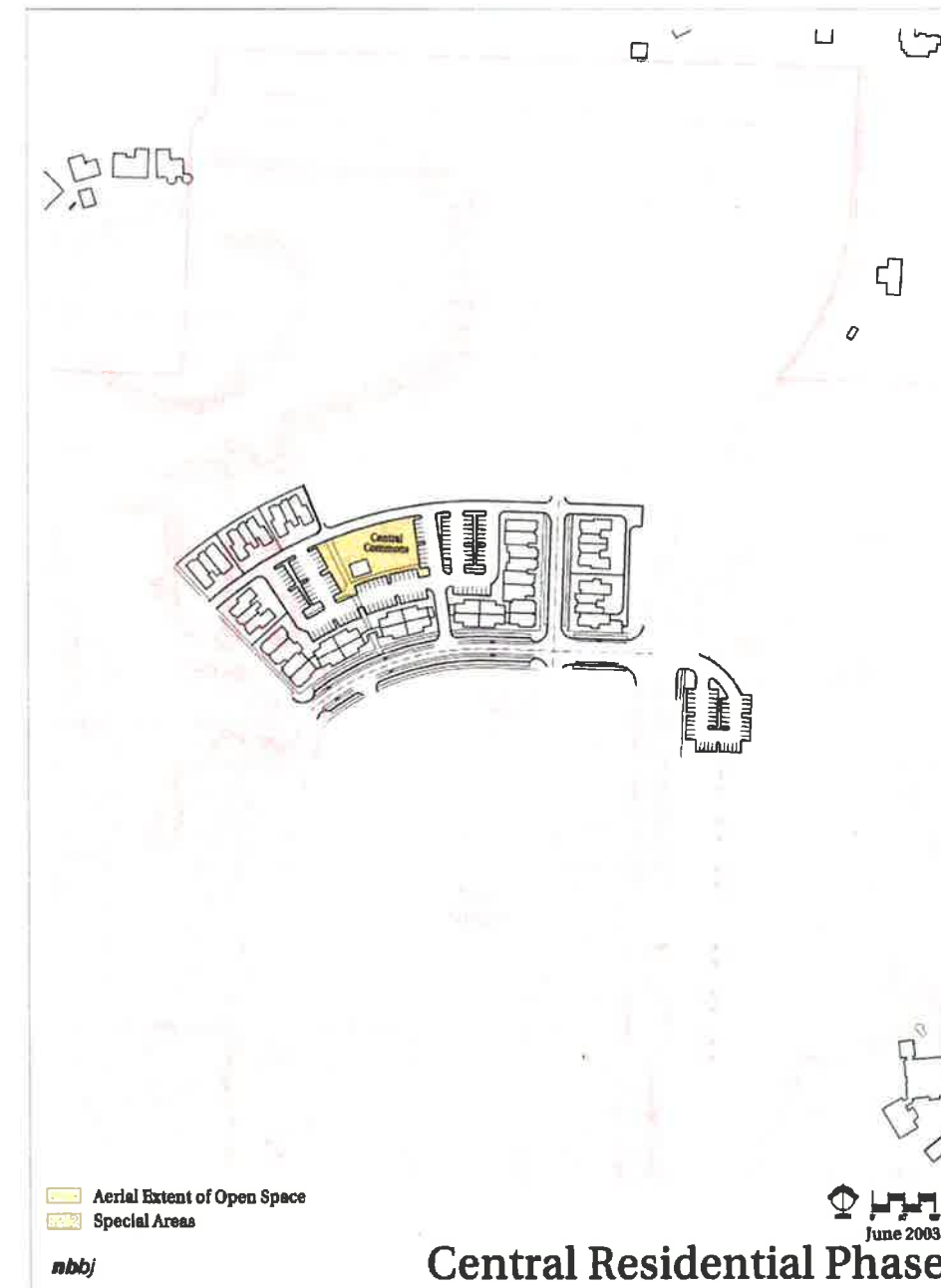
Residential Neighborhoods

Central Residential Phase

Landscape issues for the Central Residential Phase are limited to the following:

- *Central Commons*
- *Streetscapes:* installation of street trees along the 'great streets' and completion of the Briggs Boulevard streetscape

In addition, a mixture of townhomes and apartments will be constructed with the associated parking as well as the permanent parking lot east of Henderson Boulevard for the future Arboretum facility.



Central Residential Phase

East Residential Commons and Senior Housing, Looking South



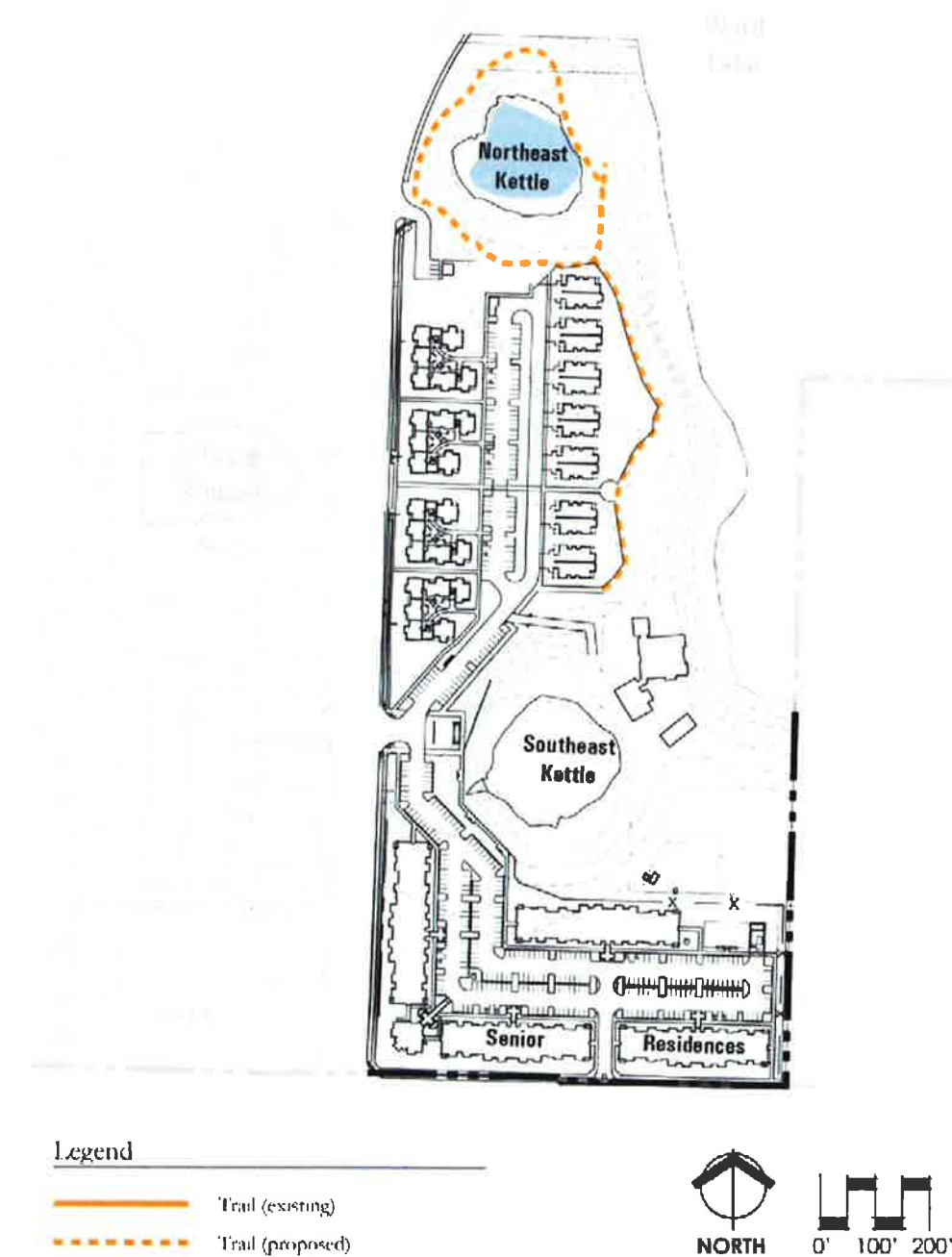
Residential Neighborhoods

East Residential Phase

The East Residential Phase of the landscape development will complete:

- **Henderson Boulevard:** the widening of the boulevard, installation of the planted median and the 'grand avenue' street trees
- **Briggs Arboretum:** development of the Arboretum, which will involve careful maintenance of some of the existing trees, grading construction of overlooks and planting.
- **Main Loop Trail:** final sections of the loop trail and associated 'shelf' landscape
- **East Commons:** in conjunction with the senior living facility construction and installation of its landscape
- **Streetscapes:** planting of street trees on the 'great street' block and the special landscape treatment on the neighborhood lane

In addition, a mixture of multi-family duplex homes and courtyard apartments will be constructed as well as the senior living facility on Yelm Highway. A maintenance facility that will serve the landscape maintenance needs of the entire village will also be built during this phase. The completion of the Henderson Boulevard project and the main loop trail will provide a continuous trail network, linking the residential neighborhoods and all six kettles.



East Residential Phase

[BLANK]

VISION STATEMENT

It is my vision that 20 years from today I will be able to take my grandchildren through the village. As we walk from my home, on the sidewalks of the tree-lined boulevard, we pass by people of all ages doing many things – children walking to school, people walking to shops, others riding their bikes. Truly it is a community where people live together, work together, and play together.

As we enter one of the many trails that wraps the site, we see people exercising, others just relaxing and enjoying the beauty of the plants. I want to be able to take my grandchildren down the path along Ward Lake through the arboretum and let them experience what natural beauty is there. And as we walk back home through Town Square, I hope to realize we have helped to create a community that reflects a special quality of life.

Gary Briggs

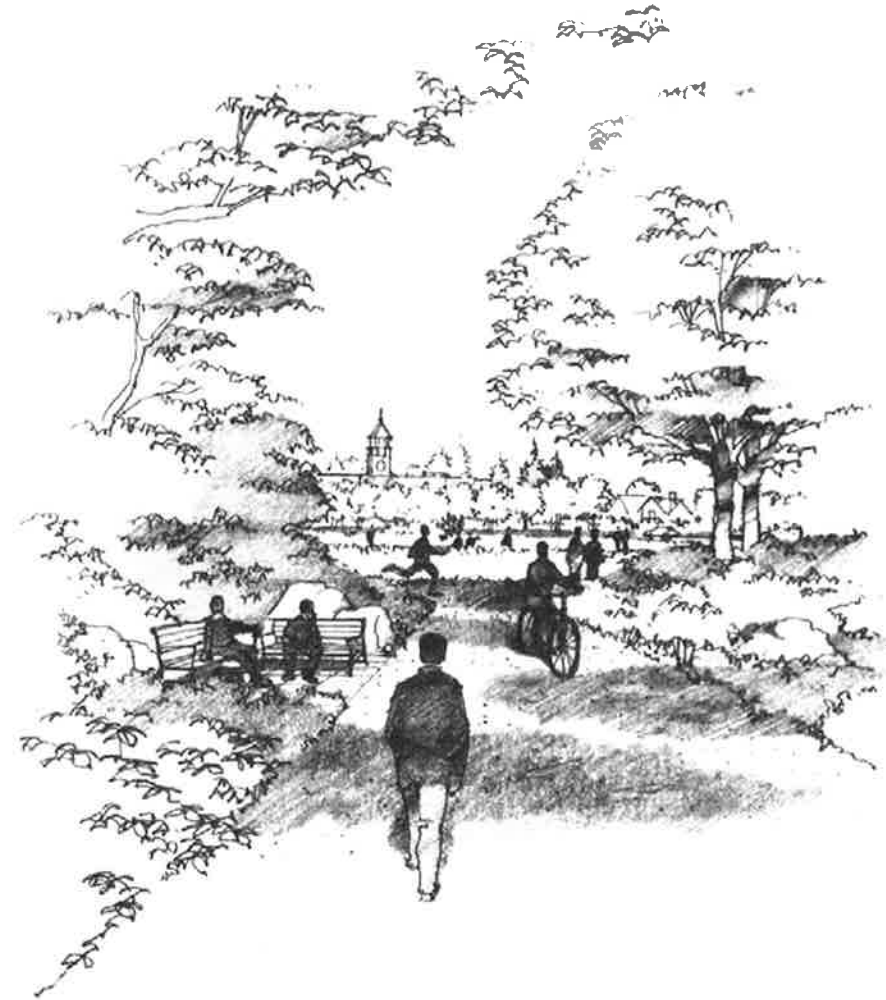


EXHIBIT F

Briggs Village Master Plan as Amended Combined Conditions of Approval

[Hearing Examiner 8/15/03 and City Council 12/16/03; & Hearing Examiner 12/31/13 and
City Council 1/28/14]

I. Compliance by future phases and developments.

1. All phases and developments of the urban village, including preliminary and final subdivision approvals, land use approvals and all other permits or approvals, shall comply with the approved Master Plan and conditions and with all applicable standards and requirements of law. For each such phase or approval, the applicant shall submit all plans and information required by law.

2. Any subdivision that would increase density beyond the maximum density allowed in OMC 18.05.050 and 18.050.060 is prohibited. Any subdivisions or development that would result in violation of any use or development standard or any other applicable standard is prohibited.

II. Phasing.

3. The urban village shall be developed in compliance with the phasing requirements of OMC 18.05.050 F.

4. Each phase of the Master Plan will be reviewed on its own merits for compliance with applicable City codes and for compliance with the Master Plan, when that phase is submitted for approval.

5. The Town Square shall be constructed before more than 50% of the commercial space is under construction.

6. Restoration of the Central Kettle, as described above, shall be completed and post-construction monitoring initiated by the end of the second phase of development, whether or not that is the West Residential phase as now proposed.

7. The Arboretum facility, associated parking and final trail network shall be completed by the third phase, whether or not that is the Central Residential phase.

III. Hazardous substances.

8. Thallium, DDE, DDT, Dieldrin and Aroclor 1254 (PCB) shall be contained or removed from the site so that those substances are below state and federal cleanup levels. Any area of identified contamination in excess of the required cleanup levels (a cell) shall be addressed in accordance with an Agreed Order with the Washington State Department of Ecology prior to approval of any development in the contaminated or affected area. As development occurs, any contaminated area outside the

development area, which has not yet been cleaned up to levels protective of public health and safety under MTCA, shall be isolated to reduce risk of exposure to humans and pets.

9. The risk assessment methodologies described in the Findings by Washington and the EPA to determine site-specific cleanup levels for dioxin/furan compounds shall be carried out for the urban village property. The Washington State Department of Ecology shall act as a third party impartial expert to determine whether cleaning up dioxin/furan compounds to these site-specific levels will adequately protect human health. Removal or containment shall be commenced for those substances that exceed the standards. This action shall be overseen by Ecology through an agreed order.

10. All clean up required by these conditions or through reopening master plan approval, as just discussed, shall be completed prior to the start of each related construction phase.

IV. Stormwater and erosion control.

11. The South, Central, Northwest and North kettles may be used for storage and infiltration of stormwater. The stormwater flow to each shall mimic natural drainage flow. The diversion device proposed by the Staff (Ex. 1, pp. 7-8) [staff report to Hearing Examiner, dated June 30, 2003] shall be installed to regulate water levels of the South and Central kettles.

12. Stormwater shall not be routed to the Northeast Kettle.

13. Stormwater shall not be routed to the Southeast Kettle, unless all contamination in it, including Dieldrin and Arochlor 1254, has been cleaned up consistently with all applicable standards.

14. The Applicant shall file an agreement with the City, including an approved Performance Verification/Mitigation Plan, to assure the performance of the storm drainage facilities. This guarantee, through the appropriate surety, shall be in place and approved by the City before final plat approval of each phase. The guarantee shall remain in effect for two years or until performance verification/mitigation is complete, whichever occurs later. The amount of the bonding will be 125 percent of the probable mitigation cost which shall include testing, engineering, construction (system modification), and construction permits.

15. As part of the preliminary subdivision or land use approval for the first phase or subphase presented for approval, the Applicant shall present evidence as to how often water would flow out of the Central Kettle and drain to the west, what volume of water would be discharged, and what effect it would have on property to the west. Preliminary subdivision or land use approval may be granted only if the evidence shows that the overflow will not flood or damage nearby property.

16. Erosion control measures complying with applicable state and local requirements shall be in place prior to any clearing, grading or construction.

17. Initial clearing and grading for each phase shall be limited to the minimum areas necessary.

18. Native vegetation shall be retained to control erosion and sedimentation in all critical areas and buffers and in all open space areas, except the Town Square, the neighborhood park, the commons area, and the Arboretum.

V. Tree retention.

19. The removal of trees is prohibited in all kettle wetlands and their buffers, except (1) trees may be removed from the Central Kettle if, in the opinion of the Urban Forester, the removal is necessary for property restoration of the Kettle wetland, (2) trees may be removed if, in the opinion of the Community Planning and Development Department, the removal is necessary for property functioning of the approved stormwater system, and (3) trees may be removed if, in the opinion of the Urban Forester, the removal is necessary for the health of the stand or to abate a hazard.

20. The large Douglas fir tree near Yelm Highway across from the entrance to the Farm subdivision, as pictured in the photographs attached to Ex. 20, shall not be removed. If the Applicant or any affected individual develops new evidence that the tree is or is likely to become hazardous, it may request an amendment of these conditions.

21. No trees shall be removed from the area around and behind the large fir tree, as shown on Ex. 1, Att. L [aerials of site showing locations of trees recommended to be saved], unless authorized as described in the Conclusions, above. If the Applicant decides to abandon the full vehicular access to Yelm Highway from the West Residential phase due to the requirement to keep the large fir tree, the Applicant shall either relocate this street connection further west or, if this is not feasible, eliminate the street connection and provide a public cross-block pedestrian, bicycle, and emergency access connection to Yelm Highway further to the west. The trees in this area required to be preserved and their critical root zones shall be placed in a separate deeded tree tract as part of the formal platting process for the property.

22. No trees shall be removed from the area outlined in Ex. 1, Att. L and labeled "Hawk Nest Site", unless authorized as described in the Conclusions, above. The mitigation measures to protect the hawk nest on p. 1-11 of the FEIS shall be followed. Trees in this area which are required to be preserved and which are outside the City park shall be placed in a separate deeded tree tract as part of the West Residential phase or at any time prior to that as necessary to protect the trees.

23. Trees in the Arboretum may be removed only to maintain the health of the trees, assure the safety of residents, or to assure a clear view from the public overlook. They may not be removed for any other purpose.

24. For each subdivision, a tree tract or tracts shall be identified that meet 75% of the required minimum tree density for that subdivision. This does not require, though, that the tree tract required for each subdivision be located in that subdivision. Specific individual trees and tree tracts, pursuant to OMC 16.60.070 D. 4, will be identified at the preliminary plat stage of each development phase. In removing trees, the Applicant shall preserve trees in the order of priority set in OMC 16.670.070 D. 5.

VI. Transportation impacts, street improvements, and street connections.

25. The transportation impacts of all development in the urban village shall be mitigated. Each preliminary subdivision and each land use approval will require a traffic impact analysis that includes a mitigation plan. This requirement does not apply to land use approvals the traffic impacts of which are analyzed through another permit or approval.

26. Mitigation for traffic and transportation impacts will be imposed at the specific development approval stage: preliminary subdivision, land use approval or, if neither is required, at construction approval.

27. At such specific development approval stages, the Applicant shall examine transportation impacts to the intersections of northbound Henderson to southbound Interstate 5 and Cain Road and North Street, as well as the intersections analyzed in the FEIS. The City Staff shall consider whether intersections such as Boulevard Road and Yelm Highway and Rich Road and Yelm Highway should also be examined at those stages.

28. The traffic analyses at the preliminary subdivision stage shall specifically analyze each walking route which students are likely to take to public schools. This shall include at a minimum

- (a) Pifer Street to North Street and the crossing of North Street at that point,
- (b) Pifer Street to North Street, hence to Henderson, and then north on Henderson to Pioneer Elementary, Washington Middle School and Olympia High School,
- (c) Henderson Boulevard to Carlyon and then to Pioneer Elementary, Washington Middle School and Olympia High School
- (d) routes to Centennial Elementary, if any residential area in the urban village remains in its attendance area.

29. At the preliminary subdivision stages, the Applicant, in consultation with the City, shall project the percentage of eligible students who in fact use school buses. The City decisionmaker shall consider that, as well as the condition of the likely routes, in deciding whether safe walking conditions for schoolchildren are present to each public school with an attendance area that includes any part of the urban village. No permit or approval for any residential construction may be given, unless such safe walking conditions are present for students.

30. Each preliminary subdivision review shall address the potential problems from vehicle queuing at Pioneer Elementary and the other schools and shall consider whether trips by students and their drivers will cause unacceptable traffic congestion at those schools or along their routes.

31. Each preliminary subdivision review shall examine whether urban village traffic affects the safety of the crosswalk across Henderson Boulevard at Carlyon.

32. If transportation mitigation is offered in the form of impact fee payments, those payments shall be used to finance improvements or measures which will address traffic increases from this urban village.

33. At each preliminary subdivision stage, City staff shall examine and recommend measures to reduce commute auto use by residents of the urban village. Each preliminary subdivision approval shall require specific measures to reduce commute auto use by residents, unless it is specifically found that such measures are not reasonable. Examples of such measures include, but are not limited to, ride match services, preferential parking for carpools and vanpools, subsidized bus passes, promotional and educational programs and bicycle routes to employment centers.

34. Private streets. The private streets proposed for the Briggs Village are permitted subject to the conditions described on page 22 of the staff report to the Hearing Examiner, dated June 30, 2003, and the granting of Public Use and Access Easements over that private street to assure access and use by the public, which contain adequate maintenance, indemnification and insurance by the owner to protect the public interests. In case the city has to dig up the private streets to install or maintain public utilities, this document shall also limit the level of restoration required by the city to levels comparable to restoration work done on public streets. The easement granting document shall be approved by the City Attorney.

35. Henderson Boulevard shall be improved to the adopted two/three-lane Major Collector standard from the north boundary of the site south to the intersection of Briggs Boulevard. Henderson Boulevard shall be improved to the adopted two/three-lane Major Commercial standard from Briggs Boulevard south to Yelm Highway, unless a future phase Traffic Impact Analysis shows that the five-lane configuration will better serve the Village Center Phase.

36. A full vehicle connection shall be made with Pifer Street, as proposed in Ex. 1, p. 19 [staff report to the Hearing Examiner, dated June 30, 2003], when the first building permits are issued for the North Residential phase. This may include right-of-way acquisition from the Tumwater residence at 1129 South Street to facilitate a "T" intersection design when the North Residential Phase develops. However, for any period of time in which the City of Tumwater refuses to allow a full vehicle connection at this point, only a connection for pedestrians and emergency vehicles is required.

37. A vehicular connection with Delta Lane is not required. An intervening public cross-block pedestrian-bicycle connection to Delta Lane should be constructed, as recommended on p. 20 of Ex. 1 [staff report to the Hearing Examiner, dated June 30, 2003], when the West Residential Phase develops.

38. The future consideration of transportation impacts, including safe walking conditions for students, shall consider the cumulative impacts of the phase under consideration and already proposed or approved developments or phase of the urban village.

VII. Miscellaneous.

39. As part of City Council consideration, the Applicant shall present an analysis of maximum density showing that each of the four residential neighborhoods described in the Findings meets the maximum housing density of 24 units per acre.

40. The Applicant shall develop a landscape management plan to ensure the proper use and application of fertilizers and pesticides and to minimize the use of chemicals for those purposes.

41. At the time of a specific development proposal that includes any impacts to critical areas, the applicant must supply all the information required by the Critical Areas Ordinance, including special reports and detailed plans, and must meet all the applicable requirements of that ordinance.

42. No work within the steep slope adjacent to Ward Lake or within the kettles is to commence without administrative approval.

43. The Applicant shall carry out the Central Kettle restoration as generally described in Ex. 1, Att. A [General Land Use Application and Master Planned Development Supplement, dated January 28, 1999] and Att. J [Revised Addendum to the Preliminary Mitigation and Monitoring Plan, dated April 8, 1999].

44. City staff shall have the opportunity to participate in development of recommendations by the LCLA monitoring team for the Central Kettle restoration as described in Ex. 1, Att. J [see #43, above].

45. The recommendations by the monitoring team described in Ex. 1, Att. J [see #43, above] shall be designed to reach the acceptable ranges for hydrology, water quality, plant community maintenance, and faunal habitat support set out in that document.

46. The Applicant shall carry out the recommendations of the monitoring team described in Ex. 1, Att. J [see #43, above] for the Central Kettle restoration.

47. Any proposed development within the shoreline of Ward Lake shall comply with the Shoreline Management Act and the Shoreline Master Program for Thurston Region or successor. Compliance will be determined at the time of preliminary plat or development proposal submittal. At that time, proposed residential lots shall be revised to comply with the minimum lot size and the required lot width for the Rural shoreline environment.

48. Utilities shall be located outside the site of the neighborhood park to be sold to the City. The Applicant shall give the City Parks, Arts and Recreation Department the opportunity to review and comment on all grading plans that could affect the park site.

49. The Henderson Boulevard sanitary sewer shall be constructed of 15-inch-diameter pipe from the current terminus of the City sanitary sewer system at the northeast corner of the site, south to Yelm Highway.

50. The Applicant shall relocate the proposed 12-inch water main loop serving the West Residential phase so that it is not within the neighborhood park or on private property. As stated on p. 25 of Ex. 1 [staff report to the Hearing Examiner, dated June 30, 2003], additional design is required during the subdivision process to insure optimal performance of the water system.

VIII. Design.

51. Provide landscape details at the time of specific land use application; ensure that landscaping provides screening as required; provide information regarding maintenance of landscaping. (18.05A.110, 18.20.060 and 18.20.150)

52. Provide additional site details for Ward Lake duplexes at the time of land use application, including the landscape easement and the landscape buffer in the easement.

53. Existing trees are to be preserved to the greatest extent possible. The "greatest extent possible" includes revising site plans, if necessary to achieve tree preservation. (18.05A. 120)

54. At the time of site plan review for multifamily projects, provide enough detail that it can be determined if the building orientation and design provide privacy for the occupants of the multifamily building and for the occupants of adjacent buildings. (18.05A.200)

55. Provide screening for all mechanical equipment, storage areas, etc.; show on land use application plans. (18.20.060)

56. One-story commercial structures along Henderson Avenue, Maple Lane, Orchard Lane and Town Square Lane, Dogwood Lane and Magnolia Lane shall have a minimum 24-foot exterior façade (with 30-foot building corners); and an 18-foot interior ceiling. Commercial buildings may be two or three stories, not to exceed 45-feet, provided the commercial retail and office mix does not exceed a maximum of 175,000 Sq. Ft. pursuant to OMC 18.05.050(D) and Table 5.02; they must contain not less than the 10% residential mix pursuant to OMC 18.05.050(C)(2) or more; and they must meet the minimum parking codes contained in OMC 18.38. In meeting or exceeding the 10% residential mix above, residential units in these commercial mixed use buildings shall be calculated as “other residences” pursuant to OMC 18.05.050(E)(1)(c) and may exceed the 810 required residential units described in the Briggs Master Plan Development.

57. The Applicant shall construct the secondary access to the YMCA parking lot to the Briggs Town Center north-south private street (Maple Lane). The City will secure written consent from the YMCA for the Applicant to construct improvements associated with the secondary access on YMCA property. After the City secures the written consent, this secondary access shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the next commercial building permit for Briggs Village, whichever occurs first.

58. 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. This secondary access shall be completed prior to issuance of a Certificate of Occupancy for the Briggs Grocery Store or the next commercial building permit for Briggs Village, whichever occurs first.

59. 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.

Exhibit G
Summary Table of Approved Amendment Changes - Briggs Village Master Plan

RESIDENTIAL	Requirement OMC 18.05	Minimum		Maximum
I. Total Residential – Units – All types	90% of all residential within ¼ mile of village	810		810*
Single & Multifamily	18.05.050(E) Table 5.03A	401		401*
A. Single-family (50% to 75%)	18.05.050(E)(1)(a) Table 5.03A	233	58.1%	233
1. Detached	Min. 5%	135	33.6%	135
2. Townhome	18.05.050(E)(2)	88	21.9%	88
3. Single-family over Commercial	Table 5.03B	10	N/A	10*
B. Multifamily (25% to 50%)	18.05.050(E)(1)(b) Table 5.03A	168	41.9%	168
4. Duplex	18.05.050(E)(2)	24	5.6%	24
5. Apartments	Min 5% Table 5.03B	144	35.9%	144
C. Other	18.05.050(E)(1)(c)	409		409*
5. Apartments next to town square		137		137*
6. Senior Living		200		200
7. Condominium		72		72*
* Additional residential above commercial, next to town square mixed use buildings, are required if commercial use increases above minimum of 94,985 Sq. Ft. OMC 18.05.050(C)(2).				
COMMERCIAL	OMC 18.05	Minimum		Maximum
II. Total Commercial[†] (without community uses)	18.05.050 Table 5.02 225K w/ 50K grocer 175K w/35K or less grocer	94,985 Sq.Ft. (w/o community)		175,000 Sq.Ft. (w/o community)
Range of Specific Commercial Uses:				
1. Grocer (Under 35,000 sq. ft. the Comm. Cap is 175,000)	Table 5.02 18.05.060(C)	30,285 Sq.Ft.		35,000 Sq.Ft.
2. Retail	75 sq. ft./ Residential Unit (75*810 =60,750 SF) 18.05.050(D)(1) Table 5.02	33,700 Sq.Ft.		60,750 Sq.Ft.
3. Office	200 Sq Ft/Residential Unit (200SF *810= 162,000 SF) 18.05.050(D)(1) Table 5.02	5,000 Sq.Ft.		162,000 Sq.Ft.
Community Uses				
- YMCA (Existing)	18.05.050(A)(4)	55,200 Sq.Ft.		55,200 Sq.Ft.
- Child Care (required)	18.05.050(F)(4) (@607/R)			
- Community Clubhouse	Meeting Area			
† Community uses are not included in total commercial counts. The amendment allows flexible placement of the commercial retail and office space, provided that each use is within the potential minimum and maximum thresholds, and provided that the total commercial is a minimum of 94,985 Sq.Ft. and not more than 175,000 Sq.Ft.				

III. DEVELOPMENT STANDARDS	Requirement OMC 18.05	Minimum	Maximum
Maximum Stories Mixed Use	1- 3 Stories 18.05.080 Table 5.04	1-Story minimum 24-foot exterior with 30-foot tall building corners; 2 nd and 3 rd stories optional	2 nd and 3 rd stories allowed and not mandatory
Maximum Height Mixed Use/Commercial	35-45 feet 18.05.080(M)(1) Table 5.04	24-foot exterior with 30-foot tall building corners for one story	35-45 feet not mandatory for one story
Parking - ratios retained	Ratios Pursuant to OMC 18.38 Parking	No change in parking ratios (621 stalls of on and off-street parking)	No change in parking ratios (may require structured parking).

City of Olympia

City Council

City Hall
601 4th Avenue E.
Olympia, WA 98501
360-753-8447

Public Hearing and Approval of Boulevard Road/I-5 Area Annexation Ordinance

Agenda Date: 3/18/2014

Agenda Number: 5.A

File Number: 14-0245

File Type: public hearing

Version: 1

Status: Public Hearing

..Title

Public Hearing and Approval of Boulevard Road/I-5 Area Annexation Ordinance

..Recommended Action

Committee Recommendation:

The Land Use & Environment Committee received a briefing on staff efforts to move forward with the Boulevard / I-5 area annexation on September 26, 2013.

City Manager Recommendation:

- Hold the noticed Public Hearing.
- If Council determines it has enough information following close of the Public Hearing, move to approve on first reading and forward to second reading the ordinance annexing to the City of Olympia approximately 205 acres lying contiguous to the City of Olympia and within the Olympia Urban Growth Area, referred to as the "Boulevard/I-5 Annexation."

..Report

Issue:

Whether to annex the Thurston County island, located within the Olympia Urban Growth Area (UGA) and referred to as the "Boulevard/I-5" area, to the City of Olympia.

Staff Contact:

Gary Cooper, Project Planner, Department of Community Planning & Development
360.570.3957

Presenter(s):

Gary Cooper, Project Planner, Community Planning & Development

Background and Analysis:

Annexation of County Island UGAs

In 2010 the City Council directed staff to pursue annexation of the three "County Islands" within the City limits. County islands are areas that are within Thurston County, but which are completely surrounded by the City of Olympia. Since 2010 the City has completed annexations of two of the islands (the Cooper Point and Division Street Annexations). The Boulevard/I-5 Island represents the last remaining island.

Comprehensive Plan and Olympia/Thurston County Joint Plan

Annexation of islands is encouraged under the Olympia/Thurston County Joint Plan's

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File Number: 14-0245

Goals and Policies, including the following:

GOAL UGM2: Support annexations which create logical boundaries and reasonable service areas with the urban growth area, including annexation of unincorporated islands with the city limits.

Interlocal Agreement Method

The proposed annexation is being completed under the section of the annexation statute titled, "Annexation of territory served by fire districts - Interlocal agreement process" [RCW 35A.14.480]. This method of annexation allows cities to annex an area by ordinance after completing an interlocal agreement with the affected Fire District and Thurston County.

On March 4, 2014 the City Council approved the interlocal agreement between the City, Fire District #3, and Thurston County. The agreement had previously been approved by Thurston County at its February 18, 2014 Commissioners' Meeting, and by the Fire District on February 20, 2014 at its Commissioners' Meeting.

Profile of Annexation Area

The area proposed for annexation is roughly 205 acres. There are 252 property parcels, with approximately 160 single family residences and a population estimated at 330. There is also a small pocket of commercial development at the end of Dayton Street.

Utilities and Services

The majority of residents in this area are already receiving City sewer and water services. This is due primarily to the completion of large subdivisions in the last 10 years that have obtained the City's utilities in exchange for signing agreements to annex in the future. A detailed summary of the costs of utilities and services is attached to this report.

Emergency police and fire services are currently provided by the City of Olympia through mutual aid agreements with Thurston County and Fire District #3. The City does not receive reimbursement for the services it provides. In 2013 the City's Fire Department projected 48 calls to this area.

Outstanding Bonds

The proposed ordinance would require residents within the area to assume a proportionate share of the City's outstanding bond obligation upon annexation. For a home valued at \$200,000 this would amount to an obligation of \$4.03 per month, or \$48.40 per year.

The Council has the authority to waive this obligation, but it has been the Council's policy for previous annexations to require newly annexed residents to assume the

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City's indebtedness.

Financial Costs and Benefits to Residents and Businesses

The costs and benefits to residents can only be estimated based on "average" or "typical" uses of services. However, staff have attempted to thoroughly analyze all areas where there could be a difference between costs of living in the County versus being in the City [see attachments]. While property taxes would definitely decrease following annexation, utilities will increase because of various City taxes. The estimate for a "typical" household in the area is that it may cost about \$23 more per month to be in the City. This estimate includes the cost of paying the City's outstanding bond obligation that residents will inherit upon annexation.

Businesses in the area will be subject to a Business & Occupation tax that is not required in the County. This tax applies to any business conducted within City limits and varies from 0.1-0.2% of gross annual revenues, depending on the type of business. Therefore - as an example - a business that generates \$1million worth of gross revenue would see a B&O tax of \$1000-\$2000 annually, depending on the type of business.

Neighborhood/Community Interests (if known):

A number of residents and businesses are interested in the annexation. Thus far, comments received have been both for and against the annexation.

Citizens who have expressed support have cited the desire for City services, including policing of the Woodland Trail.

Citizens who have voiced opposition cite the increased costs of living in the City, an expected decline in property values, and the impacts that surrounding future development could have on their residences or businesses.

Staff held public informational meetings on the annexation on December 18, 2013, and March 10, 2014. Informational materials were mailed to affected residents and surrounding neighborhood associations and all the materials related to the annexation are being maintained on an annexations page on the City's website.

Options:

1. Approve the proposed Ordinance on first reading / forward to second reading.
2. Approve the proposed Ordinance with modifications (e.g. outstanding debt obligation) and effect the annexation.
3. Reject the proposed Ordinance and deny the annexation.

Financial Impact:

Based upon existing levy rates (including the excess levy) the proposed annexation

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area would generate approximately \$118,000 in property tax revenues per year. The City will assume the costs for maintenance of roads and streetlights and provision of municipal services such as police and fire protection.

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ANNEXING TO THE CITY OF OLYMPIA APPROXIMATELY 205 ACRES LYING CONTIGUOUS TO THE CITY OF OLYMPIA AND WITHIN THE OLYMPIA URBAN GROWTH AREA, REFERRED TO AS THE "BOULEVARD/I-5 ANNEXATION," SITUATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 24, THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 18 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, THE SOUTH HALF OF SECTION 18, THE NORTH HALF OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, THURSTON COUNTY, WASHINGTON.

WHEREAS, during 2009, the Washington State Legislature passed ESSB 5808, amending RCW 35A.14, allowing code cities to annex territory served by one or more fire districts; and

WHEREAS, RCW 35A.14.480 authorizes code cities to accomplish the annexation by ordinance after entering into an interlocal agreement with the affected fire district(s) and County; and

WHEREAS, on May 18, 2010, the City of Olympia did, according to the requirements under RCW 35A.14.480, notify Lacey Fire District Three and Thurston County of its desire to enter into an interlocal agreement; and

WHEREAS, on February 18, 2014, the Thurston County Board of Commissioners approved the interlocal agreement; and

WHEREAS, on February 20, 2014, Lacey Fire District Three approved the interlocal agreement; and

WHEREAS, on March 4, 2014, the Olympia City Council approved the interlocal agreement; and

WHEREAS, the proposed annexation is situated in a "County island" that is entirely surrounded by the City of Olympia; and

WHEREAS, both emergency police and fire protection services are already currently provided by the City of Olympia through mutual aid agreements with Lacey Fire District Three and Thurston County; and

WHEREAS, Goal UGM2 of the City of Olympia/Thurston County Joint Plan supports annexation of unincorporated islands within City limits; and

WHEREAS, the City of Olympia hosted public informational meetings on December 18, 2013, and March 10, 2014, to inform all residents and property owners of the area of this proposal and to provide information regarding the annexation; and

WHEREAS, on March 18, 2014, the Olympia City Council determined that the annexation of the hereinafter described property to the City of Olympia would be in the public interest and for the public welfare and in the best interest of the City of Olympia and the citizens thereof;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Annexation. The property described and depicted in Exhibit A attached hereto and incorporated herein as if fully set forth, is hereby annexed to the City of Olympia.

Section 2. Existing Indebtedness. It is hereby further declared that upon annexation, the property described in Section 1 above shall be subject to existing indebtedness of the City of Olympia.

Section 3. Solid Waste Collection. Pursuant to RCW 35A.14.900, on the effective date of this Ordinance any franchise or permit theretofore granted to any person, firm or corporation by the State of Washington, or by the governing body of such annexed territory, authorizing or otherwise permitting the operation or any public utility, including but not limited to, public water, transportation, garbage disposal, or other similar public service business or facility within the limits of the annexed territory is cancelled. The holder of any such franchise permit canceled pursuant to this section and RCW 35A.14.900 is hereby granted a franchise to continue such business within the annexed territory for a term of not less than seven (7) years from the date of this Ordinance. The City shall not extend similar or competing services to the annexed territory except upon a proper showing of the inability or refusal of such person, firm or corporation to adequately service said annexed territory at a reasonable price. This section may be superseded by subsequent mutual agreement of the City of Olympia and a franchise holder.

Section 4. Effective Date. This Ordinance shall be in effect at the end of the day (midnight) June 20, 2014.

Section 5. Development Applications. Between the adoption and the effective date of this Ordinance, if requested by Thurston County, the City of Olympia will assume responsibility for reviewing development applications in the County island and would thus be entitled to the applicable permit review fees.

Section 6. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

STEPHEN H. BUXBAUM, MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

Date: January 27, 2014
Project: I-5 Corridor Annexation
Sheet: 1 of 3

EXHIBIT "A"
CITY OF OLYMPIA I-5 CORRIDOR ANNEXATION AREA

I-5 Corridor Annexation Area, situated in the North Half of the Northeast Quarter of Section 24, the East Half of the Southwest Quarter of Section 13, Township 18 North, Range 2 West, Willamette Meridian, the South Half of Section 18, the North Half of Section 19, Township 18 North, Range 1 West, Willamette Meridian, Thurston County, Washington, said Annexation Area is contained and bounded within the following described area:

Commencing at the Section corner common to said Sections 13,24,18, and 19; thence North along the common North-South Section line of said Sections 13 and 18 to the South Right-of-Way of Interstate 5 being the **POINT OF BEGINNING**;

Thence continuing North along said common North-South Section line to the Centerline of Pacific Avenue;

Thence Northwesterly along said centerline to the intersection with the extension of the Easterly boundary line of Fir Grove Business Park BSP, Volume 1, Page 27, Thurston County records;

Thence South along said boundary line to the Southeasterly corner of same;

Thence West along said BSP South line to the East line of Lot 10 of said BSP;

Thence South along said East Lot line to the Southeasterly corner of said Lot 10;

Thence West along the South line of said BSP to the centerline of Boulevard Road;

Thence South along said Boulevard Road centerline to the intersection with the extended North boundary line of Short Plat 03-0206-OL, AFN 3645356, Thurston County records;

Thence East along said Short Plats North boundary line to the Northeasterly corner of same;

Thence South along the Easterly line of said Short Plat to the centerline of 7th Avenue;

Thence East along said 7th Avenue centerline to the intersection with the extended East Right-of-Way of Chambers Street;

Thence South along said Chambers Street Right-of-Way to the Northerly Right-of-Way of Interstate 5;

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Thence Southwesterly along said Interstate 5 Right-of-Way to the intersection with the North Right-of-Way of Union Avenue;

Thence West along said North Right-of-Way of Union Avenue extending to the East Right-of-Way of Fairview Street;

Thence South along said East Right-of-Way of Fairview Street to the intersection with the extended South Right-of-Way of 15th Avenue (Dayton Street);

Thence East along said South Right-of-Way of 15th Avenue to the intersection with the extended West Right-of-Way of Boulevard Road;

Thence Northerly along Boulevard Road to the intersection with the North Right-of-Way of 12th Avenue;

Thence East along said North Right-of-Way of 12th Avenue to the intersection with the West boundary of Creekwood PRD, Volume 24, Page 76, AFN 9004190053, Thurston County records;

Thence tracing along said Creekwood PRD exterior boundary in a clockwise direction to the intersection with the South line of the North Half of the Northwest Quarter of Section 19;

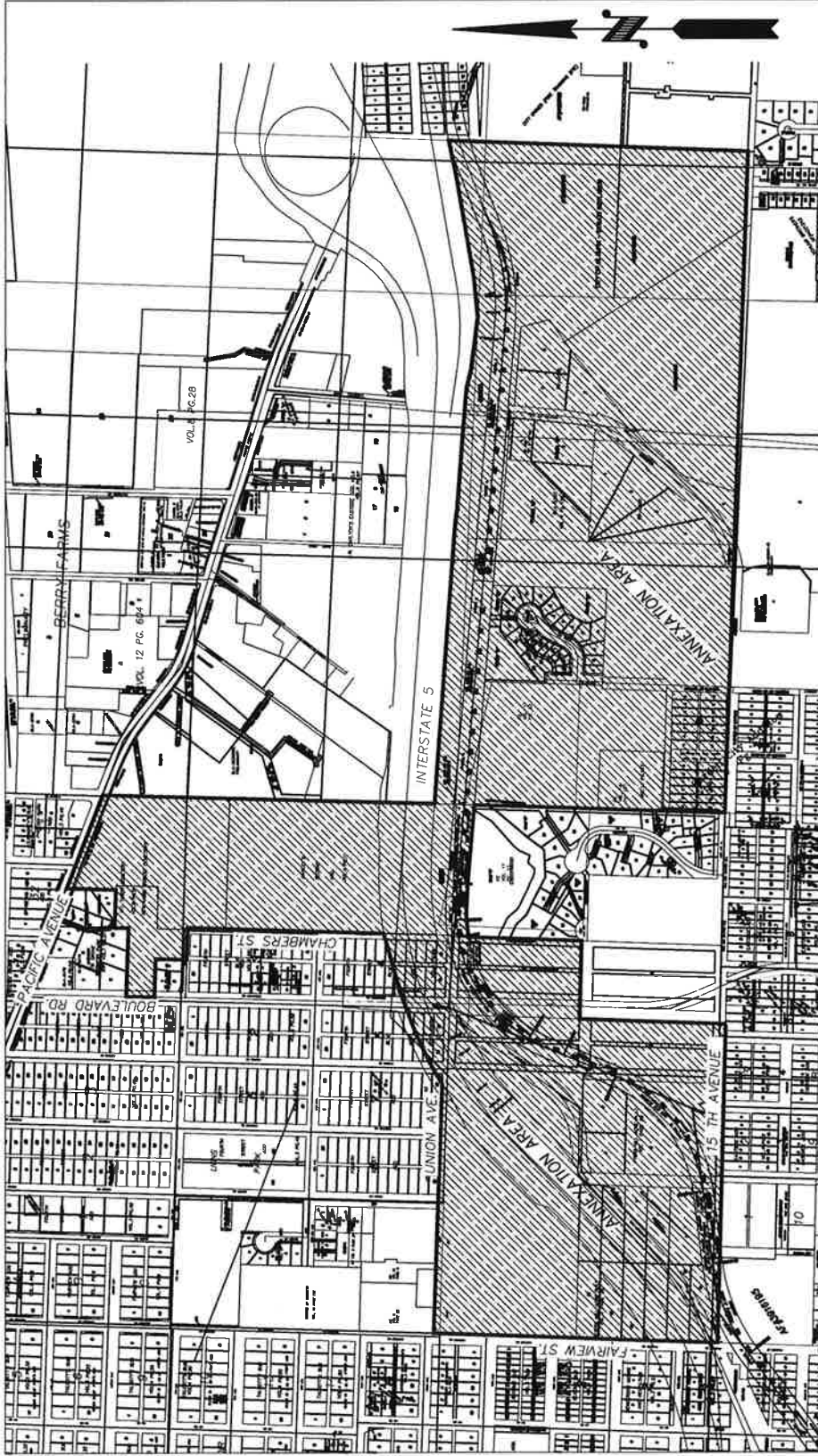
Thence East along said South line of the North Half of the Northwest Quarter and the South line of the North Half of the Northwest Quarter of the Northeast Quarter to the Southeast corner of the R.J. Smith Donation Land Claim (DLC) No. 42;

Thence North along the East line of said DLC No. 42 and extension thereof to the South Right-of-Way of Interstate 5;

Thence tracing along said South Right-of-Way of Interstate 5 to the **POINT OF BEGINNING**.

Said Annexation Area contains 193 acres more or less.





NOTE: This sketch was prepared to assist with the interpretation of the attached legal description. If conflicts arise between the written legal description and this sketch, the written legal description shall prevail.

DRAWN	BAM	PROJECT NO.	CITY OF OLYMPIA	DRAWING NAME
QC REVIEW	LC	CP&D Annexation	EXHIBIT "A"	
SCALE	1"=800'	DATE	INTERSTATE 5 CORRIDOR	
		1/2014	ANNEXATION AREA	SHEET 3 OF 3



November 2013

Boulevard/I-5 Area Annexation

The City is using the “Inter-local Agreement Method” of annexation – what does that mean?

First, a little bit of background....

The state law on annexation provides citizens and local governments several different options. In fact, there are currently 10 different types of annexation process:

- Election Method, Initiated by Ten Percent Petition.
- Election Method, Initiated by Resolution.
- The Sixty Percent Petition Annexation Method.
- Alternative Petition Annexation Method.
- Annexation for Municipal Purposes (RCW 35A.14.300).
- Annexation of Federally Owned Areas.
- Annexation of Unincorporated Islands.
- Alternative Unincorporated Island-Inter-local Method of Annexation.
- *Inter-local Agreement Annexation of Area Served by Fire District(s)*.
- Boundary Line Adjustments

Highlighted in *italics*, above, is the method the City of Olympia is using for the I-5/Boulevard Road annexation. The state law that spells out this method can be found at **RCW 35A.14.480**. For a thorough understanding of this process we encourage you to review the RCW. However, as a summary, some key features of the inter-local method are:

1. The City initiates this process by contacting the local fire district and the county to announce its desire to annex the territory and to ask the Fire District and County to enter into an inter-local agreement.
2. The Fire District and County have 45 days to respond to the City’s request. If either the Fire District or the County object to the City’s request, then the inter-local agreement cannot be used. If there is no response at all in the 45 day time period, then that counts as a “yes” and the City can proceed to work with the County and Fire District to finalize an agreement.
3. The City, Fire District and County draft an inter-local agreement that establishes what their respective roles and responsibilities will be after the territory is annexed.
4. Once an inter-local agreement is agreed upon by all the parties, the City Council holds a

hearing and decides whether to annex the area.

Can You Vote on this Annexation?

The inter-local agreement method does not have a voting process. However, you can comment to the elected official of all three entities and at the City's public hearing.

Why is the City Using this Method?

Although the City currently could use the direct petition method, which requires petitions from owners of greater than 50% of the land in the area as measured by assessed value, the inter-local agreement method is the most efficient and least costly to our taxpayers.

Contact:

Gary Cooper, Associate Planner, gcooper@ci.olympia.wa.us (360) 570-3957



Annexation – Frequent Questions

City of Olympia
Community Planning & Development
December 2013

What exactly is an “annexation”?

Annexation is the process of expanding the City limits to include properties currently outside the City, but located in the City’s Urban Growth Area (UGA).

The Urban Growth Area (UGA) has been discussed a lot over the years, what exactly is it?

The UGA is the area surrounding the City where urban development is planned to occur. The boundaries of the Urban Growth Area were set in 1983 and reaffirmed in the early 1990s through a public process that involved the citizens and property owners of both Olympia and Thurston County.

What about zoning?

Zoning stays the same with annexation. The County has already adopted the City’s zoning for the entire Urban Growth Area.

If an annexation is denied does that stop development?

No. Approval or denial of an annexation does not affect whether a development can be initiated or continued. In the event of a denial, a developer may be required to sign an annexation agreement for access to City water or sewer.

What about taxes and other costs?

The overall difference in taxes, fees, and insurance for the average homeowner will be minimal. Because the County road tax is eliminated after annexation, property taxes are generally lower, while utility taxes and stormwater fees are generally higher in the City. For a detailed summary of potential savings and costs please visit the City’s webpage on annexations at: www.olympiawa.gov/annexations

What about schools?

There is no effect on schools. School district boundaries are independent of City boundaries.

What about voting? Can I still vote for County Commissioners?

After annexation, you still vote for the Thurston County Commissioners, and you will be also be able to vote in the elections for Olympia City Council.

Am I required to hook up to City water and sewer?

No. You may continue to use your well and septic system after annexation. Annexation does not trigger any hookup requirements. In the event your well or septic system fails, being part of the City may allow you to connect to City water or sewer as necessary.

Will the City pay the electric bill for the street lights in my neighborhood?

The City will take responsibility for the maintenance and electricity costs for County-owned streetlights and for those systems that are up to current standards. The City does not assume

responsibility for streetlights owned by PSE, a homeowners/neighborhood association, or a private individual/business.

How would police services be different?

After annexation, primary response is provided by the Olympia Police Department instead of the Thurston County Sheriff's Department. Olympia has two times as many officers per thousand residents than Thurston County. The City of Olympia provides 1.33 commissioned officers per thousand residents. Thurston County provides 0.60 commissioned officers per thousand residents. (Source: [Crime in Washington: 2011 Annual Report](#), Washington Association of Sheriffs and Police Chiefs)

How would fire services be different?

Emergency fire and Medic One services won't change. Because of mutual aid agreements between the City of Olympia and the Fire Districts, the City of Olympia already provides emergency response for your area.

What about garbage pick-up?

Your current provider may continue to serve your area for seven years. After seven years Olympia will become your provider unless the current provider elects to discontinue service before that time.

What about my livestock?

The City of Olympia allows livestock and other urban agriculture land uses. Visit www.olympiawa.gov/annexation for details.

Can I burn my tree limbs and yard debris if I am annexed?

No. The current restrictions on outdoor burning will continue. Outdoor burning is regulated by the Olympic Region Clean Air Agency. Per their regulations, burning is not allowed in urban growth areas or the cities in Thurston County, including the Boulevard/I-5 area proposed for annexation. For more information on this burn ban contact the Olympic Region Clean Air Agency <http://www.orcaa.org/>

More Questions? Contact:

Gary Cooper, Associate Planner

City of Olympia Community Planning & Development Department

Phone: 360.570.3957

Email: cpdinfo@ci.olympia.wa.us

Website: olympiawa.gov/annexation



Overview of Utility Services and Taxes

In most cases, your utility provider will remain the same after annexation. However there are some differences between the City and the County in taxes and fees that apply to utilities. Your overall property tax may be lower because you will no longer pay the County Road Tax after annexation. Utilities may be slightly higher because the City assesses a 9% utility tax on private utilities to help pay for park acquisition and maintenance, capital facilities, and general City services. The City has a 10% utility tax on City-provided utilities to help pay for general City services.

Public and Private Utilities:

Water

- Private well owners will not be required to connect to the City of Olympia water system because of annexation; however, if your well fails in the future, you may be required connect to the City's system.
- Private water systems will not be required to transfer to the City as part of annexation.
- Newly annexed residents who already receive City water, but who have not signed an annexation agreement with the City, will no longer be billed a monthly water surcharge, resulting in a savings of approximately \$10 per month.

Wastewater (Sewer/Septic)

- On-site septic system owners will not be required to connect to the City's wastewater system or to LOTT, unless the system fails.
- Under current regulations for your area, if your septic system fails in the future and your parcel is located within 300 feet of an existing City wastewater line, you will be required to connect to the City's sewer. This requirement does not change with annexation.
- New onsite systems are not allowed in the City with the exception of lots greater than one acre. This requirement will be evaluated in 2014.
- Wastewater Utility fees are charged only to parcels connected to the City wastewater system. Your bill will not change as a result of annexation.
- The City does not regularly extend new sewer lines into existing neighborhoods. If extensions were to occur in the future, the cost of the extension would most likely be paid by the City's Wastewater Utility. The Utility provides a voluntary cost-share program for neighborhoods that seek to extend wastewater systems to their areas.

Stormwater

- Both the City of Olympia and Thurston County assess stormwater fees.
- After annexation, residents will be subject to the City's stormwater management fees, but not the County's.
- While the County bills for stormwater management only once a year - as a fee attached to property tax assessments, the City will bill bi-monthly.
- Currently the City's stormwater fees are higher than the County's. The County's average fee for a single family residence is approximately \$80 per year. It is anticipated that the City of Olympia's stormwater fee for 2014 will be about \$132 per year, billed on a bi-monthly (every other month) basis.

Garbage/Recycling

- Under state law the City is required to allow your current garbage and recycling company – Pacific Disposal – to continue providing your services for 7 years if they wish to do so.
- After 7 years (or earlier if your provider discontinues service) the City will become the garbage and recycling provider.
- The 9% utility tax will apply to Pacific Disposal services.

Gas / Electric

- Puget Sound Energy (PSE) provides gas and electric services in Thurston County and the City of Olympia.
- The 9% private utility tax will apply.
- Although this tax is assessed on the utility provider and not the customer, according to the Washington Utilities and Transportation Commission, it is a standard practice for the utility to pass the 9% tax on to its customers through higher rates.

Cable Television

- Thurston County and the City of Olympia both have non-exclusive franchise agreements with Comcast.
- The terms are similar. You should not experience a change in cable charges or fees as a result of annexation.
- Satellite, dish services, and broadband internet are not covered by City or County cable franchise agreements.
- The 9% private utility tax does not currently apply to cable television.

Telephone

- Your telephone service provider will not change because of annexation.
 - As with other private utilities, the City's 9% tax will apply.
-

Taxes and Licensing:

Property Taxes

- Your property taxes would decrease after annexation.
- The following tax rates comparison shows that for a \$200,000 home taxes would decrease by about \$84 a year.

PROPERTY TAX* Rates are per \$1000 Total Tax Assessed Value	Tax Rate in TCA 141	Taxes for \$200,000 home in FD#03	Tax Rate after annexation to Olympia(TCA 110)	Taxes for \$200,000 home after Annexation
County Road Tax	1.7280	\$345.60	----	\$0
Fire District #03	1.4587	\$291.74	----	\$0
Fire District#03 Excess Levy	0.1419	\$28.38	0.1419**	\$28.38
City of Olympia General Tax	----	\$0	2.557	\$511.40
City of Olympia Excess Levy	----	\$0	0.2420	\$48.40
Public Utility District #1	0.0105	\$2.10	0.0105	\$2.10
Port of Olympia	0.2403	\$48.06	0.2043	\$48.06
Timberland Library	0.4150	\$83.00	0.4150	\$83.00
Olympia School District #111 Excess Levy	5.7090	\$1141.80	5.7090	\$1141.80
State	2.5100	\$473.89	2.5100	\$473.89
County	1.4980	\$282.82	1.4980	\$282.82
Medic One	0.4007	\$75.65	0.4007	\$75.65
Total	14.1121	\$2822.42	13.6884	\$2737.68

**Property Tax Rates and totals for properties before and after annexation to City of Olympia (As of February 2013). The median assessed value for single family residences in proposed annexation area is \$185,000. However, newer construction in this area has a substantially higher average value. This comparison is based on what taxes would be for a \$200,000 home both before and after annexation, based on taxes payable in 2013.*

Business & Occupation Tax (B&O)

- After annexation, businesses will be required to pay a Business & Occupation (B&O) tax.
- B&O taxes apply to every type of business, including manufacturing, wholesale, retail, extraction (timber harvesting, etc.), printing, etc.
- Retailing, printing, wholesale, manufacturing and extracting activities are taxed at one-tenth of one percent (0.1%) of gross income. For example, \$1million of taxable activity would equate to \$1,000 in B&O tax.
- Service-based activities are taxed at two-tenths of one percent (.2%) of gross income, which means that \$1million of taxable activity would equate to \$2,000 in B&O tax.
- Certain businesses may be exempt from B&O taxes, such as non-profits, credit unions, Health Maintenance Organizations, etc.
- If you would like to see what category your business is, or would simply like to know more about the City's B&O tax, please see Chapter 5.04 of the Olympia Municipal Code.

Business Licensing

- The City requires all businesses operating within or doing business within the City limits to obtain a business license. City business licenses are obtained through the State of Washington, Department of Revenue.
- The initial cost to obtain a business license is \$80. The cost of a business license renewal is \$30 per year,
- Home Occupations: Home Occupations are required to obtain a business license. Unlike the County, the City does not require you to obtain a separate Home Occupation permit. Since the County's current base application fee for Home Occupation permits is \$1835, residents wishing to start a Home Occupation will save this amount after annexation.
- The City's rules regarding business licenses can be found in Chapter 5.02 of the Olympia Municipal Code (OMC).

Vehicle Licensing (Transportation Benefit District)

- After annexation you will see a \$20 increase in your annual vehicle licensing costs. This \$20 is an annual fee assessed per vehicle by the Olympia Transportation Benefit District.
- Transportation Benefit Districts (TBDs) were authorized by the Legislature in 1987. The Olympia TBD was established by the City Council in December 2008. TBDs are used by cities across Washington State to fund local transportation projects. More information can be obtained at the TBD's website, olympiaTBD@ci.olympia.wa.us

Below is a summary of how various utilities and services may be affected by annexation:

Summary of Potential Costs:

Cost Area	Difference
Property Taxes	3% decrease
Cable	No change
Sewer	No Change
Garbage/recycling	9% tax
Water (if annexation agreement has been signed already)	No change
Water (if annexation agreement has not been signed)	33% decrease per month.
Telephone	9% tax
Stormwater	61% increase; including 10% tax
Vehicle licensing	\$20/year increase
Electricity	9% tax
Natural gas	9% tax

More Questions? Contact:

City of Olympia Community Planning & Development Department

Phone: 360.753.8361

Email: cpdinfo@ci.olympia.wa.us

Website: olympiawa.gov/annexation

Cost Differences Scenario

NOTE: *The best way to predict the impact of annexation is to use the table above and apply the percentage changes to your own average bills. This scenario is provided simply to give an example of the differences in costs based on assumed costs for each of the utilities or services that will be affected by this annexation.*

For a \$200,000 home in the proposed annexation area with the following typical bills, the difference in costs to the property owner would be....

Cost Item	Before	After	Annual Difference	Monthly Difference
Property tax	\$2822/yr.	\$2738/yr.	-84	-7
Telephone	\$100/mo.	\$109/mo.	+108	+9
Stormwater	\$80/yr.	\$132/yr.	+52	+4.33
Electricity or Natural Gas	\$150/mo.	\$163.50/mo	+162	+13.5
Vehicle Licensing	\$75	\$95	+20	+1.67
Garbage/recycling	\$25/mo.	\$26.50/mo.	+18	+1.50
TOTAL			+\$276	+\$23

NOTE: Residences receiving water from the City that have not signed an Annexation Agreement will no longer pay a monthly surcharge on water bills, which amounts to approximately \$10 per month savings.

Boulevard/I-5 Road Annexation Property Tax Comparisons: County vs Olympia (2012)

Table 1. Property Tax Rates* and totals for properties before and after annexation to City of Olympia (As of February 2013). The median assessed value for single family residences in proposed annexation area is \$185,000. However, newer construction in this area has a substantially higher average value. This comparison is based on what taxes would be for a \$200,000 home both before and after annexation, based on taxes payable in 2013.

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City of Olympia Excess Levy	----	\$0	0.2420	\$48.40
Public Utility District #1	0.0105	\$2.10	0.0105	\$2.10
Port of Olympia	0.2403	\$48.06	0.2043	\$48.06
Timberland Library	0.4150	\$83.00	0.4150	\$83.00
Olympia School District #111 Excess Levy	5.7090	\$1141.80	5.7090	\$1141.80
State	2.5100	\$473.89	2.5100	\$473.89
County	1.4980	\$282.82	1.4980	\$282.82
Medic One	0.4007	\$75.65	0.4007	\$75.65
Total	14.1121	\$2822.42	13.6884	\$2737.68

Source: Statistical Report of 2012 Assessments for Taxes Payable in 2013 (Thurston County)

*Tax Rates are listed by the Thurston County Assessor in the Statistical Report of 2012 Assessments for Taxes Payable in 2013 using twelve decimal places. The tax rates listed here have fewer decimal places and are to be used for summary purposes.

**Voter approved bonds for fire districts cannot be removed from properties until the bond is paid off.[RCW 35A.14.500]

Note: Property tax changes do not take place immediately following an annexation. In accordance with state law, the change will take place between 4 and 16 months after the completion of the annexation. The exact time of change depends on the date the annexation is completed. [RCW84.09.030]

Property Taxes for \$200,000 Property:

BEFORE Annexation:

$\$200,000 \times 0.0141121 = \$2822.42/\text{year}$

AFTER Annexation:

$\$200,000 \times 0.0136884 = \$2737.68/\text{year}$

ANNEXATION = \$84.74 LESS per year

City of Olympia

City Hall
601 4th Avenue E.
Olympia, WA 98501
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City Council

Consideration and Approval of April 5, 2014 Urban Design Workshop and Community Renewal Area Planning Process

Agenda Date: 3/18/2014

Agenda Number: 6.A

File Number: 14-0252

File Type: decision

Version: 2

Status: Other Business

..Title

Consideration and Approval of April 5, 2014 Urban Design Workshop and Community
Renewal Area Planning Process

..Recommended Action

Committee Recommendation:

The Community and Economic Revitalization Committee (CERC) recommends that
City Council approve the process for the April 5, 2014 Urban Design Workshop and
authorize staff to continue with the Community Renewal Area (CRA) Planning Process
until June as described in Attachment 1.

City Manager Recommendation:

Move to accept the proposed Urban Design Workshop process for April 5, 2014 by
City Council and authorize staff and the consultant to proceed with the CRA planning
process as described below and in Attachment 1.

..Report

Issue:

Approve the process for the April 5, 2014 Urban Design Workshop and authorize staff
and the consultant to proceed with the CRA planning process until June .

Staff Contact:

Keith Stahley, Director Community Planning and Development Department
360.753.8227

Presenter(s):

Keith Stahley, Director Community Planning and Development Department

Background and Analysis:

The Community and Economic Revitalization Committee reviewed the outline of the
workshop process (Attachment 1) at its March 6, 2014 meeting and recommends that
the City move forward with the Workshop as proposed.. Following the CERC meeting
the Committee met with the Citizens Advisory Committee (CAC) and property owners
from the area. The CERC, CAC and property owners from the area had an engaging
and highly productive meeting and set the stage for the April workshop. The CAC and
property owners provided feedback to the consultant team about the process and the
meeting on April 5, 2014. Some participants indicated that they will not be available to
participate in the meeting on April 5, 2014. A follow-up meeting is scheduled for May

Agenda Date: 3/18/2014

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1, 2014 to review the results of the Workshop with the CERC, the CAC and the property owners. This meeting may be able to be expanded in scope to accommodate those who will be unable to attend the April 5, 2014 Workshop. The CERC will consider this issue at their March 17, 2014.

The CERC also reviewed the CRA planning process included in Attachment 1. The CERC recommends that the Community Renewal Area planning process continue until June 10th as proposed in Attachment 1, The consulting team estimates that the total cost of the CRA planning process is \$50,00 based on the scope described in Attachment 1 and they estimate that it would cost approximately \$35,000 to complete the work scheduled until June 10th. This work would include Task 2B in the scope and a portion of the additional outreach in Task 2A. (prep for open house, additional outreach to stakeholders on other projects, etc). They also think it would be advisable to start work on some of the visualizations in Task 2D.

The CERC will meet May 29, 2014 to consider results of the April 5th Workshop and the May 1st CAC meeting and will make a final recommendation to City Council regarding the scope and budget for the remainder of the CRA process. On March 6th the CERC expressed some concerns about the limited amount of public participation included in the proposal. The Committee and the consultant agreed that they would be able to better judge the need for additional outreach following the April 5th Workshop and May 1st CAC meeting. This recommendation can be presented to City Council at the June 10, 2014 City Council Meeting.

The CERC Committee recommends that staff and the consultant be allowed to continue the CRA planning process until June 10th to stay on track to finish the CRA Plan by the end of 2014.

Options:

1. Approve the plans for the Urban Design Workshop and direct staff and the consultant team to proceed with the CRA Planning process until June 10, 2014.
2. Approve the plans for the Urban Design Workshop and direct staff to put work on the CRA Plan on hold until the June 10, 2014 Council Meeting.
3. Review the plans for the Urban Design Workshop and provide staff with feedback and direction regarding that process and provide feedback and direction on the CRA Planning process.

Financial Impact:

The proposed workshop is within the overall project budget, however, additional work to move towards the establishment of a Community Renewal Area will require additional project budget estimated at \$50,000 as included in the Attachment 1.

Agenda Date: 3/18/2014
Agenda Number: 6.A
File Number: 14-0252

DATE: Feb 12, 2014 ECO Project #: 20765
TO: Community and Economic Revitalization Committee (CERC)¹
FROM: Lorelei Juntunen
SUBJECT: SCOPE FOR COMPLETING A COMMUNITY RENEWAL AREA PLAN FOR DOWNTOWN OLYMPIA

ECONorthwest is under contract to the City of Olympia to provide redevelopment strategic planning and a Community Renewal Plan (CRP) for downtown Olympia. Significant outreach and technical analysis has been completed, but additional work is needed to advance to Council an adoptable CRP. This memorandum provides the scope for completing the CRP, including preparation for a workshop focused on the Isthmus Area.

The goal of the re-scope remains to produce **an adoptable CRP** that will: (1) address stakeholder concerns about community renewal and help the City move stakeholders toward consensus on a vision for Isthmus redevelopment; (2) define viable projects for Isthmus and roles community renewal can play to achieve these projects ; (3) explain community renewal's potential to catalyze redevelopment in downtown Olympia. A key component of the revised scope is a community workshop, facilitated with property owners in the Isthmus area and an existing Citizens Advisory Committee (CAC) in a process of evaluating options for redevelopment of that District. **Because the outcome of the community workshop is primarily about engaging the CAC, and their input is likely to affect collective thinking about the CRP and the process that follows, it is possible that additional re-scoping will be necessary after the design workshop.** The CRA process is likely to move forward in some form regardless of outcomes at the workshop, but the specific steps and areas of focus may shift.

Expected outcomes:

- Support outreach and education efforts around the creation of the Community Renewal Area, and a vision for redevelopment of the Isthmus.
- Create a Community Renewal Plan for Downtown Olympia as required by RCW 35.81.010(18) for Council's consideration.
- Identify what land is to be acquired, buildings demolished or redeveloped and what improvements are to be carried out to revitalize Downtown and in the Isthmus in particular.
- Identify what changes in existing land use regulations are necessary to implement the Community Renewal Plan.
- Create an action plan with clear next steps for project implementation.
- Provide an ample opportunity for public engagement while sustaining a sense of urgency and an action orientation.

¹ Formerly, and sometimes in this document, the "Ad Hoc Committee"

Tasks

1. Isthmus area workshop process

For this workshop, Fregonese Associates, a regional planning and facilitation firm, will join the ECONorthwest team.

A. Preparation

Property owner meeting (February 6, 2014)

This first meeting was convened to discuss the purpose and timing of the workshop, to understand the desires, and to encourage the productive engagement in the workshop of the Isthmus area property owners.

CAC meeting: principles and process (March 6)

To set the workshop conversation off with the right tone, we recommend a pre-meeting with the CAC and property owners², facilitated by Fregonese Associates to accomplish the following:

- Identify a set of principles for the Isthmus that all can agree to. These principles are likely to be basic and high-level statements, such as “the Isthmus must be improved”.
- Identify any areas of disagreement or strongly held opinions that will need to be reconciled through the process.
- Identify and get buy-in on a set of re-use options that can help to test areas of agreement

Fregonese will use instant polling software to allow the participants to remain anonymous, if they choose, in their opinions about the area’s future.

The outcomes of this meeting will significantly shape the agenda and focus of the Design workshop (described in Step 2). With an understanding of likely areas of agreement and disagreement, we can design a workshop and associated visualizations that will best meet the needs of the group.

Community and Economic Revitalization Committee (CERC) Meeting (March 20)

We will check in with the CERC following these two meetings to report findings from the property owner and CAC meeting, and to review a preliminary agenda and process in advance of the design workshop.

² All references to CAC in this scope assume that property owners in the Isthmus are included as members of the CAC.

B. Design workshop

CAC Design Workshop (April 5, 2014)

The Consultant and the City will host a workshop with CAC members (including key property owners) to address issues raised in previous CAC meetings. The workshop will focus on the Isthmus, and be organized as a half-day workshop, facilitated by John Fregonese from Fregonese Associates. ECO will work with Fregonese Associates and City staff to design the details of the workshop, but in general, it will follow this format:

- ECO will present the work completed to date, including the market analysis for downtown Olympia. This is important context for understanding the challenges to redevelopment, but also the imperative for action for downtown.
- The purpose of the workshop will be to work toward agreement on potential uses, public improvements, and design characteristics for the Isthmus properties.
- Fregonese Associates effectively uses instant polling technology to anonymously “take the temperature” of participants, and would use this technology for this workshop to move participants toward consensus by providing value statements about area redevelopment and determining the degree of agreement with those statements.

After the workshop, Fregonese Associates will design one or two (depending on the degree of agreement) conceptual diagrams and site plans, which may be augmented with more detailed photo illustrations at a later date (see “optional visualizations” later in the scope).

CERC/CAC meeting (May 15)

At this meeting, the team will present findings and conclusions from the workshop, including site plans, to receive comments that can be used to fine tune the scenarios and ensure that they are ready for additional public comment.

C. Follow-up

Open house (July, date TBD)

Outputs of the design workshop will be shared with attendees of an open house (described in more detail in the CRP plan completion sections below).

Ad Hoc Committee Meeting (August 21)

We will meet with the Ad Hoc Committee following the CAC meeting to debrief and gather additional feedback for use in preparation of a draft CRP.

CAC meeting (August 21)

The results will be presented at a CAC meeting, along with ideas on how to implement them, to get feedback on how to incorporate the results into a CRP, thoughts about next steps for

additional community engagement and to describe and get feedback on lessons learned through the process.

2. Community Renewal Plan process

A. Outreach and public involvement

ECO will work with City staff to develop materials for and attend an open house that will provide an opportunity for feedback regarding the scenarios from the Isthmus area workshop, but will also provide educational materials and opportunities for feedback regarding the CRP process. The open house will be organized as a drop-in event with topic-specific tables, rather than as a facilitated workshop.

City staff will coordinate venue, invitations, and material production. Fregonese Associates staff will provide refinements to their visualizations and will attend the open house. ECO staff will provide materials regarding CRP, and will attend the open house.

The budget for this task supports additional CAC and Ad Hoc committee meetings, as described in the meetings schedule provided at the end of this work scope. Additional interviews or conversations with property owners or stakeholders may also be necessary; the budget supports some limited additional outreach.

B. Planning and analysis

Evaluation of blight.

ECO will update (as necessary to reflect a final boundary) its analysis of socio-demographic trends in the Area, including unemployment, household income, as well as real estate trends such as improvement-to-land-value ratios, vacancy rates, crime rates, and floor-to-area ratios and visual surveys. This will include an update to the property-specific findings of health and safety blight. Using these data, ECO will document blight findings within the final boundary.

Project identification and evaluation

An outcome of the workshop will be a conceptual visualization (or possibly two options) for the area's redevelopment that matches the vision developed through the workshop process. These visualizations, based on preliminary land use code and regulations review, and review of market data and economic viability, will help communicate to the community the power of a public-private partnership on the Isthmus area to transform Downtown Olympia into a more vibrant, urban community. Realizing that many projects would not pencil out through private resources alone, ECO will examine a range of financing tools that could help spur new development in Downtown Olympia, including State and Federal grants, Local Improvement Districts, Section 108 loans, New Market Tax Credits, EB5 foreign investments, sole-source Impact Fees, City revenue bonds, and various tax credits and abatements. While the numbers will be estimates, the team will also roughly forecast future tax revenues that could be generated through redevelopment of the Isthmus area.

Where appropriate, the Consultant will recommend changes to local land-use regulations to better facilitate the desired redevelopment in the Isthmus area. During this analysis, the Consultant will work with staff to confirm consistency with other City planning efforts, such as the updates of the City’s Comprehensive Plan and Shoreline Master Program.

C. Plan document

ECO will produce visually appealing draft and final versions of the CRP, and present them to the CAC, the CERC Committee, and Council as described in the meeting schedule at the end of this scope of work. The CRP will reflect the broad input received from stakeholders throughout the process, support the City’s vision for a more vibrant Downtown, and provide a clear path forward on Isthmus area properties for the next five years while meeting the requirements of the Revised Code of Washington as provided in 35.81.010(18).

D. Additional visualizations

The budget includes dollars for additional optional visualization in the Isthmus area or other sites. These visualizations may include site plans, photomorphs, massings, or other representations, and will be developed based on conversations between City staff, the CERC, and with Fregonese Associates as needed.

Budget

Task	Additional Budget Needed
1. Isthmus Workshop	
1A. Preparation	None. Covered in initial contract.
1B. Workshop	None. Covered in initial contract.
1C. Follow up	None. Covered in initial contract.
2. Community Renewal Plan	
2A. Outreach	\$15,000
2B. Planning and Analysis	\$15,000
2C. Plan document	\$10,000
2D. Additional Visualization (Optional)	\$10,000
Total	\$50,000

Schedule

Figure 1 provides an overview of key tasks and timeline. Figure 2 provides an overview of meetings and process, with a description of who will attend each meeting.

Figure 1. Overview of key tasks

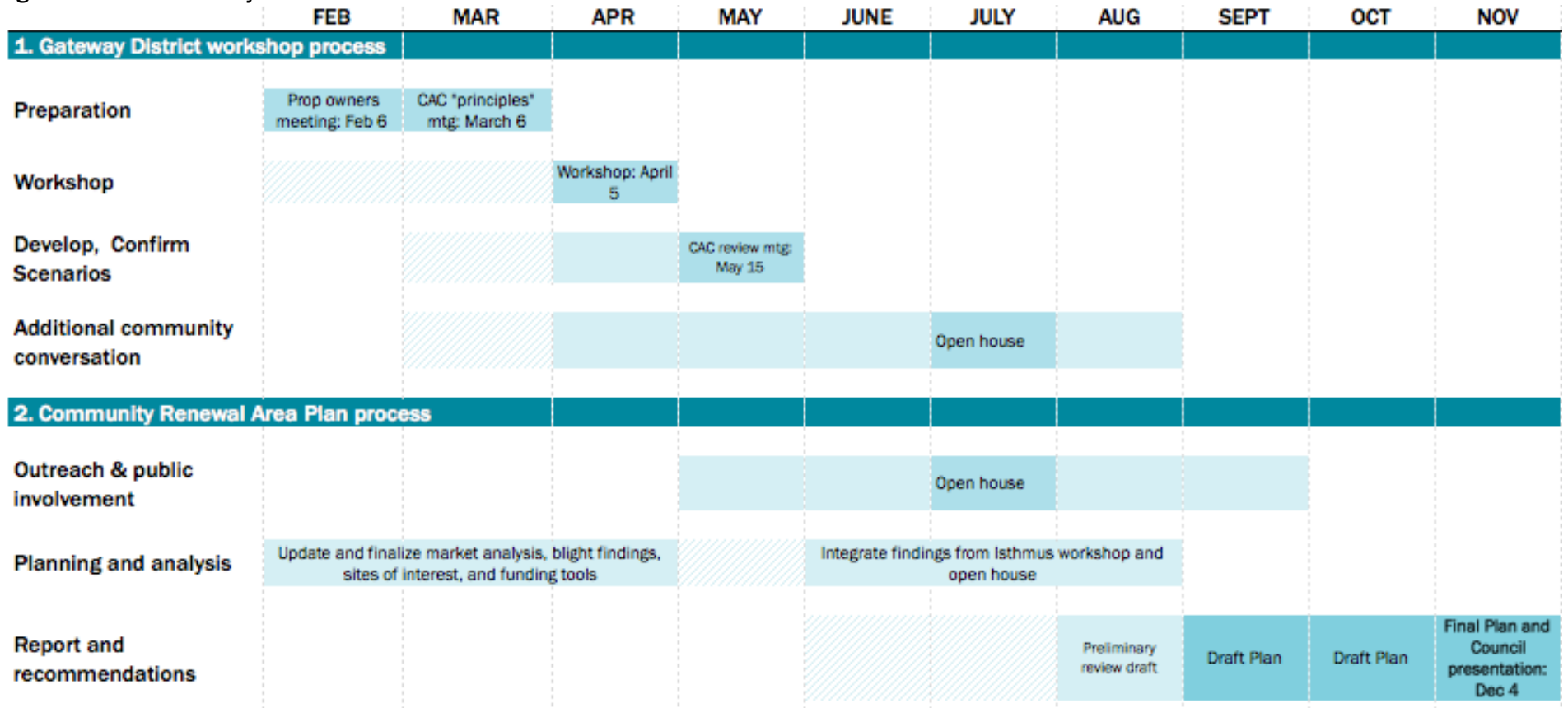


Figure 2. Meeting schedule

Event	Dates	Purpose	CC	Ad Hoc	CAC	Who attends		
						Staff	ECO	Fregonese
Property owners in Gateway	February 6, 2014	Discuss design workshop and interests in Gateway area						
Ad Hoc Committee	March 6, 2014	CRA process update and principles for Gateway area						
CAC mtg	March 6, 2014	CRA process update and principles for Gateway area						
Ad Hoc Committee	March 20, 2014	Finalize CRA process for Council Consideration						
CAC	April 5, 2014	Design workshop for Gateway area						
CAC	May 15, 2014	Fine tune scenarios for workshop						
OPEN HOUSE	Date TBD, in July	CRA and Gateway area						
Ad Hoc Committee	August 21, 2014	Discuss feedback from open house; show final scenarios; Consider initial draft of CRA plan; clarify development toolkit						
CAC	August 21, 2014	Discuss feedback from open house; show final scenarios; consider initial draft of CRA plan						
Ad Hoc Committee	October 16, 2014	Revised draft of CRA plan						
CAC	October 16, 2014	Revised draft of CRA plan						
Ad Hoc Committee	November 13, 2014	Review draft of CRA plan						
Ad Hoc Committee	December 4, 2013	finalize draft for Council consideration						
City Council	late Dec TBD	Final report draft						
City Council	Jan TBD	Final report presentation						