

AFTER RECORDING RETURN DOCUMENT TO:
McCullough Hill PS
701 First Avenue, Suite 7220
Seattle, Washington 98104
Attn: Courtney A. Kaylor

Reference Number of Related Document: N/A
Grantor(s): Friendly Village LLC
Grantee(s): City of Olympia
Abbreviated Legal Description: Parcel B, BLA No. BLA-0213170L, Recorded 3/12/03,
Auditor's File No. 3511114, and Parcel C, BLA No. BLA-0419890L, Recorded
7/15/05, Auditor's File No. 3748676, Records of Thurston County, WA
Additional Legal Description is on Exhibit A to Document
Assessor's Property Tax Parcel or Account No.: 12821210200, 12821210300

DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT ("Agreement") is entered into this 19th
day of November, 2009, by and between the City of Olympia ("City"), a
Washington municipal corporation, and Friendly Village LLC, a Washington limited
liability company (collectively, "Parties"). Future owners of the Property are referred to
in this Agreement as "Property Owner" or "Property Owners."

RECITALS

A. WHEREAS, the Washington State legislature has authorized the
execution of a development agreement between a local government and a person having
ownership or control of real property within its jurisdiction pursuant to RCW
36.70B.170(1).

B. WHEREAS, a development agreement made pursuant to that authority must set forth the development standards and other provisions that shall apply to, govern, and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. RCW 36.70B.170(1).

C. WHEREAS, for the purposes of this Agreement, the term development standards (“Development Standards”) includes, but is not limited to, all of the standards listed in RCW 36.70B.170(3), except as further provided in this Agreement.

D. WHEREAS, the Parties recognize that development agreements must be consistent with the applicable development regulations adopted by a local government planning under Chapter 36.70A RCW. RCW 36.70B.170(1).

E. WHEREAS, this Agreement relates to the property (“Property”) owned by Friendly Village LLC and known as the Friendly Village manufactured housing park, which is more particularly described in Exhibit A to this Agreement.

AGREEMENTS

The Parties agree as follows:

1. Comprehensive Plan Amendment and Rezone. The Parties agree that this Agreement fulfills the condition precedent to the Comprehensive Plan amendment and rezone of the Property to HDC-4 contained in City of Olympia Ordinance No. 6594, Sections 16 and 17.

2. Development Standards. The Development Standards that shall apply to the Property for the term of this Agreement (“Term”) are those contained in the Olympia Municipal Code (“OMC”) Sections 18.06.020 through 18.06.100 (Commercial Districts), Chapter 18.36 (Landscaping and Screening), Chapter 18.38 (Parking and Loading), Sections 18.40.020 through 18.40.060 (Property Development and Protection Standards), Chapter 18.42 (Signs), Chapter 18.100 (Design Review), Chapter 18.110 (Basic Commercial Design), Chapter 18.130 (Commercial Design Criteria High Density Corridor (HDC)), and Chapter 18.170 (Multi-Family Residential) in effect as of the date of this Agreement and shall include those amendments contained in Ordinance No. 6666 (“Replacement Housing Text Amendments”). The Development Standards are attached as Exhibit B to this Agreement.

3. Vesting. This Agreement vests the Property to the HDC-4 zone for the Term of this Agreement. During the term of this Agreement, no amendment to the Comprehensive Plan Future Land Use Map land use designation, zoning district or overlay district for the Property shall be effective. Upon the expiration of the Term of



this Agreement, any amendment to the Comprehensive Plan Future Land Use Map land use designation, zoning district or overlay district for the Property shall be effective as provided under then-applicable law.

In addition, this Agreement vests the Property to the Development Standards set forth in Paragraph 2 above for the Term of the Agreement. Pursuant to RCW 36.70B.170(4), the City reserves the authority to impose new or different regulations only to the extent required by a serious threat to public health or safety.

4. Other Standards. Other than as provided in Paragraphs 2 and 3 of this Agreement, the Property shall be subject to the generally applicable requirements of the OMC to which it would be subject in the absence of this Agreement; provided however, that the Property shall not be subject to any requirements of the OMC that are inconsistent with the Development Standards or that prevent the Property from being developed to the full extent otherwise permitted under the Development Standards, nor shall the City exercise its substantive authority to condition or deny a proposal under the State Environmental Policy Act in a manner inconsistent with the Development Standards.

5. Mitigation. Pursuant to RCW 36.70B.170(1), the Parties agree to the following mitigation.

a. Replacement Housing. The Property Owner shall construct one new housing unit (“Replacement Housing”) on the Property to replace each manufactured housing unit removed as a result of redevelopment of the Property (“Redevelopment”) occurring subsequent to the date of this Agreement. The total amount of required Replacement Housing shall be 246 residential units if all of the existing manufactured housing units are removed as a result of Redevelopment. Redevelopment shall be defined as removal or demolition of manufactured housing units and construction of structures other than manufactured housing in their place. Redevelopment shall not include application for land use and construction permits.

b. Phasing Plan. At the time of application for a land use or construction permit for Redevelopment on the Property, the Property Owner shall submit to the City Department of Community Planning and Development (CP and D) a phasing plan (“Phasing Plan”) including the proposed location and schedule for development of Replacement Housing. No permits may be issued for redevelopment of the Property until the Director of CP and D has approved the Phasing Plan. Approval shall be granted if the Phasing Plan meets the requirements of this Paragraph 5b. All Replacement Housing shall be provided prior to or concurrent with the final 25% buildout of the commercial uses set forth in the Phasing Plan for the Property. Accordingly, no construction permits may be issued for the final 25% of the commercial



development set forth in the Phasing Plan until construction permits are issued for the required Replacement Housing, and a certificate of occupancy may not be issued for the final 25% of the commercial development until all required Replacement Housing has been constructed and a certificate of occupancy issued for the Replacement Housing. In describing earlier phases of development, the Phasing Plan shall set aside sufficient land for Replacement Housing in light of a reasonable buildout scenario and in light of prevailing regional market conditions.

c. Replacement Housing Text Amendments. The Replacement Housing Text Amendments shall apply to the Redevelopment of the Property.

6. Additional Mitigation Relating to the Friendly Village Manufactured Home Park. Friendly Village LLC, on behalf of itself and its successors the Property Owners, agrees to the following additional mitigation. The City makes no representations, warranties or commitments relating to the provisions of Paragraph 6 of this Agreement.

a. Redevelopment. Friendly Village LLC agrees that Redevelopment of the Property with a use other than manufactured housing park will not occur during the time that Friendly Village LLC owns the Property. The intent of this provision is that the Property will not be redeveloped unless it is conveyed to a separate entity from Friendly Village LLC, after compliance with the provisions of Paragraph 6b.

b. Sale. Friendly Village LLC agrees that it will not sell the Property to a separate party or an entity related to Friendly Village LLC until April 21, 2012. During this period, Friendly Village LLC will make a good faith effort not to allow the Property to be sold pursuant to a foreclosure or other forced sale proceeding.

c. Right of First Opportunity. In the event that at any time during the Term of this Agreement Friendly Village LLC shall decide to place the Property for sale to a related or unrelated third party or parties, Friendly Village LLC shall first offer the Property to the owners of manufactured homes located in the Friendly Village manufactured housing park as identified in the records of the Thurston County Assessor on the date notice of the offer is mailed pursuant to Subsection (c)(i) ("Manufactured Home Owners") at the same price and on such other terms and conditions as Friendly Village LLC shall later offer to any related or unrelated third party or parties in an arms-length transaction.

(i) Friendly Village LLC shall notify the Manufactured Home Owners of its decision to sell the Property and the price and other terms and conditions of such proposed sale by delivering written notice by certified mail to the Manufactured



Home Owners (the "Notice") at the address set forth in Paragraph 7 of this Agreement, or at such other address as the Manufactured Home Owners may hereafter designate in accordance with the provisions of this Agreement. The Notice shall include a Purchase and Sale Agreement ("PSA") in the form attached as Exhibit C to this Agreement.

(ii) The Manufactured Home Owners shall have a period of thirty-three (33) days following the date of mailing of the Notice (according to the records of the U.S. Post Office) within which to deliver by certified mail to Friendly Village LLC written notice ("Manufactured Home Owners' Response") that the Manufactured Home Owners will purchase the Property at the price and on the terms set forth in the Notice. In order to be effective, the Manufactured Home Owners' Response must be received by Friendly Village LLC within this thirty-three (33) day period. The Manufactured Home Owners' Response may contain a counteroffer for a different sales price but may not seek modification of the terms of the PSA. Friendly Village LLC will give good faith consideration to the counteroffer; however, Friendly Village LLC is under no obligation to accept this counteroffer. The Manufactured Home Owners' Response shall include the PSA executed by a member of the Manufactured Home Owners or third party ("Authorized Party") with authority to act on behalf of the Manufactured Home Owners. Such authority shall be evidenced by a written statement signed by at least three-quarters of the Manufactured Home Owners authorizing the member of the Manufactured Home Owners or the Authorized Party to sign the PSA on their behalf. Prior to closing, the Manufactured Home Owners shall form a legal entity capable of holding title under Washington law. At closing, title shall be conveyed to this entity. The Manufactured Home Owners' Response shall be delivered by certified mail to Friendly Village LLC at the address set forth in Paragraph 7 of this Agreement, or at such other address as Friendly Village LLC may hereafter designate in accordance with the provisions of this Agreement.

(iii) If the Manufactured Home Owners reject such offer or do not deliver by certified mail the Manufactured Home Owners' Response and executed PSA to Friendly Village LLC within the above thirty-three (33) day period, then the Manufactured Home Owners shall be conclusively deemed to have rejected the Right of First Opportunity set forth in this Paragraph 6b and thereafter Friendly Village LLC may offer and sell the Property to other third party or parties free of any right or interest of the Manufactured Home Owners; provided, however, Friendly Village LLC shall not sell the Property to a third party for less than 93 percent of the sale price contained in the Notice and PSA, without re-offering the same to the Manufactured Home Owners on such revised terms. Friendly Village LLC covenants that it shall accept no offer to sell or convey the Property until it has complied with the terms of this Paragraph 6b. Any conveyance of the Property made in the absence of full satisfaction of this Paragraph 6b shall be void.



(iv) This Paragraph 6c applies only to Friendly Village LLC and does not bind subsequent Property Owners.

d. Relocation Assistance. If some or all of the manufactured homes on the Property are replaced with other uses as a direct result of Redevelopment of some or all of the Property, then the Property Owner shall pay relocation assistance ("Relocation Assistance") to the Manufactured Home Owners who own the replaced manufactured homes in the amount of \$2,000 per manufactured home. The Property Owner shall pay such Relocation Assistance to the Manufactured Home Owners shown in the records of the Thurston County Assessor as of the date of termination of the rental agreement between the Property Owner and Manufactured Home Owner. If title to a manufactured home is held by more than one person, then the Property Owner shall divide the Relocation Assistance between the owners on a pro rata basis. Payment shall be made by check delivered by certified mail to the Manufactured Home Owner at the address shown in the records of the Thurston County Assessor within seven (7) days of the termination of the rental agreement between the Property Owner and Manufactured Home Owner.

7. Notices. All notices required to be given hereunder shall be given in writing and shall be deemed delivered on the date of hand delivery of the notice or the date that is three days after mailing of the notice by certified or registered mail, return receipt, postage prepaid, to the parties at the addresses set forth below:

If to City:

City of Olympia
Community Planning & Development Dept.
P.O. Box 1967
Olympia WA 98507-1967
Attn: Director

If to Friendly Village LLC or Property Owner:

Friendly Village, LLC
c/o PCF Management, Inc.
8625 Evergreen Way, Suite 200
Everett, WA 98208
Attn: Fred Hines

If to Manufactured Home Owners:

Joyce Brix
1111 Archwood Drive SW #261
Olympia, WA 98502

The parties may designate any further or different address to which subsequent notices are to be sent by delivering a written notice of the address change by certified mail to the other parties. If any notice sent to the Manufactured Home Owners is returned by the U.S. Post Office as undeliverable, then the notice shall be sent to all Manufactured Home Owners shown in the records of the Thurston County Assessor on the date of mailing and the notice shall be effective on the date of mailing.

8. Term. The Term of this Agreement shall commence upon the effective date of the Ordinance approving this Agreement (“Effective Date”) and shall continue in force for a period of twenty (20) years from the Effective Date.

9. Covenant Running with the Land. The provisions of this Agreement shall run with the land and shall be binding upon and inure to the benefit of the Parties, their successors and assigns.

10. Recording. This Agreement shall be recorded with the Office of the Thurston County Auditor.

11. Remedies. The Parties agree that damages are not an adequate remedy for breach of this Agreement, and that the Parties are entitled to seek specific performance of all material terms of this Agreement. The Parties are also entitled to seek other remedies, including damages, to the extent otherwise provided for by law.

12. Third Party Beneficiaries. The Manufactured Home Owners are third party beneficiaries of Paragraph 6 of this Agreement and a Manufactured Home Owner or legal entity representing a Manufactured Home Owner at the time of an alleged breach of Paragraph 6 of this Agreement shall be entitled to enforce Paragraph 6 of this Agreement. The Parties agree that damages are not an adequate remedy for breach of Paragraph 6, subsections a, b, and c, of this Agreement and the third party beneficiaries are entitled to seek specific performance of these subsections by Friendly Village LLC and subsequent Property Owners. The third party beneficiaries are also entitled to seek other remedies, including damages, against Friendly Village LLC and subsequent Property Owners for breach of Paragraph 6 to the extent otherwise provided by law. There are no other third party beneficiaries of this Agreement and no party other than the City, Friendly Village LLC, subsequent Property Owners and the Manufactured Home Owners shall be entitled to enforce any part of this Agreement. Nothing in this

Agreement imposes a legal obligation on the City to enforce Paragraph 6 of this Agreement nor does this Agreement provide a cause of action against the City for damages or other relief for violations of Paragraph 6 of this Agreement.

13. Prior Agreements; Amendments. This Agreement is the full, final and complete expression of the agreements of the Parties with respect to any matter covered or mentioned in this Agreement, and no prior agreements or understandings, promises or representations, oral or otherwise, pertaining to any such matters shall be effective for any purpose with respect to any matter covered or mentioned in this Agreement. No provision of this Agreement may be amended except by an agreement in writing signed by the Parties or their respective successors in interest and approved by the City pursuant to the process established by law for the adoption of a development agreement.

14. Severability. If any provision of this Agreement or the CPA and Rezone is determined by an administrative appellate body or court of competent jurisdiction to be invalid or unenforceable, or if any provision of this Agreement or the CPA and Rezone is rendered invalid or unenforceable according to the terms of any statute of the State of Washington effective after the Effective Date, and either Party in good faith determines that such provision is material to its entering into this Agreement, that Party may elect to terminate this Agreement as to all of its obligations remaining unperformed.

15. Governing Law. This Agreement shall be governed by the laws of the State of Washington.

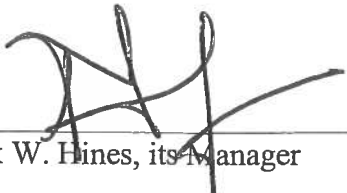
16. Amendments. Friendly Village LLC or subsequent Property Owners may apply for, and the City may approve, amendments to Paragraphs 2 through 5 of this Agreement without the consent of the Manufactured Home Owners. No other Section of this Agreement may be amended without the prior written consent of the majority of the Manufactured Home Owners. Minor amendments are those that either (1) do not increase the floor area of potential development on the Property by more than 10% or (2) are consistent with the land use laws and regulations in effect at the time of the amendment. All other amendments are major amendments. Minor amendments may be approved administratively by CP and D Director. Major amendments will be subject to the same approval process as this Agreement.



EXECUTED as of the date first above written.


GRANTOR:

Friendly Village LLC,
a Washington limited liability company

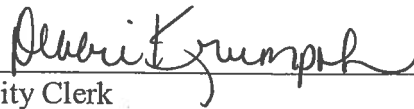
By: 
Frederick W. Hines, its Manager

GRANTEE:


City of Olympia
a Washington limited liability company

By: 
Doug Mah, its Mayor

ATTEST:

By: 
City Clerk

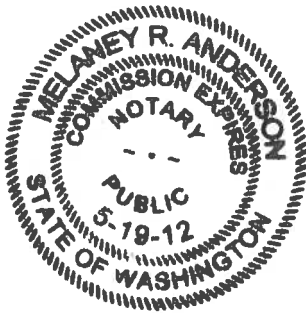
APPROVED AS TO FORM:

By: 
City Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF ~~KING~~ Snohomish) *nr*

I certify that I know or have satisfactory evidence that Frederick W. Hines is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Manager of Friendly Village, LLC., a Washington limited liability corporation, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 19th day of November, 2009.



Melaney Anderson

(Signature)

Melaney Anderson

(Print Name)

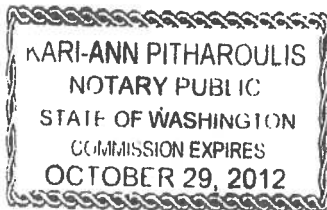
Notary Public in and for the State of
Washington, residing at Mukitto
My appointment expires 5/19/12



STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I certify that I know or have satisfactory evidence that Doug Mah is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Mayor of the City of Olympia, a Washington municipal corporation, to be the free and voluntary act of such corporation for the uses and purposes mentioned in the instrument.

Dated this 27th day of October, 2009.



Kari-Ann Pitharoulis
(Signature)
Kari-Ann Pitharoulis
(Print Name)
Notary Public in and for the State of
Washington, residing at Olympia
My appointment expires 10-29-2012

EXHIBIT "A"

PARCEL A:

REVISED PARCEL C OF BOUNDARY LINE ADJUSTMENT NO. BLA 0419890L, AS
RECORDED JULY 15, 2005 UNDER RECORDING NO. 3748676, RECORDS OF THURSTON
COUNTY AUDITOR;

PARCEL B:

PARCEL B OF BOUNDARY LINE ADJUSTMENT NO. BLA-0213170L, AS RECORDED
MARCH 6, 2003 UNDER RECORDING NO. 3511114, RECORDS OF THURSTON COUNTY
AUDITOR;

SITUATE IN THE CITY OF OLYMPIA, COUNTY OF THURSTON, STATE OF WASHINGTON.



EXHIBIT B

DEVELOPMENT STANDARDS

The Development Standards that shall apply to the Property for the term of this Agreement ("Term") are those contained in the Olympia Municipal Code ("OMC") Sections 18.06.020 through 18.06.100 (Commercial Districts), Chapter 18.36 (Landscaping and Screening), Chapter 18.38 (Parking and Loading), Sections 18.40.020 through 18.40.060 (Property Development and Protection Standards), Chapter 18.42 (Signs), Chapter 18.100 (Design Review), Chapter 18.110 (Basic Commercial Design), Chapter 18.130 (Commercial Design Criteria High Density Corridor (HDC)), and Chapter 18.170 (Multi-Family Residential) in effect as of the date of this Agreement and shall include those amendments contained in Ordinance No. 6666 ("Replacement Housing Text Amendments").

Exhibit B

4124876

12/04/2009 09:32 AM Agreement
Thurston County Washington
CITY OF OLYMPIA, P W RECORDS (OLY1)

Page 13 of 24



EXHIBIT “B”
Development Standards
(197 pages)

These pages do not meet Thurston County’s recording requirements for legibility.

To view or request a copy, please contact the City of Olympia, City Clerk’s Office at 360-753-8325, 900 Plum St, SE, Olympia, WA.



Ordinance No. 6666

AN ORDINANCE of the City of Olympia, Washington, relating to replacement housing within the HDC-4 zone and amending Olympia Municipal Code Sections 18.06.080, Table 6.02 - Commercial Districts' Development Standards and 18.38.100, Table 38.01 - Vehicular and Bicycle Parking Standards.

WHEREAS, on December 16, 2008, the Olympia City Council approved Ordinance No. 6594, approving the 2008 Comprehensive Plan Amendments; and

WHEREAS, Section 17 of Ordinance No. 6594 granted approval of a rezone of the Friendly Village Mobile Home Park from RM-24 to HDC-4 on the condition that the property owner enter into a development agreement with the City governing the conditions under which the site may be redeveloped, such conditions to include, but not be limited to, a requirement that one new housing unit be constructed upon the site to replace each manufactured home removed as the result of development of the site; and

WHEREAS, on March, 4, 2009, Friendly Village, LLC submitted a land use application to the Department of Community Planning and Development proposing to amend various code sections for the purposes of facilitating replacement housing; and

WHEREAS, on July 20, 2009 the Olympia Planning Commission held a public hearing to receive testimony from staff and the public regarding a proposal to amend various code sections for properties within the HDC-4 Zone District; and

WHEREAS, on July 20, 2009, the Olympia Planning Commission voted to recommend denial of the proposed code text amendments; and

WHEREAS, on October 13 and October 27, 2009 the City Council considered the Planning Commission's recommendation and materials presented by staff; and

WHEREAS, this Ordinance is supported by all staff reports and materials related to City Council and Committee discussions associated with this Ordinance, all documents on file with the City, including the Community Planning and Development Department, related to this Ordinance; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11 of the Washington State Constitution and any other applicable legal authority;

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

Section 1. Amendment of OMC 18.06.080, Table 6.02. Section 18.06.080, Table 6.02 of the Olympia Municipal Code is hereby amended to read as follows:

18.06.080 - TABLES: Commercial Districts' Development Standards

TABLE 6.02 COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS								
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MINIMUM LOT SIZE	7,200 Sq. Ft.	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamil y 4,000 = other	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 = cottage 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse 6,000 sq.ft. = duplex 7,200 sq.ft. = multifamily 4,000=othe r	No minimum, except 1,600=cotta ge 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse 6,000 sq.ft. = duplex 7,200 sq.ft. = multifamily 4,000 = other	No minimum, except 1,600 sq.ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 sq.ft minimum 2,400 sq.ft. average = townhouse.	See also 18.06.100(D) for regulations on existing undersized lots of record.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
FRONT YARD SETBACK	See City- Wide Design Guideline : "Building Design - Orientati on & Form of Commerci al & Public Buildings " 18.20.090	10' maximum, if located in a High Density Corridor; 10' minimum otherwise.	5' minimum for residential otherwise none.	0-10' See 18.06A.180	0-10' See 18.06A.180	0-10' See 18.06A.180	0-10' See 18.06A.180	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C).

								3. Must comply with site design standards, Chapter 18.06A.180.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
REAR YARD SETBACK	15' minimum	10' minimum; Except: 1. Next to an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-1 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to An R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-2 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24, or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R4, R4-8, or R6-12 district - 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with site design standards, Chapter 18.06A.180.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
SIDE YARD SETBACK	15' minimum	No minimum on	No Minimum; Except:	No minimum on interior,	No minimum on interior,	No Minimum; Except:	No Minimum; Except:	1. 50' minimum from property line

		interior, 10' minimum on flanking street; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each building floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one side of zero lot.	1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one size of zero lot.	for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. Residential sideyards can be reduced consistent with 18.04.080(H)(5)). 4. Must comply with site design standards, Chapter 18.06A.180.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MAXIMUM BUILDING HEIGHT	Up to 35', whichever is less.	Up to 35', if any portion of the	Up to 35', if any portion of the building is	Up to 35', if any portion of the building is	Up to 35' if any portion of the building is	Up to 35', if any portion of the building is	Up to 35', if any portion of the building is within 100'	1. Not to exceed height limit set by State Capitol

		<p>building is within 100' of R 4, R 4-8, or R 6-12 district;</p> <p>Up to 60' otherwise.</p>	<p>within 100' of R 4, R 4-8, or R 6-12 district;</p> <p>Up to 60' otherwise;</p> <p>or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.</p>	<p>within 100' of R4, R4-8, or R6-12 district;</p> <p>Up to 60' otherwise.</p> <p>Provided that one additional story may be built for residential development only.</p>	<p>within 100' of R4, R4-8, or R6-12 district;</p> <p>Up to 60' otherwise.</p> <p>Provided that one additional story may be built for residential development only.</p>	<p>within 100' of R4, R4-8, or R6-12 district;</p> <p>Up to 60' otherwise;</p> <p>or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.</p> <p>See 18.06A.251(4) Significant Building Entry tower exemption (allows an additional 30' for a tower element at Capital Mall).</p> <p><u>Up to 75' for HDC-4 zoned properties where the proposed project provides for the development of replacement dwelling units in a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009.</u></p>	<p>Group Height District, 18.10.060, for properties near the State Capitol Campus.</p> <p>2. Must comply with site design standards, Chapter 18.06A.180.</p> <p>3. HDC-1 and HDC-2 additional story must comply with OMC 18.06.100.A.6.</p>
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STANDAR RD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MAXIMUM BUILDING COVERAGE	45%	70%, except 55% for residential only structures	70%; or 85% if at least 50% of the required parking is under the building.	70% for all structures	70% for all structures	70% for all structures, 85% if at least 50% of the required parking is under the building.	70% for all structures. 85% of the site if at least 50% of the required parking is under the building. On redeveloped sites, 85% if at least 50% of new required parking is under the building or in a structured parking form. <u>85% for HDC-4 zoned properties where the proposed project provides for the development of replacement dwelling units in a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009.</u>	Must comply with site design standards, Chapter 18.06A.180.

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MAXIMUM DEVELOPMENT COVERAGE	60%	85%, except 75% for residential only structures	85%	85% for all structures	85% for all structures	85% for all structures	85% for all structures	Must comply with site design standards, Chapter 18.06A.180.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Maximum building size (gross sq. ft.): 3,000 for single use; 6,000 for mixed use.	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D) and Figure 6-3).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)).	Building Floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(D)).	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100(G) Large Scale Retail Uses. EXCEPTION: Section 18.06.100(G) shall not apply to motor vehicle sales.

LEGEND		
NR = Neighborhood Retail GC = General Commercial	PO/RM = Professional Office/Residential Multifamily	HDC-1=High Density Corridor-1 HDC-2=High Density Corridor-2 HDC-3=High Density Corridor-3 HDC-4=High Density Corridor-4

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MINIMUM LOT AREA	7,200 Sq. Ft.	No minimum.	No minimum.	No minimum.	7,200 Sq. Ft. if bldg. height is 35' or less. 12,500 Sq. Ft.	No minimum	

					if bldg. height is over 35'.		
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
FRONT YARD SETBACK	10' maximum.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	No minimum.	30' minimum for buildings; 15' for other structures except signs	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100.
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
REAR YARD SETBACK	15' minimum; If next to a residential zone, 15' minimum plus 5' for every story over 3 stories.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories.	15' minimum	50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
SIDE YARD SETBACK	10' minimum; 15' minimum plus 5' for every story over 3 stories if next to a residential	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories; AND the sum of the 2 side	5' minimum 30' minimum for buildings and 15' minimum for other structures from	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must

	zone.				yards shall be no less than ½ the building height.	flanking streets.	comply with clear sight triangle requirements, Section 18.40.060(C). 3. See Design Guidelines, Chapter 18.100.
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MAXIMUM BUILDING HEIGHT	75'; except hospitals, which may exceed that height.	See Figure 6-2, Urban Waterfront District Height Limits Exceptions: 1) In the portion of the area Downtown with a height limit of 65', two additional residential stories may be built. See 18.06.100(A)(2)(b). 2) In the portion of the area on West Bay Drive with a height limit of 42' to 65', the taller height limit is conditioned upon the provision of certain waterfront amenities. See 18.06.100(A)(2)(c).	Refer to Figure 6-2 and 6-2B for specific height and building configurations required on specific blocks.	75'; PROVIDED, however, that two additional stories may be built, if they are residential. There are also restrictions around Sylvester Park. For details, see 18.06.100(C)(6) Height, Downtown Business District.	75' Exception: Up to 100' may be allowed with conditional approval by the City Council, upon recommendation of the Hearing Examiner. For details, see 18.06.100(C)(5), Height, Commercial Services-High Density.	40' accessory building limited to 20'.	Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for properties near the State Capitol Campus.

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MAXIMUM BUILDING COVERAGE	50%	60% for properties between the shoreline and the nearest upland street. 100% for properties not between the shoreline and the nearest upland street. See also Chapter 18.100 for design guidelines for pedestrian access and view corridors.	100%	No requirement.	No requirement.	85%	
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MAXIMUM DEVELOPMENT COVERAGE	65%	100% development coverage.	100%	100%	100%	85%	
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(F)). Residential	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to Section 12.16.050(D) OMC. See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access;	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to OMC Section 12.16.050(D).		Residential uses must comply with High Rise Multi-family (RM-H) development standards.	6' of sight-screening buffer shall be provided along north, east, and west district boundaries. See Olympia Park Replat covenants for	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area, see Section 18.06.100 (G) Large Scale

	<p>uses (Section 5 of Table 6.01) may not be constructed within 600 feet of Lilly Road except in upper stories of mixed use building; all other development standards are the same as for commercial uses.</p>	<p>Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(c) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors. See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(c) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors.</p>				<p>access, and other standards applicable to replat lots.</p>	<p>Retail Uses. EXCEPTION: Section 18.06.100 (G) shall not apply to motor vehicle sales.</p>
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LEGEND		
<p>MS = Medical Services DB = Downtown Business</p>	<p>CS-H = Commercial Services - High Density</p>	<p>UW = Urban Waterfront UW-H = Urban Waterfront-Housing AS = Auto Services</p>

Section 2. Amendment of OMC 18.38.100, Table 38.01: Section 18.38.100, Table 38.01 of the Olympia Municipal Code is hereby amended to read as follows:

18.38.100 - Vehicular and bicycle parking standards

TABLE 38.01			
Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
RESIDENTIAL			
Accessory Dwelling Unit	One (1) space per unit	None	None
Bed and Breakfast	One (1) space in addition to space(s) required for the residential unit.	One (1) per ten (10) rooms. Minimum of one (1).	None
Community Club Houses		None	One (1) per ten (10) auto stalls. Minimum of two (2).
Cottage Housing	One (1) space per unit or 1.5 space per unit if on-street parking is not available along street frontage (One (1) space per twenty (20) linear feet).	One per five (5) units, or one (1) per three (3) units if no on-street parking. Minimum of two (2).	One per ten (10) units, or one (1) per six (6) units if no on-street parking. Minimum of two (2).
Elder Care Home	One (1) space in addition to space(s) required for the residential unit.	Minimum of two (2).	Minimum of two (2).
Fraternities, Sororities and Dormitories	One (1) space for every three (3) beds, plus one (1) space for the manager.	One per fourteen (14) beds. Minimum of two (2).	Ten (10) per dormitory, fraternity or sorority building.
Group Home	One (1) space for each staff member plus one (1) space for every five (5) residents. Additionally, one (1) space shall be provided for each vehicle used in connection with the facility.	One (1) per ten (10) staff members plus one (1) per thirty (30) residents. Minimum of one (1). Additional spaces may be required for conditional uses.	None
Home Occupations	None, except as specifically provided in this table.	None	None
Mobile Home Park	Two (2) spaces per lot or unit, whichever is greater. If recreation facilities are provided, one (1) space per ten	None	None

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
	(10) units or lots.		
Multifamily Dwellings	Three or more units shall provide one and one-half (1.5) off-street parking spaces per dwelling unit. <u>Multifamily dwelling units located on HDC-4 properties, where the new project provides for the development of replacement dwelling units in a development agreement, and the project site is all or part of an area of 40 acres or more that was in contiguous ownership in 2009, are exempt from the parking requirements of this section. If parking is voluntarily provided by the property owner, then the City shall permit such parking to be shared with parking provided for non-residential development on the property.</u>	One (1) storage space per unit that is large enough for a bicycle.	One (1) per ten (10) units. Minimum of two (2) per building.
Single Family to include Duplex and Townhouse.	Two (2) spaces per unit. Note: parking spaces may be placed in tandem (behind the other). DB, CSH and RMH zone districts require one (1) space/unit.	None	None
Studio Apartments.	Apartments with one (1) room enclosing all activities shall provide one (1) off-street parking space per dwelling unit	None	One (1) per ten (10) units. Minimum of two (2) per building.
Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
RESTAURANT			
Cafes, Bars and other drinking and eating	Ten (10) spaces per thousand (1000) sq. ft.	One per 2,000 square feet;	One per 1,000 square feet; minimum of one (1).

establishments.		minimum of one (1).	
Car Hop	One (1) for each fifteen (15) square feet of gross floor area.	One per 300 square feet; minimum of one (1).	One per 150 square feet; minimum of one (1).
Fast Food	Ten (10) spaces per thousand (1000) square feet plus one (1) lane for each drive-up window with stacking space for six (6) vehicles before the menu board.	One per 2,000 square feet; minimum of one (1).	One per 1,000 square feet; minimum of one (1).

Section 4. Severability. The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances, shall be unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.



MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

PASSED: November 2, 2009

APPROVED: November 2, 2009

PUBLISHED: November 5, 2009

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SUMMARY OF ORDINANCE NO. 6666

On November 2, 2009, the Olympia City Council passed Ordinance 6666 - AN ORDINANCE of the City of Olympia, Washington, relating to replacement housing within the HDC-4 zone and amending Olympia Municipal Code Sections 18.06.080, Table 6.02 – Commercial Districts' Development Standards and 18.38.100, Table 31.01 – Vehicular and Bicycle Parking Standards.

The full text of Ordinance No. 6666 may be obtained for a fee at Olympia City Hall, 900 Plum St. SE or will be mailed upon request for a fee. Call (360) 753-8325 or write to City of Olympia, P.O. Box 1967, Olympia, WA 98507-1967.

Do not publish below this line

PUBLISH: Thursday, November 5, 2009

18.06

18.06.000 - Chapter Contents

CHAPTER 18.06 **COMMERCIAL DISTRICTS**

Sections:

- 18.06.020 Purposes.
- 18.06.040 Permitted, conditional, and prohibited uses.
- 18.06.060 Commercial districts' use standards.
- 18.06.080 Commercial districts' development standards (General).
- 18.06.100 Commercial districts' development standards (Specific).
- 18.06.120 Additional regulations.

18.06.020 - Purposes

A. The general purposes of this Chapter are as follows:

1. To provide appropriate commercial areas for retail and service establishments, neighborhood convenience and office uses required by residents of the City in a manner consistent with the Comprehensive Plan.
2. To provide employment opportunities for existing and future residents of the City and those of adjacent communities.
3. To provide for land uses which meet the needs of and attract regional populations, in addition to local residents.
4. To provide adequate space to meet the needs of commercial development, including off-street parking and loading.
5. To protect commercial and adjacent areas from excessive noise, illumination, unsightliness, odor, smoke, and other objectionable influences.
6. To provide for an intensity of development and activity within commercial areas which will increase their vitality, facilitate mass transit, and make better use of available infrastructure.
7. To accommodate a balanced mix of commercial, residential, and recreational uses in commercial areas which will enable people to live, shop, work, and play within walking distance; thereby reducing dependence on motor vehicles and potentially reducing traffic congestion, energy consumption, and air pollution.
8. To establish standards for the development of commercial areas which will make them easily accessible and inviting for pedestrians, bicyclists, and transit riders, as well as motorists.
9. To establish guidelines for the design of commercial areas which will improve their appearance, function, and appeal.

B. The purpose of each commercial district is as follows:

1. Community Retail District (CMR).

This district is intended to:

- a. Permit businesses which offer the most frequently needed consumer goods and services, in districts of sufficient size to provide a relatively wide range of such goods and services.
- b. Provide for site development standards which will achieve the clustering of buildings and/or business establishments in such fashion as to create a safe, convenient and attractive pedestrian environment, including access for transit riders and bicyclists, as well as safe and convenient parking and access.
- c. Allow for clustering of commercial services along urban arterials adjacent to residential neighborhoods, in order to reduce the amount of vehicular travel required of the consumer to acquire such goods and services.
- d. Allow for residential and mixed-use projects to increase the opportunities for people to live, work, shop, and recreate within walking distance.
- e. Not locate new community retail districts closer than three-fourths of a vehicular mile from one another, or from any other district providing similar services or facilities.

2. Commercial Services - High Density District (CS-H).

This district is intended to:

- a. Allow limited commercial services that supplement or enhance activities on the capitol campus, not large-scale retail sales for regional markets.
- b. Allow high-density multifamily residences near the chief employment centers such as the Downtown Business District, the Capitol Campus, and the central waterfront.
- c. Be located where high land values and public necessity warrant this type of development.

3. Auto Services (AS) District.

This district is intended to:

- a. Encourage development of a regional center for auto sales and services and related uses.
- b. Discourage development incompatible with auto sales and services.

4. Urban Waterfront (UW) District.

This district is intended to:

- a. Integrate multiple land uses in the waterfront area of downtown and the West Bay in a way that improves the City's appeal and identity as the Capital City on Budd Inlet.

- b. Encourage high-amenity recreation, tourist-oriented, and commercial development which will enhance public access and use of the shoreline.
- c. Encourage development that protects views of Budd Inlet, the Olympics, Mt. Rainier, and the Capitol, and preserves a sense of openness on the waterfront.
- d. Encourage water-dependent and water-related development (as defined in the Shoreline Master Program for the Thurston Region) on shoreline properties and permit-light manufacturing uses which support nearby industrial and marine related uses.
- e. Provide shoreline public access to significant numbers of the population, which is a major goal of the Shoreline Master Program for the Thurston Region. It is also the intent of this district to integrate the policies of the Shoreline Master Program for the Thurston Region into zoning designations applicable to waterfront properties. It is not the intent of this district, however, to make the restrictions of the Shoreline Master Program legally applicable outside the shoreline management zone.

5. Downtown Business District (DB).

This district is intended to:

- a. Encourage a wide range of activities which make downtown Olympia the cultural, civic, commercial, and employment heart of the community.
- b. Retain existing downtown housing and encourage additional development of a dense mix of urban housing which is located near jobs, shopping, and transit.
- c. Provide a full range of urban services, tourism, recreation, and entertainment activities to support downtown workers, residents, and visitors.
- d. Encourage pedestrian-oriented land uses and design, in order to link downtown activity to the Capitol Campus and the waterfront, and to the gateways to the City.
- e. Permit development of a scale, height, and bulk which reinforces downtown Olympia's historic character, buildings, places, and street layout. Modern architecture is appropriate if it is consistent with the City's urban design vision.

6. General Commercial District (GC).

This district is intended to:

- a. Provide for those commercial uses and activities which are heavily dependent on convenient vehicular access.
- b. Encourage the location of such uses on sites having safe and efficient access to major transportation routes.
- c. Discourage extension of "strip" development by filling in available space in areas where substantial auto-oriented commercial development already exists.
- d. Provide development standards which enhance efficient operation of these districts, and lead to more pedestrian-oriented development.

- e. Achieve minimum adverse impact on the community, especially on adjacent properties having more restrictive development characteristics.

7. Medical Service District (MS).

This district is intended to:

- a. Allow the development of major and full-service health care facilities to serve a regional population.
- b. Permit the clustering of interrelated and complementary health care facilities.
- c. Permit limited types of nonmedical uses which provide convenience services primarily to medical facility users and employees.
- d. Allow relatively high density housing near medical facilities to help meet the needs of the large number of people employed there.
- e. Allow developments which will provide maximum convenience to medical facility users and employees, and an environment conducive to the healing arts. Incompatible land uses and traffic generated by uses other than those providing medical and related services are to be avoided.

8. Neighborhood Retail District (NR).

This district is intended to:

- a. Permit small retail establishments which offer a limited range of goods within a residential neighborhood.
- b. Protect existing neighborhood retail districts and permit new establishments where local economic demand and appropriate design can assure compatibility with the neighborhood.
- c. Be located not less than one-half (½) mile from another neighborhood retail district or any other commercial district providing similar services or facilities.
- d. Have a maximum size for a Neighborhood Retail district of not more than one (1) acre.
- e. Limit the size, scale and expansion of such establishments in order to minimize traffic volumes and congestion, and other adverse impacts on the neighborhoods in which said establishments are located.
- f. Ensure that development in this district is characterized by small buildings, low traffic generation, considerable walk-in trade, quiet operations and little or no night activity.

9. Professional Office/residential Multifamily District (PO/RM).

This district is intended to:

- a. Provide a transitional area, buffering residential areas from more intensive commercial uses. Development within this district should be compatible with residential uses and

generate low vehicular traffic characteristic of less intrusive uses.

b. Provide for a compatible mix of office, moderate- to high-density residential, and small-scale commercial uses, in order to provide opportunities for people to live, work, and recreate in a pedestrian-oriented area.

10. **High Density Corridor-1 (HDC-1).**

This district is intended to:

- a. Provide for a compatible mix of office, moderate to high-density multifamily residential, and small-scale commercial uses.
- b. Ensure that residential and mixed-use projects are built within walking distance to transit.
- c. Establish a street edge that is as continuous as possible with buildings which are close to the street and which have multiple floors, distinctive windows facing the street, and entrances that are visible from the street.
- d. Ensure that projects are designed, using a neighborhood area design theme in order to blend with the historic buildings in the corridor and the adjacent neighborhoods.
- e. Create a safe, convenient, and attractive environment for pedestrians, transit riders and bicyclists, and which includes parking and convenient access for vehicles.

11. **High Density Corridor-2 (HDC-2).**

This district is intended to:

- a. Provide for a compatible mix of office, medium intensity commercial and moderate to high-density multifamily residential uses.
- b. Ensure that residential and mixed-use projects are built within walking distance to transit.
- c. Establish a street edge that is as continuous as possible with buildings which are close to the street and which have multiple floors, distinctive windows facing the street, and entrances that are visible from the street.
- d. Ensure that projects (buildings) are designed, using a neighborhood area design theme in order to blend with the historic buildings in the corridor and the adjacent neighborhoods.
- e. Create a safe, convenient, and attractive environment for pedestrians, transit riders, and bicyclists, and which includes parking and convenient access for vehicles.

12. **High Density Corridor-3 (HDC-3).**

This district is intended to:

- a. Provide for a compatible mix of medium to high-intensity commercial, offices, and moderate to high-density multifamily residential uses.

- b. Ensure that access to transit is a part of all new projects.
- c. Establish a street edge that is as continuous as possible with buildings which are close to the street and which have multiple floors, distinctive windows facing the street, and entrances that are visible from the street.
- d. Create a safe, convenient, and attractive environment for pedestrians, transit riders, and bicyclists, and which includes parking and access for vehicles.

13. High Density Corridor-4 (HDC-4).

This district is intended to:

- a. Provide for a compatible mix of high-intensity commercial, offices, and high-density multifamily residential uses.
- b. Transform these areas to commercial and residential activity centers, over time.
- c. Ensure that access to transit is a part of new projects.
- d. Establish a street edge that is as continuous as possible with buildings which are close to the street and which have multiple floors, distinctive windows facing the street, and entrances that are visible from the street.
- e. Create a safe, convenient, and attractive environment for pedestrians, transit riders, and bicyclists, and which includes parking and access for vehicles.

14. Urban Waterfront - Housing District.

This district is intended to:

- a. Provide for a neighborhood of residential housing with the option of limited retail/commercial/office or other uses able to locate in a street edge storefront configuration.
- b. Help meet downtown housing and sustainability density goals, through the use of land for housing in a location, and at a density, that makes the use of a car a choice and not a necessity.
- c. Contribute to downtown vitality.
- d. Result in well designed buildings on continuous urban street edges.
- e. Increase resident surveillance and all day use of public spaces to increase safety and decrease vandalism or other security problems.
- f. Help the City achieve land use, transportation, environment, and housing goals.

(Ord. 6195 §16, 2002; Ord. 6073 §13, 2000; Ord. 5830 §2, 1998; Ord. 5569 §3, 1995; Ord. 5517 §1,

1995).

18.06.040 - TABLES: Permitted and Conditional Uses

TABLE 6.01 PERMITTED AND CONDITIONAL USES														
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
1. EATING & DRINKING ESTABLISHMENTS														
Drinking Establishments			P		P	P	P		C 18.06.060 (P)		P	P	P	
Drinking Establishments - Existing		P 18.06.060 (GG)				P								
Restaurants, with drive-in or drive-through			P										P	
Restaurants, with drive-in or drive-through, existing			P				P 18.06.060 (U)					C	P	
Restaurants, without drive-in or drive-through	P 18.06.060 (U)(3)	C	P	P 18.06.060 (U)(2)	P	P	P 18.06.060 (U)(1)	P	P	P	P	P	P	
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
2. INDUSTRIAL USES														
Industry, Heavy														
Industry, Light			C		P/C 18.06.060 (N)									
On-Site Treatment & Storage Facilities for Hazardous Waste					P 18.06.060 (Q)									
Piers, Wharves, Landings					P									
Printing, Industrial			C		P/C 18.06.060 (N)									
Publishing		C	C		P		P		C	C				
Warehousing			P		P/C 18.06.060 (AA)		P							
Welding & Fabrication			C		P/C 18.06.060 (N)		P							
Wholesale Sales		C 18.06.060 (BB)(3)	P		P/C 18.06.060 (BB)		P		P 18.06.060 (BB)(2)					
Wholesale Products Incidental to Retail Business			P		P	P						P	P	
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							

3. OFFICE USES (See also SERVICES, HEALTH)															
Banks		P	P		P/C 18.06.060 (D)(2)	P 18.06.060 (D)(2)	P/C 18.06.060 (D)(2)	P	P	P	P	P	P 18.06.060 (D)(1)	P	
Business Offices		P	P		P	P	P	P	P	P	P	P	P	P	
Government Offices		P	P		P	P	P	P	P	P	P	P	P	P	
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS	
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)								
4. RECREATION AND CULTURE															
Art Galleries	P	P	P		P	P	P		P	P	P	P	P		
Auditoriums and Places of Assembly			P		P	P	P					P	P		
Boat Clubs					P	P									
Boating Storage Facilities					P			P							
Commercial Recreation		C	P		P	P	P	P		C	C	P	P		
Health Fitness Centers and Dance Studios	P	P 18.06.060 (L)	P	P	P	P	P	P	P	P 18.06.060 (L)	P 18.06.060 (L)	P	P		
Libraries	C	C	C	C	P	P	P		P	C	P	P	P	18.04.060(V)	
Marinas/Boat Launching Facilities					P 18.06.060 (CC)	P									
Museums		C	P		P	P	P		P	C	C	P	P	18.04.060(V)	
Parks, Neighborhood	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)	
Parks & Playgrounds, Other	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(T)	
Theaters (Drive-in)			C												
Theaters (No drive-ins)			P		P	P	P				C	P	P		
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATION	
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)								
5. RESIDENTIAL															
Apartments		P	P		P 18.06.060 (T)	P	P	P		P	P	P	P		
Apartments above ground floor in mixed use development	P	P	P		P 18.06.060 (T)	P	P	P		P	P	P	P		
Boarding Houses		P	P		P 18.06.060 (T)	P	P	P		P	P	P	P		
Co-Housing		P	P			P	P			P	P		P		
Duplexes	P	P	P		P 18.06.060 (T)			P		P	P		P		
Fraternities, Dormitories		C	P		P 18.06.060 (T)	P	P	P		P	C	P	P		
Group Homes (6 or less)	P	P	P 18.06.060 (K)		P 18.06.060 (T)	P	P	P 18.06.060 (K)		P	P	P	P 18.06.060 (K)	P 18.06.060 (K)	18.04.060(K)

Group Homes (7 or more)	C	C	C 18.06.060 (K)	C 18.06.060 (T)	C	C	C 18.06.060 (K)		C	C	C	C 18.06.060 (K)	P 18.06.060 (K)	18.04.060(K)
Mobile or Manufactured Homes Park - Existing		C	C	C 18.06.060 (T)						C			C	18.04.060(P)
Quarters for Night Watch person/ Caretaker					P	P							-	
Retirement Homes		P	P	P 18.06.060 (T)	P	P	P		P	P	P	P	P	
Single-Family Residences	P	P	P	P 18.06.060 (T)			P		P	P	P	P	P	
Single Room Occupancy Units			C		P	P	P		P				C	
Townhouses	P	P	P	P 18.06.060 (T)		P	P		P	P	P	P	P	
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
6. RETAIL SALES														
Apparel and Accessory Stores			P		P	P	P					P	P	
Boat Sales and Rentals			P		P	P	P	P					P	
Building Materials, Garden and Farm Supplies	P		P		P	P	P					P	P	
Commercial Greenhouses, Nurseries, Bulb Farms	C	C 18.04.060 (G)	C	C					C		P	P		18.04.060(G)
Food Stores	P	P 18.06.060 (H)	P		P	P	P		P	P 18.08.060 (H)	P	P	P	
Furniture, Home Furnishings, and Appliances			P		P	P	P				P	P	P	
Gasoline Dispensing Facilities accessory to a permitted use	P 18.06.060 (W)(4)		P		P 18.06.060 (W)		P 18.06.060 (W)(2)	P				P 18.06.060 (W)	P 18.06.060 (W)	
Gasoline Dispensing Facility accessory to a permitted use - Existing	P 18.06.060 (W)		P		P 18.06.060 (W)		P 18.06.060 (W)				P	P 18.06.060 (W)	P	
General Merchandise Stores	P	P 18.06.060 (J)	P		P	P	P			P 18.06.060 (J)	P	P	P	
Mobile, Manufactured, and Modular Housing Sales			P											
Motor Vehicle Sales			P				P	P					P	
Motor Vehicle Supply Stores			P		P	P	P	P			P	P	P	
Office Supplies		P	P		P	P	P		P	P	P	P	P	18.06.060(CC)

and Equipment		18.06.060 (DD)								18.06.060 (DD)				
Pharmacies and Medical Supply Stores	P	P 18.06.060 (EE)	P	P	P	P	P	P	P	P	P	P	P	18.06.060(DD)
Specialty Stores	P 18.06.060 (Y)(3)	P 18.06.060 (Y)(4)	P	C 18.06.060 (Y)(2)	P	P	P			P 18.06.060 (Y)(4)	P	P 18.06.060 (Y)(1)	P	
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
7. SERVICES, HEALTH														
Hospitals				P			P		P					
Nursing, Congregate Care, and Convalescence Homes	C	C	C	P			C		C	C	C	P	P	18.04.060(S)
Offices, Medical		P	P	P	P	P	P	P	P	P	P	P	P	
Veterinary Offices/Clinics			P								P	P	P	
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
8. SERVICES, LODGING														
Bed & Breakfast Houses (1 guest room)	P	P 18.06.060 (E)	P 18.06.060 (E)	P 18.06.060 (E)	P	P	P			P	P	P	P	18.04.060(L)(3) (c)
Bed & Breakfast Houses (2 to 5 guest rooms)	C	P 18.06.060 (E)	P 18.06.060 (E)	P 18.06.060 (E)	P	P	P		C	P	P	P	P	18.04.060(L)(3) (c)
Hotels/Motels			P	C	P		P		P				P	
Lodging Houses		P	P	P	P		P		P	P	P	P	P	
Recreational Vehicle Parks			P										P	
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
9. SERVICES, PERSONAL														
Adult Day Care Home	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)(3)(b)
Child Day Care Centers	C	P	P	P	P	P	P		P	P	C	P	P	18.04.060(D)
Crisis Intervention	C	P	C	P			P		C	P	C	C	C	18.04.060(I)
Family Child Care Homes	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Funeral Parlors and Mortuaries		C	P				P			C		P	P	
Laundries and Laundry Pick-up Agencies	p	p	P	P	P	P	P			P	P	P 18.06.060 (O)	P	
Personal Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
10. SERVICES, MISCELLANEOUS														

Auto Rental Agencies			P		P	P	P	P			C	P	P	
Equipment Rental Services, Commercial			P		P		P				P	P	P	
Equipment Rental Services, Commercial - Existing		P 18.06.060 (FF)												
Ministorage			P				P							
Printing, Commercial	P	P	P		P	P	P		P	P	P	P	P	
Public Facilities (see also Public Facilities, Essential on next page)	C	C	C	C	P	C	P	P	P	C	C	C	C -	18.04.060(V)
Radio/T.V. Studios		P	P		P	P	P		P	P	P	P	P	
Recycling Facilities	p	P	P	P	P		P		P	P	P	P	P	18.06.060(V)
School - Colleges and Business, Vocational or Trade Schools		C	P		P	P	P		P	C	C	C	P	18.06.060(X)
Service and Repair Shops			P				P	P				P	P	
Service Stations/Car Washes			P				P 18.06.060 (W)	P				P 18.06.060 (W)	P 18.06.060 (W)	
Service Stations/Car Washes - Existing			P		P 18.06.060 (W)		P 18.06.060 (W)			P		P 18.06.060 (W)	P 18.06.060 (W)	
Servicing of Personal Apparel and Equipment	P	P	P		P	P	P			P	P	P	P	
Truck, Trailer, and Recreational Vehicle Rentals			P					P						
Workshops for Disabled People	C	C	C	C	P	C	P		C	C	C	C	C	18.04.060(R)
COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
11. PUBLIC FACILITIES, ESSENTIAL														
Airports			C										C	18.06.060(G)
Inpatient Facilities		C	C	C 18.06.060 (T)	C		C		C	C	C	P	P	18.06.060(G) 18.04.060(K)
Jails			C		C		C		C				C	18.06.060(G)
Mental Health Facilities			C	C 18.06.060 (T)	C		C						C	18.06.060(G) 18.04.060(K)
Other Correctional Facilities		C	C	C 18.06.060 (T)	C	C	C		C	C	C	C	C	18.06.060(G)
Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities		C	C		C		C			C	C	C	C	18.06.060(G)
Radio/TV and Other Communication Towers and Antennas	C	C	C	C	C	C	C	C	C	C	C	C	C	18.06.060(G) 18.44.100
Sewage Treatment Facilities	C	C	C	C	P		P		C	C	C	C	C	18.06.060(G) 18.04.060(X)
State Education		C	C		C		C		C	C	C	C	C	18.06.060(G)

Facilities														18.06.060(X)
State or Regional Transportation Facilities	C	C	C	C	C	C	C		C	C	C	C	C	18.06.060(G)

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
12. TEMPORARY USES														
Entertainment Events			P		P	P	P						P	
Off Site Contractor Offices	P	P	P	P	P	P	P	P	P	P	P	P	P	18.04.060(DD)
Emergency Housing	P	P	p	P	P			P	P	P	P	P	P	18.04.060(DD)
Fireworks, as determined by Fire Dept.			P		P	P	P				P	P	P	9.48.160
Mobile Sidewalk Vendors		P	P	P	P	P	P			P	P	P	P	
Parking Lot Sales			P		P	P	P	P			P	P	P	
Residences Rented for Social Event (6 or less in 1 year)	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(DD)
Residences Rented for Social Event (7 or more in 1 year)	C	C	C	C	C	C	C		C	C	C	C	C	
Temporary Surface Parking Lot		P	P		P	P	P		P					

COMMERCIAL DISTRICT	NR	PO/RM	GC	MS	UW	UW-H	DB	AS	CSH	HDC-1	HDC-2	HDC-3	HDC-4	APPLICABLE REGULATIONS
District-Wide Regulations	18.06.060 (R)				18.06.060 (F)(2)	18.06.060 (HH)	18.06.060 (F)(2)							
13. OTHER USES														
Accessory Structures/Uses														
Adult Oriented Businesses			P										P	18.06.060(B)
Agriculture	P	P	P	P					P	P	P	P	P	
Animals	P	P	P	P	P	P	P		P	P	P	P	P	18.06.060(C)
Cemeteries	C	C	C	C					C	C	C		C	
Conference Center			P		P	P	P						P	
Fraternal Organizations		P	P		P	P	P		P/C 18.06.060 (I)	P	P	P	P	
Gambling Establishments			C											
Garage/Yard/Rummage and Other Outdoor Sales	P	P	P	P	P	P	P		P	P	P	P	P	5.24
Home Occupations	P	P	P	P	P	P	P		P	P	P	P	P	18.04.060(L)
Parking Facility, Commercial		P	P		P	P	P 18.06.060 (S)			P	P	P 18.06.060 (S)	P	18.04.060(V)
Places of Worship	C	C	P	C	P	P	P		C	C	C	P	P	18.04.060(U)
Racing Pigeons	C	C	C	C					C	C	C	C	C	18.04.060(Y)
Satellite Earth Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	18.44.100

Schools	C	C	P	C	C	C	C		C	C	C	P	P	18.04.060(DD)
Utility Facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.04.060(X)
Wireless Communications Facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	18.44
LEGEND														
P = Permitted Use MS = Medical Services DB = Downtown Business C = Conditional Use	PO/RM = Professional Office/Residential Multifamily AS=Auto Services NR = Neighborhood Retail				GC = General Commercial UW = Urban Waterfront UW-H = Urban Waterfront-Housing CSH = Commercial Services-High Density				HDC-1=High Density Corridor-1 - HDC-2=High Density Corridor-2 HDC-3=High Density Corridor-3 HDC-4=High Density Corridor-4					

(Ord. 6592 §5, 2008)

18.06.040 - Permitted, conditional and prohibited uses

A. PERMITTED AND CONDITIONAL USES.

Table 6.01, Permitted and Conditional Uses, identifies land uses in the commercial districts which are permitted outright (P) or subject to a Conditional Use Permit (C). The applicable requirements for these uses and activities are identified by a number referencing the list of use regulations under Section 18.06.060, Use Standards. Numbers listed under the heading Applicable Regulations apply to the corresponding land use in all of the commercial districts. Regulations that pertain only to a specific use in a specific district are identified by a number in the space corresponding to that use and district. (Also see Section 18.06.080, Development Standards--General, and 18.06.100, Development Standards--Specific.)

B. PROHIBITED AND UNSPECIFIED USES.

Land uses which are not listed as permitted or conditional uses are prohibited unless authorized by the Director of Community Planning and Development (or the Hearing Examiner on appeal) consistent with Section 18.02.080, Interpretations. However, in no event shall secure community transition facilities be permitted.

(Ord. 6395 §27, 2006; Ord. 6273 §33, 2003; Ord. 6210 §5, 2002; Ord. 6195 §36, 2002; Ord. 6140 §42, 2001; Ord. 6092 §5, 2001; Ord. 6073 §31, 2000; Ord. 5861 §5, 1998; Ord. 5830 §56, 1998; Ord. 5801 §4, 1998; Ord. 5664 §13, 1997; Ord. 5661 §2, 1996; Ord. 5569 §3, 1995; Ord. 5517 §1, 1995).

18.06.060 - Commercial districts' use standards

A. Accessory Uses and Structures.

Only those uses that meet the definition of an Accessory Use as defined under this chapter will be permitted in the zones outlined in the tables of this chapter.

B. Adult Oriented Businesses.

1. **Location.** Adult oriented businesses may be permitted, but only if the following separation and distance conditions are met:

a. No adult oriented businesses shall be located closer than one thousand (1,000) feet to another such business whether such other business is located within or outside the city limits. Said distance shall be measured by following a straight line from the nearest point of public entry into the structure which will house the proposed adult facility to the nearest point of public entry into the structure housing another adult facility.

b. No adult oriented businesses may be located closer than two hundred fifty (250) feet from the nearest point of the boundary of a General Commercial (GC, or High Density Corridor-4 (HDC-4) district; PROVIDED, this restriction shall not apply to a proposed business with respect to a particular zone boundary when the proposed site of the business is separated from said boundary by an arterial street of at least four (4) travel lanes in width.

c. No adult oriented businesses shall be located closer than three hundred thirty (330) feet of any of the following uses whether such use is located within or outside the city limits:

i. Any residential use;

ii. Family child care home;

iii. Child day care center;

iv. Preschool facility; and

v. Nursery school;

vi. The point of ingress to or egress from any public trail identified in the city's Comprehensive Plan, Urban Trails, except when such point is separated from the proposed business by a four-lane or wider street arterial.

d. No adult oriented businesses shall be located closer than one thousand three hundred twenty (1,320) feet to any of the following uses whether such use is located within or outside the City limits:

i. Public park;

ii. Public or private primary or secondary schools, colleges and universities; and

iii. Places of worship (e.g., church, temple or synagogue or other facility primarily devoted to the teaching or practice of religious beliefs);

iv. Public library

e. Such distance shall be measured by following a straight line distance between the point of public entry into the structure housing the adult facility and:

i. The nearest point on a property line of a public park; or

ii. The nearest point of public entry to any residential use, public library, child day care home, child day care center, preschool, nursery school, public or private primary or secondary school, college, university, church, temple, or synagogue, or other facility primarily devoted to the teaching or practice of religious beliefs, or the nearest point on the perimeter of the area actually used in conjunction with any such use, whichever is closer.

For purposes of this ordinance, "actually used in conjunction with" means areas used for the primary and related structures, yards, parking lots, designated play areas and other areas used to determine site coverage under this code.

f. **Waiver of Distance Requirements.** The following procedures and criteria shall be adhered to with regard to a request for waiver of distance requirements:

i. **Distance waiver required.** Any party proposing to locate an adult facility within less than the required distances from uses or zones as specified in this ordinance may do so only after obtaining a waiver therefor from the Hearing Examiner through a conditional use permit.

ii. **Waiver notice requirements.** In addition to the notice requirements for conditional use permits, first class mailing notice shall be made to all parties within either distance set forth in subsections 18.06.060(B)(1)(c) and (d), depending upon the use in question. The applicant shall provide the names and addresses of all property owners and businesses within said distances from the proposed use.

iii. **Criteria for decision.** The final decision on the request for waiver of distance shall be made by the Hearing Examiner, based on consideration of the following:

- (a) The extent to which physical features would result in an effective separation in terms of visibility and access.
- (b) Compatibility with adjacent and surrounding land uses.
- (c) The availability or lack of alternative locations for the proposed use.
- (d) Ability to avoid the adult facility by alternative vehicular and pedestrian routes.

2. **Intervening Uses.** Uses and zones specified in Subsection 18.06.060(B)(1)(c) and (d) shall not be allowed to locate within the specified distances of an adult oriented business. Any party proposing to locate such a use or zone within the specified distances of an adult facility is considered an intervening use and may do so only after obtaining a distance waiver pursuant to the provisions of Subsection 18.06.060(B)(1)(f) of this code regarding waiver of distance requirements; provided, that notice requirements shall conform with the provisions of Section 18.78.020 of the Olympia Municipal Code; and provided further, that the owner seeking to expand a sensitive use specified in Subsections 18.06.060(B)(1)(c) or (d) into a separation area provided herein need not procure a waiver of distance requirement under (B)(1)(f) herein if such expansion is to be done on the same parcel on which the sensitive use is located and no new lots are thereby created.

3. **Adult Oriented Businesses - Forbidden in Other Zones.** The allowance of adult oriented

businesses shall be limited to the General Commercial (GC, or High Density Corridor-4 (HDC-4) zones and such uses are forbidden in all other zones within the City of Olympia.

C. Animals. All Commercial Districts:

1. **Quantity.** Not more than three (3) dogs, cats and untraditional pets such as potbelly pigs and rabbits (four (4) months of age or older) shall be permitted per dwelling unit. (Traditional pets/animals are defined as animals which can be house-broken, walked on a leash, are frequently, but not necessarily, housed within a residence and are neither obnoxious nor a public safety or health threat.)
2. **Birds.** Fowl, such as chickens, ducks and geese are prohibited. This does not apply to song birds or other traditional pet birds (e.g., parrots). [NOTE: The keeping of racing and performing pigeons is permitted as a conditional use.]
3. **Farm Animals.** Swine (other than potbelly pigs) and goats are prohibited.
4. **Large Parcels.** The keeping of other animals and pets, which are not specifically prohibited above, is permitted, provided that:
 - a. There shall be no more than one (1) animal per acre, in addition to those animals and pets permitted in 1 and 2 above, and
 - b. Such animals shall be confined within a suitably fenced area which shall be located no closer than fifty (50) feet from any property line, and
 - c. Their keeping does not constitute a nuisance or hazard to the peace, health and welfare of the community in general and neighbors in particular.

D. Banks.

1. **High Density Corridor-3 (HDC-3) Requirements.** Banks which offer only drive-through service (i.e., which serve customers exclusively in or on their vehicles) are not permitted.
2. **Urban Waterfront (UW) and Downtown Business (DB) District Requirements.** Drive-through banks may be permitted with a conditional use permit if the proposed project meets the Street Edge Development Standards of the Pedestrian Streets Overlay District, Chapter 18.16 OMC. The proposed project may be exempted from the Pedestrian-Oriented Street Wall Requirement under the "Pedestrian Streets Overlay District Requirements" if it is found that:
 - a. The proposed design meets the intent of the Pedestrian Streets Overlay District, "Pedestrian Streets Overlay District Requirements"; and
 - b. The building site presents unusual conditions which require an alternative design to accomplish the intent of the Pedestrian Streets Overlay District, "Pedestrian Streets Overlay District Requirements."

E. Bed and Breakfast Houses. Professional Office/Residential Multifamily (PO/RM), High Density Corridor-1 (HDC-1), General Commercial (GC), High Density Corridor-4 (HDC-4), and Medical Services (MS) districts requirements: All Bed and Breakfast Houses are subject to the Bed and Breakfast House requirements in residential districts, Section 18.04.060(L)(3)(c).

F. Drive-Through and Drive-In Uses.

1. High Density Corridor-3 (HDC-3) Requirements. Businesses which serve customers exclusively in their vehicles are prohibited. This includes uses such as drive-through laundry pick-up agencies, drive-through-only banks, and drive-through photo processing services. This does not include car washes. Restaurants are not permitted to have drive-up or drive-through facilities.

2. Downtown Business and Urban Waterfront (UW) Requirements. Drive-through and drive-in uses are prohibited as a primary or accessory use (exception: drive-through banks are a conditional use). Existing drive-in and drive-through restaurants permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations or conditional use requirements. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

G. Public Facilities, Essential.

1. Regulations applicable to all commercial zoning districts. Essential public facilities are subject to the procedures and conditions listed in Section 18.04.060(W), as well as any other applicable provisions of this Title.

2. Community Retail District (CMR) and Professional Office/Residential Multifamily District (PO/RM) Regulations. "Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities" (see Table 6.01 above) shall be limited to office uses.

3. General Commercial District (GC), High Density Corridor-4 (HDC-4), Urban Waterfront (UW), and Downtown Business District (DB) Regulations. "Other facilities as designated by the Washington State Office of Financial Management, except prisons and solid waste handling facilities" (see Table 6.01 above) shall be limited to those office uses, industrial uses, recreation and culture uses otherwise allowed in these districts. In addition to the requirements for Essential Public Facilities, these uses shall meet all other applicable regulations of this Chapter and Title.

H. Food Stores. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: Food stores are allowed up to a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

I. Fraternal Organizations. Fraternal organizations are permitted within the CSH zone district under the condition that if alcohol is served, the use shall be subject to all requirements governing nightclubs, taverns and lounges (see Section 18.06.060(P) Nightclubs and Taverns, below).

J. General Merchandise Stores. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: General Merchandise stores shall have a maximum

size of five thousand (5,000) square feet of gross floor area. **EXCEPTION:** In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

K. Group Homes.

1. General requirements for group homes are identified in subsection 18.04.060(L).
2. **Downtown Business District (DB) Requirements.** There is no minimum lot size for group homes with up to twenty (20) unrelated residents, exclusive of on-site operators.
3. **General Commercial District (GC), High Density Corridor-3 (HDC-3), High Density Corridor-4 (HDC-4), and Medical Services District (MS) Requirements.** The Hearing Examiner may relax the minimum lot size standard in paragraph 18.04.060(K)(3) where the characteristics of the home so warrant.

L. Health Fitness Centers and Dance Studios. Professional Office/Residential Multifamily (PO/RM), High Density Corridor-1 (HDC-1), and High Density Corridor-2 (HDC-2) District Requirements: These uses shall have a maximum size of five thousand (5,000) square feet of gross floor area. **EXCEPTION:** In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

M. Industry, Heavy. CW - 1 Zone District: Manufacturing, compounding, processing, treatment or assembly of products--except those which cause excessive danger or offense--is permitted within this district. Heavy industrial uses are not permitted south of Corky Street.

N. Industry, Light.

1. **Urban Waterfront (UW) Requirements.** Light industry is a permitted use east of Washington Street. It is a conditional use west of Washington Street.

O. Laundry and Laundry Pick-Up Agency. High Density Corridor-3 (HDC-3) Requirements: No drive-through facilities are allowed for drop-off or pick-up of laundry.

P. Nightclubs and Taverns. Commercial Services - High Density (CS-H) District Requirements: Night clubs, taverns and lounges are a conditional use, subject to the following conditions:

1. **Setback.** No building shall be located closer than sixty (60) feet from a property line abutting a residential use.
2. **Noise Insulation.** The building shall be of sound-reducing construction that will assure compliance with the sound emission requirements of Section 18.40.080, Property Protection Standards.
3. **Loudspeakers.** There shall be no outside loudspeakers.

Q. On-Site Treatment and Storage Facilities for Hazardous Waste. Urban Waterfront (UW) District Requirements: These facilities are allowed only as an accessory use, subject to siting criteria

pursuant to Chapter 70.105 RCW.

R. Operating Hours - Neighborhood Retail (NR) District. Operating hours for businesses in the NR District shall be limited to the hours between 6:00 a.m. and 11:00 p.m. A later opening time and/or an earlier closing time may be required if necessary to assure compatibility with the adjacent residential neighborhood.

S. Parking Facilities and Garages.

1. High Density Corridor-3 (HDC-3) Requirements. Parking lots established as separate, primary uses are a conditional use. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time.
2. Downtown Business District (DB) Requirements. Public plazas, temporary surface parking lots (See OMC 18.04.060(EE)(1)(h)), or structured parking is permitted. Parking lots not associated with a permitted or conditional use are prohibited. All existing parking lots permitted before January 1, 1994, are conforming uses. Such lots shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

T. Residential Restrictions in the Medical Services District (MS). Residential uses may not be constructed within six hundred (600) feet of Lilly Road except above the ground floor in mixed use buildings.

U. Restaurants.

1. **Downtown Business (DB) District Requirements.** New drive-in and drive-through restaurants are not permitted. All existing drive-in and drive-through restaurants permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.
2. **Medical Services (MS) District Requirements.** Restaurants may be allowed as a conditional use where it can be demonstrated that the medical community or the consumers of medical services are clearly and primarily benefitted by the convenience of the facilities.
3. Restaurants in the Neighborhood Retail District shall be limited to one thousand (1000) square feet of gross floor area and shall not require nor include a Type I Hood as defined in the Uniform Mechanical Code.

V. Recycling Facilities. Only Type I Recycling Facilities are allowed in the following districts: Neighborhood Retail (NR), Community Retail (CMR), Professional Office/Residential Multifamily (PO/RM), Medical Services (MS), Urban Waterfront (UW), High Density Corridor-1 (HDC-1), High Density Corridor-2 (HDC-2), High Density Corridor-3 (HDC-3), High Density Corridor-4 (HDC-4), and Commercial Services-High Density (CS-H).

W. Service Stations and Car Washes.

1. **High Density Corridor-3 (HDC-3) District Requirements.** Car washes are permitted only in conjunction with a service station.

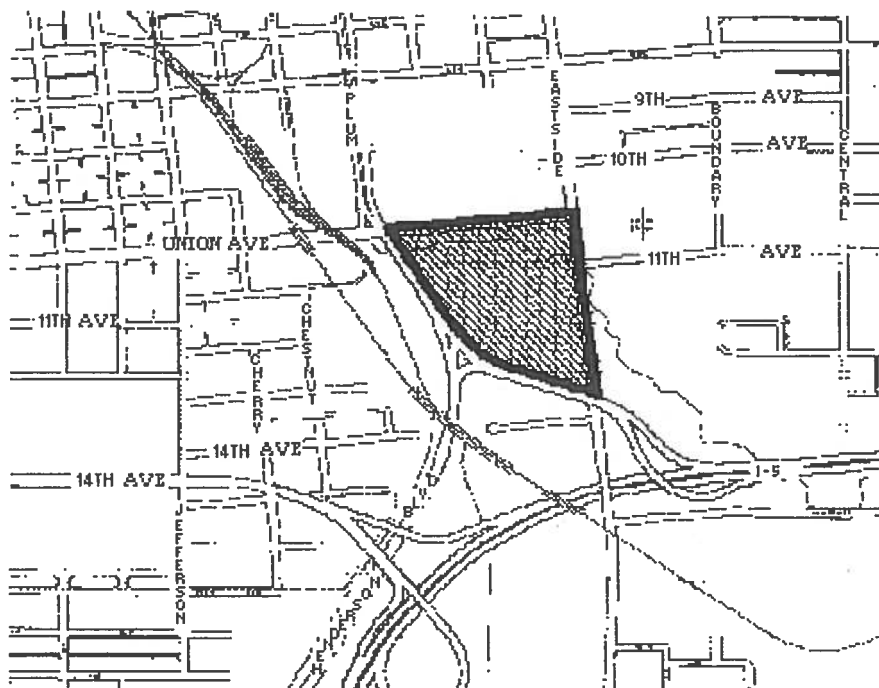
2. **High Density Corridor-3 (HDC-3) and High Density Corridor-4 (HDC-4) District Requirement.** Service stations and car washes are not permitted to locate on corner properties at intersections. Services stations and car washes vested before January 20, 2001 are conforming uses.

3. **Downtown Business District (DB) Requirements.**

a. Service stations, car washes and accessory uses are not permitted, except on those properties located south of Union Street and east of Plum/Henderson (see Figure 6-1). This also applies to gasoline dispensing facilities accessory to a permitted use.

b. All existing service stations permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations.

c. Detached drive-thru restaurants of less than 200 square feet without Type I hoods are permitted as an accessory use to service stations in this District.



 **SERVICE STATIONS ALLOWED**

FIGURE 6-1

Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

4. **Urban Waterfront (UW) Requirements.**

a. New service stations and car washes are not permitted. This also applies to gasoline

dispensing facilities accessory to a permitted use. EXCEPTION: gasoline dispensing facilities accessory to a marina or boat club are permitted.

b. All existing service stations and car washes permitted before January 1, 1994, are conforming uses. Such uses shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

5. Neighborhood Retail District (NR) and Community Retail (CMR) District Requirements. State or regional transportation facilities shall be linear facilities only, such as roads or railroads.

a. Underground petroleum storage tanks are prohibited within the Allison Springs aquifer recharge area.

b. No more than four (4) gas dispensing devices serving a maximum of eight (8) vehicles at one time are permitted at convenience stores/gas stations in the CMR District.

c. No more than two (2) gas dispensing devices serving a maximum of four (4) vehicles at one time are permitted at convenience stores in the NR District.

X. School - Colleges and Commercial, Business or Trade Schools. The following requirements apply to all colleges and commercial, business or trade schools requiring a Conditional Use Permit hereafter erected, established or relocated.

1. **Lot Size.** In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area of a school in excess of four (4) students shall be based upon a determination made by the Hearing Examiner.

2. **Setbacks.** Setbacks and screening shall be sufficient to protect neighboring uses.

3. **Traffic.** The Hearing Examiner shall set such conditions as may be necessary to limit traffic impacts to levels that will be compatible with the neighborhood. If the traffic to be generated cannot be adequately mitigated without adverse impacts, the permit shall be denied.

Y. Specialty Stores.

1. **High Density Corridor-3 (HDC-3) District Requirements.** No drive-through facilities are allowed for retail uses, such as a pick-up window for photo processing.

2. **Medical Services (MS) District Requirements.** Retail developments such as florists, gift shops and the like may be allowed as a conditional use where it can be demonstrated that the medical community or the consumers of medical services are clearly and primarily benefitted by the convenience of such retail facilities.

3. **Neighborhood Retail (NR) District Requirements.** Specialty stores are limited to those selling such items as gifts, antiques, variety goods, light hardware, hobby supplies, garden supplies, reading materials and other small items used primarily in a private home.

4. **Professional Office/Residential Multifamily District (PO/RM), and High Density**

Corridor-1 (HDC-1) Requirements. Specialty stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

Z. Temporary Uses.

1. **Intent.** Certain uses, when active for a limited period of time and when property regulated, can be compatible, or otherwise limited in impact to neighboring properties and the general community. In accord with this intent, no temporary use shall be allowed unless a temporary use permit is approved by the City as prescribed by this section. Each separately proposed activity or use shall require a separate permit and pay the fee required by OMC 4.40.010(A).

2. **General Standards.** Temporary uses are subject to the following regulations:

a. Temporary uses not listed in the use table of this chapter may be authorized by the applicable approval authority, provided such temporary uses are similar to and no more intensive than other temporary uses permitted in the district in which the subject property is located.

b. The applicable approval authority may apply additional conditions to any temporary use permit in order to:

i. Ensure compliance with this chapter;

ii. Ensure that such use is not detrimental to neighboring properties and the community as a whole; and

iii. Ensure compliance with the Building Code.

c. Within three (3) days after termination of the temporary use permit, such use shall be abated and all structures, signs and evidence of such use removed. The City may require a financial surety be posted by the applicant upon application to defray the costs of cleanup and repair of the property should the permittee fail to do so. The property owner is responsible for such abatement action and costs should the permittee fail to properly clean and repair the property.

d. Temporary use permits not exercised within thirty (30) days of issuance shall be null and void.

e. Unless otherwise stated in this section temporary use permits are valid from the date of issuance for ninety (90) consecutive days per calendar year.

f. Unless otherwise stated in this section no more than two (2) temporary use permits will be issued for any specific site per calendar year.

g. Nothing in this section shall exempt the applicant from obtaining all necessary applicable permits from all other agencies having jurisdiction.

h. Hours of operation, including the use of generators and lot lighting, excluding security

lighting, shall be limited to 7:00 a.m. to 10:00 p.m. unless otherwise specified in writing by the Planning Director or his designee. Security lighting shall be shielded to prevent light spillage onto adjacent properties.

3. Specific Temporary Use Standards. The following temporary uses are permitted in commercial districts and the Evergreen Park PUD, subject to the following regulations:

- a. Entertainment Events to include: circuses, carnivals and similar transient amusement enterprises, limited to operation of not more than twice each year, and not more than ten (10) consecutive days per event per site in any one (1) calendar year.
- b. Off-site contractor's Offices (including trailers and mobile homes) and storage yards associated with an active construction project, not to exceed one (1) year in duration.
- c. Mobile sidewalk vendors including services must comply with the following rules:
 - i. Only one mobile sidewalk vendor shall be permitted per block face.
 - ii. Public sidewalks used by mobile vendors shall have a minimum width of eight (8) feet.
 - iii. In no instance shall the clear walking area around a sidewalk vendor be less than forty-eight (48) inches.
 - iv. The maximum length of space occupied by a mobile sidewalk vendor and equipment is eight (8) feet.
 - v. Mobile sidewalk vendor stands must be readily movable at all times.
 - vi. Mobile sidewalk vendors shall locate their stands at the back of the sidewalk away from curb.
 - vii. All locations shall be approved on a first-come, first-serve basis.
 - viii. Mobile sidewalk vendors shall sign a Hold Harmless Agreement with the City of Olympia.
- d. Parking lot and other outdoor sales of merchandise and/or services unrelated to the primary use of the property and must comply with the following:
 - i. Merchandise displays may only occupy parking stalls which are in excess of city parking requirements.
 - ii. There shall be no obstruction of emergency exits, Fire Lanes or other Emergency apparatus.
 - iii. Sales areas shall be maintained in an attractive and trash-free manner.
 - iv. Sales areas shall not substantially alter the existing circulation pattern of the site.
- e. Temporary, commercial wireless communications facilities, for the purposes of providing

coverage of a special event such as news coverage or sporting event. Such facilities must comply with all federal and state requirements. Temporary wireless communications facilities may be exempt from the provisions of Chapter 18.44 up to one week after the duration of the special event.

f. Temporary surface parking lots on previously developed property are allowed subject to approval by the Site Plan Review Committee, and are limited to a one time permit valid for two years. A one year extension may be granted by the Site Plan Review Committee if a complete Land Use Application has been submitted for review. All applications must provide a complete Site Plan and comply with the following:

i. A twenty by twenty (20'x20') foot paved surface at all approved points of ingress/egress.

ii. A dust-free surface.

iii. An erosion control and stormwater containment plan.

iv. Clear designation of parking spaces and drive aisles consistent with OMC 18.32.220 with striping and/or parking blocks. To prevent obstruction of public rights-of-way wheel blocks must be provided at the perimeter of the site.

v. No new or additional points of access.

vi. Provision for an enforceable compliance and closure agreement.

vii. May not be established on Pedestrian "A" streets per OMC 18.16.080(H).

6. Violations. At any time a temporary use is operated in violation of required conditions of this section or otherwise found to constitute a nuisance, the City may revoke the temporary use permit. The permittee shall be given notice and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the approval authority, the violation poses a life, health, or safety threat, the temporary use permit may be revoked immediately and the permittee shall be given the opportunity to request reconsideration and/or appeal after such revocation.

AA. Warehousing.

1. Urban Waterfront (UW) District Requirements:

a. East of Adams Street and north of Olympia Avenue.

i. Warehousing is a permitted use.

b. Elsewhere in the District:

i. Warehouses are prohibited except when part of a larger project and included within the proposed building.

ii. All existing warehouses permitted before January 1, 1994, are conforming uses. Such warehouses shall be treated the same as other allowed uses, consistent with applicable regulations. Other uses made nonconforming by this zoning ordinance are subject to the requirements of Chapter 18.37, Nonconforming Buildings and Uses.

BB. Wholesale Sales. The following Conditional Use Permit restrictions apply to wholesale uses:

1. **Urban Waterfront (UW) District Requirements.** Wholesale sales are a permitted use in those portions of the UW District which are not within the Pedestrian Streets Overlay District (see Chapter 18.16). In those portions of the UW District which are within the Pedestrian Streets Overlay District, wholesale sales may be allowed as a conditional use if the proposed project meets the Street Edge Development Standards of the Pedestrian Streets Overlay District. The proposed project may be exempted from the Pedestrian-Oriented Street Wall Requirement if:

- a. The proposed design meets the intent of the Chapter; and
- b. The building site presents unusual conditions which require an alternative design to accomplish the intent.

2. **Commercial Services - High Density (CS-H) District Requirements.** Permitted uses include those which offer specialized products at wholesale to other uses permitted in this district, including, but not limited to, office machine sales and repair services, and office supply sales.

CC. Marinas. Urban Waterfront (UW) District Requirements: As an accessory use, marinas may provide sites for recreational vehicles for users of the marina, at a rate of up to 1.5 sites per 100 mooring slips. These sites shall be provided with hook-ups for water, sewer, and electricity. Users of these sites shall be limited to two (2) weeks occupancy per year.

DD. Office Supplies and Equipment. High Density Corridor-1 (HDC-1), and Professional Office/Residential Multifamily District (PO/RM) Requirements. Office supplies and equipment stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

EE. Pharmacies and Medical Supply Stores. High Density Corridor-1 (HDC-1), and Professional Office/Residential Multifamily District (PO/RM) Requirements. Pharmacies and medical supply stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

FF. Equipment Rental Services. Existing equipment rental services legally established as of July 2001 are conforming uses in the PO/RM District and shall be treated the same as other allowed uses, consistent with applicable regulations. In the PO/RM area west of Yauger Road adjacent to Harrison Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

GG. Drinking Establishments. Existing drinking establishments legally established (as of July 2001) are conforming uses in the PO/RM District and shall be treated the same as other allowed uses, consistent with applicable regulations. In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

HH. Urban Waterfront Housing. Up to a maximum of 1 FAR (floor area ratio) can be made up of allowed uses other than residential. (Refer to Pedestrian Street Overlay District 1816.060(B) for amount and location of commercial uses in a predominantly residential project on "A" streets.)

(Ord. 6592 §6, 2008; Ord. 6395 §22, 2006; Ord. 6309 §2, 2004; Ord. 6273 §8, §9, 2003; Ord. 6195 §17, 2002; Ord. 6140 §21, §22, §23, §24, §25, §26, §27, 2001; Ord. 6092 §2, 2001; Ord. 6073 §14, 2000; Ord. 5830 §6, 1998; Ord. 5714 §13, 1997; Ord. 5671 §3, 1997; Ord. 5664 §6, 1997; Ord. 5661 §2, 1996; Ord. 5569 §3, 1995; Ord. 5517 §1, 1995).

18.06.080 - Commercial districts' development standards (General)

A. General Standards. The standards contained in Table 6.02 (Commercial Districts' Development Standards) relating to lot area, building setbacks, development coverage, building coverage, and building height apply to commercial districts as indicated. They may be a minimum requirement (e.g. minimum lot size), or a maximum allowance (e.g., maximum height). Many of the standards in Table 6.02 are summaries of more detailed information found in Section 18.06.100, Specific Development Standards.

(Ord. 6408 §41, 2006; Ord. 6317 §3, 2004; Ord. 6273 §34, 2003; Ord. 6195 §37, 2002; Ord. 6140 §43, 2001; Ord. 6073 §33, 2000; Ord. 5830 §56, 1998; Ord. 5664 §13, 1997; Ord. 5661 §2, 1996; Ord. 5569 §3, 1995; Ord. 5517 §1, 1995).

18.06.080 - TABLES: Commercial Districts' Development Standards

TABLE 6.02 COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS								
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATION
MINIMUM LOT SIZE	7,200 Sq. Ft.	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamily 4,000 = other	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 = cottage 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse 6,000 sq.ft. = duplex 7,200 sq.ft. = multifamily 4,000=other	No minimum, except 1,600=cottage 3,000=zero lot 1,600 sq.ft. minimum 2,400 sq.ft average = townhouse 6,000 sq.ft. = duplex 7,200 sq.ft. = multifamily 4,000 = other	No minimum, except 1,600 sq.ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 sq.ft minimum 2,400 sq.ft. average = townhouse.	See also 18.06.100(D) for regulations on existing undersized lots record.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATION
FRONT YARD	See City-	10'	5'	0-10'	0-10'	0-10'	0-10'	1. 50' minimum

SETBACK	Wide Design Guideline: "Building Design - Orientation & Form of Commercial & Public Buildings," 18.20.090.	maximum, if located in a High Density Corridor; 10' minimum otherwise.	minimum for residential otherwise none.	See 18.06A.180	See 18.06A.180	See 18.06A.180	See 18.06A.180	from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.0 (C). 3. Must comply with site design standards, Chapter 18.06A.180.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
REAR YARD SETBACK	15' minimum.	10' minimum; Except: 1. Next to an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum	10' minimum; Except: 1. Next to an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-1 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to An R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-2 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24, or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor	10' minimum; Except: 1. Next to single-family use or an R4, R4-8, or R6-12 district - 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-13, Mr10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with site design standards, Chapter 18.06A.180.

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATION	
SIDE YARD SETBACK	15' minimum.	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	+ 5' for each bldg. floor above 2 stories.	No Minimum; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM- 24 or RMH district = 10' minimum + 5' for each building floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6- 12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM- 24 or RMH district = 10' minimum + 5' for each building floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one side of zero lot.	above 2 stories.	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.0 (C). 3. Residential sideyards can be reduced consistent with 18.04.080(H)(5) 4. Must comply with site design standards, Chapter 18.06A.180.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATION	
MAXIMUM BUILDING	Up to 35',	Up to 35',	Up to 35',	Up to 35', if	Up to 35' if	Up to 35',	Up to 35', if	1. Not to exceed	

HEIGHT	whichever is less.	if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise.	if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.	any portion of the building is within 100' of R4, R4-8, or R6-12 district; Up to 60' otherwise. Provided that one additional story may be built for residential development only.	any portion of the building is within 100' of R4, R4-8, or R6-12 district; Up to 60' otherwise. Provided that one additional story may be built for residential development only.	if any portion of the building is within 100' of R4, R4-8, or R6-12 district; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.	any portion of the building is within 100' of R4, R4-8, or R6-12 district; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential. See 18.06A.251 (4) Significant Building Entry tower exemption (allows an additional 30' for a tower element at Capital Mall).	height limit set State Capitol Group Height District, 18.10.060, for properties near the State Capitc Campus. 2. Must comply with site design standards, Chapter 18.06A.180. 3. HDC-1 and HDC-2 additior story must comply with OMC 18.06.100.A.6.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONA REGULATIO
MAXIMUM BUILDING COVERAGE	45%	70%, except 55% for residential only structures	70%; or 85% if at least 50% of the required parking is under the building.	70% for all structures	70% for all structures	70% for all structures, 85% if at least 50% of the required parking is under the building.	70% for all structures. 85% of the site if at least 50% of the required parking is under the building. On redeveloped sites, 85% if at least 50% of new required parking is under the building or in a	Must comply w site design standards, Chapter 18.06A.180.

							structured parking form.	
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MAXIMUM DEVELOPMENT COVERAGE	60%	85%, except 75% for residential only structures	85%	85% for all structures	85% for all structures	85% for all structures	85% for all structures	Must comply with site design standards, Chapter 18.06A.180.
STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Maximum building size (gross sq. ft.): 3,000 for single use; 6,000 for mixed use.	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100 (D) and Figure 6-3).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100 (D)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100 (D)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100 (D)).	Building Floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100 (D)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100 (D)).	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area see Section 18.06.100(G) Large Scale Retail Uses. EXCEPTION: Section 18.06.1 (G) shall not apply to motor vehicle sales.

LEGEND

NR = Neighborhood Retail
GC = General Commercial

PO/RM = Professional Office/Residential Multifamily

HDC-1=High Density Corridor-1
HDC-2=High Density Corridor-2
HDC-3=High Density Corridor-3
HDC-4=High Density Corridor-4

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MINIMUM LOT AREA	7,200 Sq. Ft.	No minimum.	No minimum.	No minimum.	7,200 Sq. Ft. if bldg. height is 35' or less. 12,500 Sq. Ft. if	No minimum.	

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATION
FRONT YARD SETBACK	10' maximum.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	No minimum.	30' minimum for buildings; 15' for other structures except signs	<p>1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.</p> <p>2. Must comply with clear sight triangle requirements, Section 18.40.06 (C).</p> <p>3. See Design Guidelines, Chapter 18.100.</p>
REAR YARD SETBACK	15' minimum; If next to a residential zone, 15' minimum plus 5' for every story over 3 stories.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories.	15' minimum.	50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.
SIDE YARD SETBACK	10' minimum; 15' minimum plus 5' for every story over 3 stories if next to a residential zone.	No minimum; however, see Chapter 18.100 for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories; AND the sum of the 2 side yards shall be no less than 1/2 the building height.	5' minimum 30' minimum for buildings and 15' minimum for other structures from flanking streets.	<p>1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.</p> <p>2. Must comply with clear sight triangle requirements, Section 18.40.06 (C).</p> <p>3. See Design Guidelines, Chapter 18.100.</p>
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATION

							REGULATION
MAXIMUM BUILDING HEIGHT	75'; except hospitals, which may exceed that height.	See Figure 6-2, Urban Waterfront District Height Limits Exceptions: 1) In the portion of the area Downtown with a height limit of 65', two additional residential stories may be built. See 18.06.100 (A)(2)(b). 2) In the portion of the area on West Bay Drive with a height limit of 42' to 65', the taller height limit is conditioned upon the provision of certain waterfront amenities. See 18.06.100 (A)(2)(c).	Refer to Figure 6-2 and 6-2B for specific height and building configurations required on specific blocks.	75'; PROVIDED, however, that two additional stories may be built, if they are residential. There are also restrictions around Sylvester Park. For details, see 18.06.100 (C)(6) Height, Downtown Business District.	75' Exception: Up to 100' may be allowed with conditional approval by the City Council, upon recommendation of the Hearing Examiner. For details, see 18.06.100(C)(5), Height, Commercial Services-High Density.	40' accessory building limited to 20'.	Not to exceed height limit set by State Capitol Group Height District, 18.10.06 for properties near the State Capitol Campus.
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATION
MAXIMUM BUILDING COVERAGE	50%	60% for properties between the shoreline and the nearest upland street. 100% for	100%	No requirement.	No requirement.	85%	

		properties not between the shoreline and the nearest upland street. See also Chapter 18.100 for design guidelines for pedestrian access and view corridors.					
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATION
MAXIMUM DEVELOPMENT COVERAGE	65%	100% development coverage.	100%	100%	100%	85%	
STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATION
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100 (F)). Residential uses (Section 5 of Table 6.01) may not be constructed within 600 feet of Lilly Road except in upper stories of mixed use building; all other development standards are the same as for commercial uses.	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to Section 12.16.050(D) OMC. See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2) (c) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors. See also Chapter 18.100 for Downtown design	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to OMC Section 12.16.050(D).		Residential uses must comply with High Rise Multi-family (RM-H) development standards.	6' of sight-screening buffer shall be provided along north, east, and west district boundaries. See Olympia Park Replat covenants for access, and other standards applicable to replat lots.	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over 25,000 square feet in gross floor area see Section 18.06.100 (G) Large Scale Retail Uses. EXCEPTION: Section 18.06.100 (G) shall not apply to motor vehicle sales.

	guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section 18.06.100(A)(2)(c) for West Bay Drive building height and view blockage limits; and Chapter 18.100 for West Bay Drive view corridors.				
LEGEND					
MS = Medical Services DB = Downtown Business	CS-H = Commercial Services - High Density	UW = Urban Waterfront UW-H = Urban Waterfront-Housing AS=Auto Services			

(Ord. 6490 §2, 2007).

18.06.100 - Commercial districts' development standards - Specific

A. Height.

1. Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smoke stacks, wireless masts, T.V. antennas, steeples and similar structures may be erected above the height limits prescribed in this Title, provided that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. This height exception does not apply to the additional story provision for residential development described in OMC 18.06.100.A.6. Provided, further, that no roof structure or architectural feature shall be erected more than eighteen (18) feet above the height limit of the district, whether such structure is attached to it or free-standing.

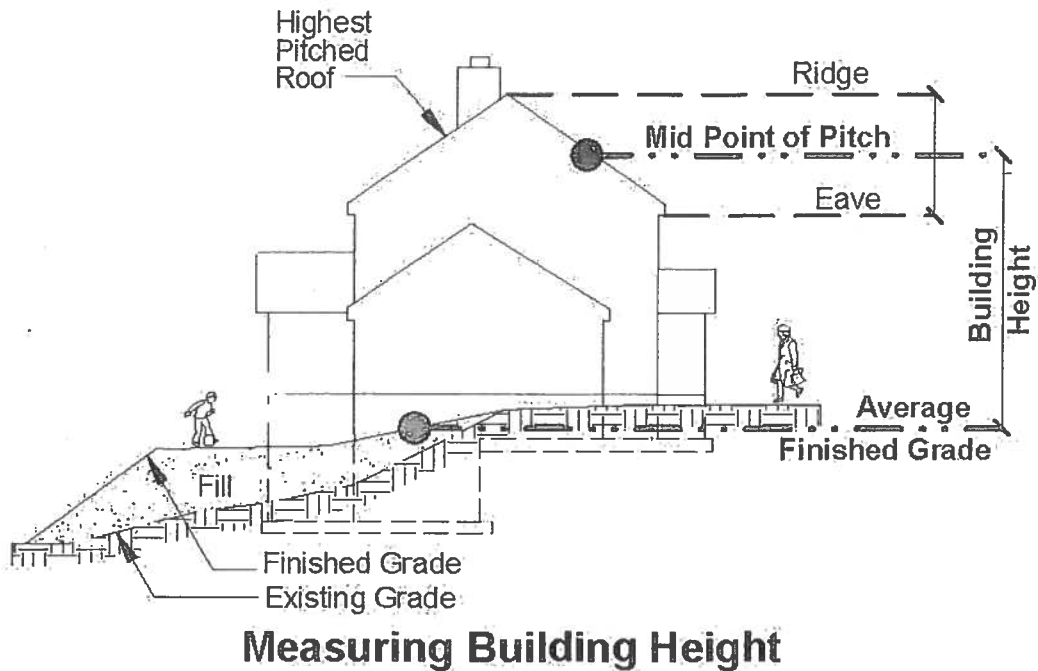


FIGURE 6-1A

2. Urban Waterfront (UW) District.

a. Allowed building heights in the Urban Waterfront (UW) District are specified in Figure 6-2.

b. Bonus for residential development.

i. In the area labeled sixty-five (65) feet on Figure 6-2, up to two additional stories may be built, if the project is located in the downtown, if the added stories are stepped back from the street wall at least eight (8) feet, and if floor area equal to the amount from the added stories is provided for residences:

- (a) In the same building--i.e., it is a residential or a mixed use building; or
- (b) With commercial and residential uses in separate buildings on the same site; or
- (c) With commercial and residential uses on separate sites within the Urban Waterfront (UW) district.

ii. **Occupancy.** Housing provided under this bonus provision as part of a mixed use project must receive an occupancy permit at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.

iii. **Conversion.** Housing provided under this bonus provision shall not be converted

to commercial use.

iv. **Source of housing units.** Housing provided under this bonus provision may be:

- (a) New construction,
- (b) Adaptive reuse of a formerly non-residential structure, or
- (c) Rehabilitation of existing housing.

c. West Bay Drive building height and view blockage limits.

i. In order to retain public and private view access to Budd Inlet from hillside sites above West Bay Drive, the maximum building height in the West Bay Drive portion of the Urban Waterfront (UW) District labeled " 42'-65' " on Figure 6-2 shall be up to a maximum of 42 feet, except as provided in subsections (iii) and (iv) below.

ii. In order to retain public view access of Budd Inlet from street level in the West Bay Drive portion of the Urban Waterfront (UW) District labeled " 42'-65' " on Figure 6-2, view blockage shall be limited as follows:

(a) Views of the water will be defined as area without obstruction by buildings or major structures measured between 45 and 90 degrees to West Bay Drive, as illustrated in Figure 6-2A.

(b) Said view blockage shall be limited to 45 percent of the views of the water from West Bay Drive by buildings or major structures located between West Bay Drive and the mean high water line.

(c) Exceptions are provided in subsections (iii) and (iv) below.

iii. Development shall be subject to the alternate standards for building height and view blockage, if alternate waterfront view access is provided through public amenities as follows:

Amenity Provided	Limits on Horizontal View Blockage and Height
Waterfront Trail	70% up to 42 ft., OR 45% up to 65 ft.
Expanded Waterfront Trail Corridor Facility (or small waterfront park area).	50% up to 42 ft., OR 45% up to 50 ft.
Both	70% up to 65 ft.
Any development over 42 feet shall be required to include a minimum of 20% of the usable building area for residential purposes.	

iv. Criteria for approval of alternate waterfront view access.

(a) **Waterfront Trail.**

(1) Trail right-of-way consistent with City trail standards shall be dedicated to the City.

(2) The trail shall be designed consistent with City standards and requirements, or as otherwise approved by the Olympia Parks, Arts and Recreation Department. Because the trail passes by different land uses, it may take a different character in different locations, for reasons of safety, privacy, or environmental protection.

(3) The developer shall design, build, and dedicate the facility to the City.

(4) An analysis of recreation needs shall be provided by the Olympia Parks, Arts and Recreation Department. An analysis of environmental impacts, hazardous waste risks, and engineering issues sufficient to determine the design and location for the trail facility shall be approved by the Olympia Parks, Arts and Recreation Department but provided by the developer. All analysis shall be complete prior to approval.

(b) Expanded Waterfront Trail Corridor Facility or Small Waterfront Park.

(1) The developer shall build and dedicate the facility and its site to the City.

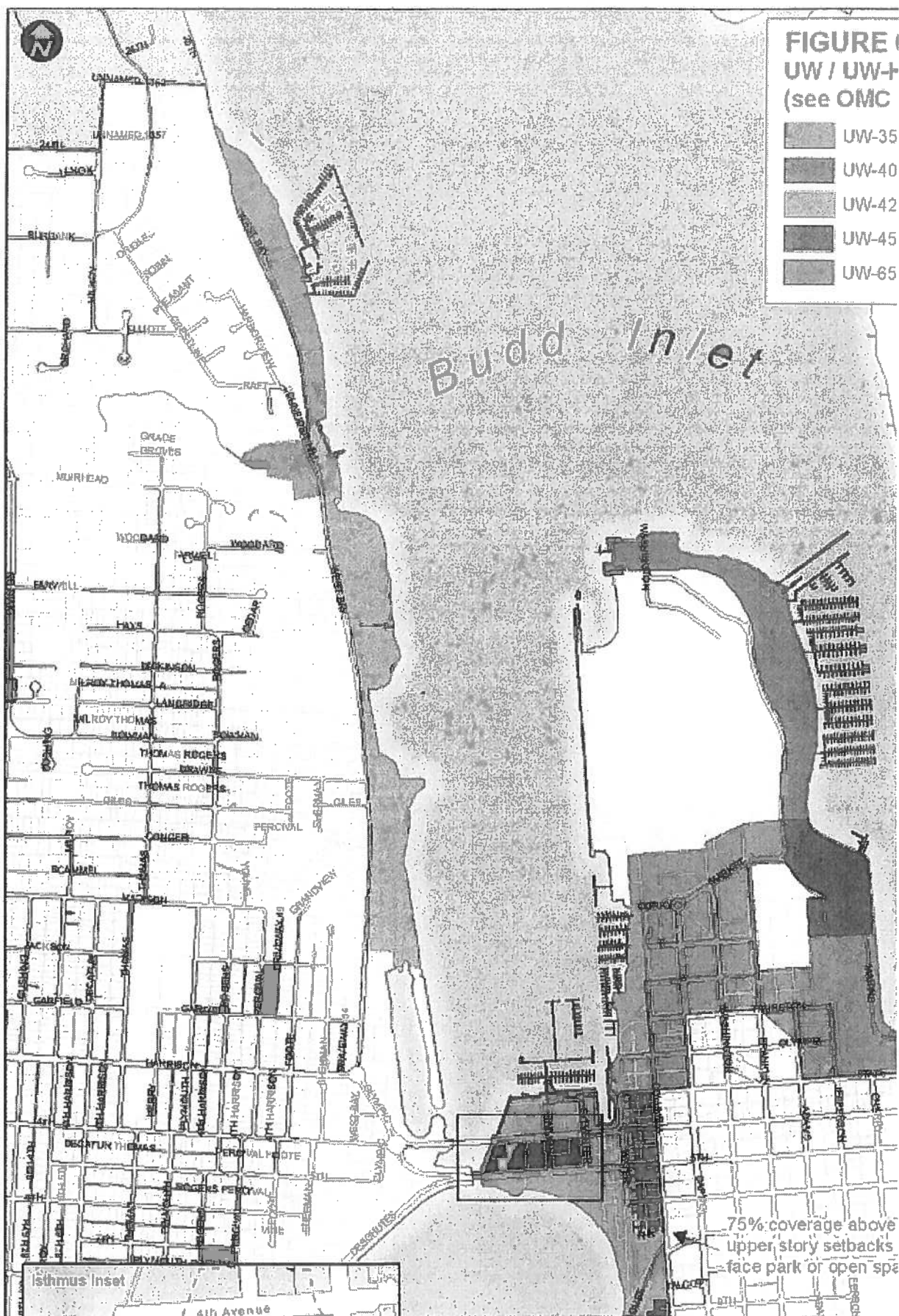
(2) The expanded waterfront trail corridor facility or small park area shall be designed consistent with City and other applicable government standards and requirements, or as otherwise approved by the Olympia Parks, Arts and Recreation Department. The expanded waterfront trail corridor facility or small park may vary in size from City park standards and could include additional right-of-way for the expanded trail, landscaping, habitat enhancement, benches, lighting, parking, restrooms, garbage receptacles, telephones, interpretive signs and other park facilities.

(3) An analysis of environmental impacts, hazardous waste risks, trail improvements, and engineering issues sufficient to design the expanded waterfront trail corridor facility or small park area shall be approved by Olympia Parks, Arts and Recreation Department but provided by the developer. All analysis shall be complete prior to approval.

(4) The expanded waterfront trail corridor facility or small park shall have a publicly accessible connection to West Bay Drive, designed, constructed, and dedicated for public use by the developer.

v. The view blockage rules shall be applied on a project-wide basis and not for each lot or parcel in a project, thus allowing projects providing more views on some lots to have more view blockage on other lots as long as the overall project meets the view blockage requirements.

Figure 6-2 Urban Waterfront and Urban Waterfront Height Limits



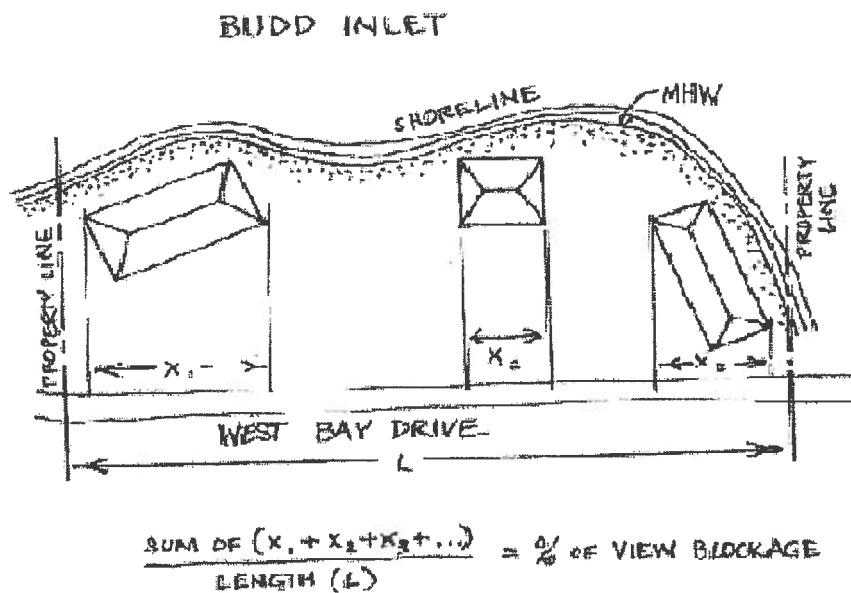


FIGURE 6-2A

Calculating View Blockage in a portion of the Urban Waterfront District along West Bay Drive.

3. Commercial Services-High Density. The maximum building height allowed is one hundred (100) feet. Provided, however, that no building or structure may exceed seventy-five (75) feet in height without conditional review and approval by the Hearing Examiner. Approval of structures exceeding seventy-five (75) feet in height shall meet the following criteria:

- a. The building design shall be compatible with or enhance the physical characteristics of the site, the appearance of buildings adjacent to the site and the character of the district.
- b. The site plan shall facilitate efficient and convenient circulation, shall include landscaping that creates a pleasing appearance from both within and off the site and shall be an asset to the community at large.
- c. Enhancement of public view access or direct public access to usable open space areas shall offset any potential upland view loss which may occur as a result of the proposal.

4. Downtown Business District.

- a. Building height allowed outright in the DB zone is seventy-five (75) feet.
- b. Bonus for residential development.
- c. Enhancement of public view access or direct public access to usable open space areas shall offset any potential upland view loss which may occur as a result of the proposal.
 - i. Buildings may exceed the height allowed outright (75 feet) by up to two (2) stories, if the added stories are stepped back from the street wall at least eight (8) feet, and if floor area equal to the amount from the added stories is provided for residences:
 - (a) In the same building--i.e., it is a residential or a mixed use building; or

(b) With commercial and residential uses in separate buildings on the same site;
or

(c) With commercial and residential uses on separate sites within the
Downtown Business (DB) zone.

ii. **Occupancy.** Housing provided under this bonus provision as part of a mixed use project must receive an occupancy permit at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.

iii. **Conversion.** Housing provided under this bonus provision shall not be converted to commercial use.

iv. **Source of housing units.** Housing provided under this bonus provision may be:

(a) New construction,

(b) Adaptive reuse of a formerly non-residential structure, or

(c) Rehabilitation of existing housing.

5. **Urban Waterfront - Housing.**

a. Allowed building heights in the Urban Waterfront-Housing District are specified in Figure 6-2.

b. Required step backs and placement of step backs over 35 feet on specific blocks are specified in Figure 6-2.

c. Notwithstanding the above, where shown in Figure 6-2, buildings are permitted to be 42 feet in height in the Urban Waterfront-Housing District.

d. Height bonus.

i. In the area designated on Figure 6-2 as having a potential height bonus up to 65 feet, buildings may be constructed up to 65 feet, if after review of the criteria set forth below, the Hearing Examiner finds and concludes that the project will adequately mitigate impacts to public views of the Capitol Dome, Capitol Lake, Budd Inlet and the Olympic Mountains resulting from a grant of the requested height bonus. For projects built within the jurisdictional shoreline, mitigation of view impacts shall address the public views set forth above and any other views protected by the SMA and the City's SMP. The measures set forth below are designed to provide adequate mitigation of a project's view impacts, and a request for a height bonus shall provide mitigation through the following:

(a) Use of building design and materials to reduce impacts to public views, such as creating setbacks of at least eight feet on each building face above 42 feet in height or creating equivalent view corridors as a part of the building structure above 42 feet in height, and any two or more of the following;

(b) Provision of a public viewing platform of at least 400 square feet in size that provides views of the shoreline;

- (c) Provision of at least one clearly-marked parking stall per 10,000 square feet of gross building floor area for use by members of the public for accessing the shoreline, at no cost to the City;
- (d) Provision toward the development or enhancement of Fountain Park or Percival Landing or the dedication and construction of a public park or plaza on the project site, or a site within one mile of the project site, that enhances the public's access to the shoreline, constructed at no cost to the City; or
- (e) Dedication of a pedestrian and bicycle right-of-way to the City of Olympia and the construction of a pedestrian and bicycle trail and shared use path that meets City standards between 4th and 5th Avenues to Heritage Park within or along the applicant's parcel or along the shoreline within the UW-H zone located on the isthmus.

ii. In the area designated on Figure 6-2 as having a potential height bonus up to 90 feet, buildings may be constructed up to 90 feet, if after review of the criteria set forth below, the Hearing Examiner finds and concludes that the project will adequately mitigate impacts to public views of the Capitol Dome, Capitol Lake, Budd Inlet and the Olympic Mountains resulting from a grant of the requested height bonus. For projects built within the jurisdictional shoreline, mitigation of view impacts shall address the public views set forth above and any other views protected by the SMA and the City's SMP. The measures set forth below are designed to provide adequate mitigation of a project's view impacts, and a request for a height bonus shall provide mitigation through all of the following:

- (a) Use of building design and materials to reduce impacts to public views, such as creating stepbacks of at least eight feet on each building face above 42 feet in height or creating equivalent view corridors as a part of the building structure above 42 feet in height;
- (b) Provision of a public viewing platform or platforms of at least a total of 800 square feet in size that provides views of the shoreline;
- (c) Provision of at least one clearly-marked parking stall per 10,000 square feet of gross building floor area for use by members of the public for accessing the shoreline, at no cost to the City;
- (d) Provision toward the development or enhancement of Fountain Park or Percival Landing or the dedication and construction of a public park or plaza on the project site, or a site within one mile of the project site, that enhances the public's access to the shoreline, constructed at no cost to the City; and
- (e) Dedication of a pedestrian and bicycle right-of-way to the City of Olympia and the construction of a pedestrian and bicycle trail and shared use path that meets City standards between 4th and 5th Avenues to Heritage Park within or along the applicant's parcel or along the shoreline within the UW-H zone located on the isthmus.

6. High Density Corridor (HDC – 1 and HDC – 2).

- a. Building height allowed outright in the HDC-1 and HDC-2 zones as outlined in OMC 18.06.080, Table 6.02.
- b. Additional story for residential development.
 - i. Additional story can only be allowed for those development that do not provide a mechanical “penthouse” room as allowed under the provisions of OMC 18.06.100.A. However, the additional story can be occupied with both residential development and mechanical equipment.
 - ii. Buildings may exceed the height allowed outright in OMC 18.06.080, Table 6.02, by one (1) story. The additional story cannot exceed fourteen (14) feet above the maximum allowable height requirement as specified in OMC 18.06.080, Table 6.02.
 - iii. The additional story must be stepped back at least eight (8) feet from any abutting street or any abutting residential zoning district. See OMC 18.06.100.B.2.
 - iv. Housing provided under this additional story as part of a mixed use project must receive an occupancy permit at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.
 - v. Housing provided under this additional story provision shall not be converted to commercial use. Except that the residential units may conduct business activities under the provision for home occupations. See OMC 18.04.060.I
 - vi. Housing provided under this bonus provision may be:
 - (a) New construction;
 - (b) Adaptive reuse of a formerly non-residential structure, or
 - (c) Rehabilitation of existing housing.

B. Upper Story StepBacks.

1. High Density Corridor-1 (HDC-1), Community Retail (CMR), High Density Corridor-2 (HDC-2), General Commercial (GC), High Density Corridor-4 (HDC-4), Medical Services (MS), and Professional Office/Residential Multifamily (PO/RM) District Requirements:

Building floors above three (3) stories which abut a street or residential district must be stepped back a minimum of eight (8) feet (see Figure 6-3).

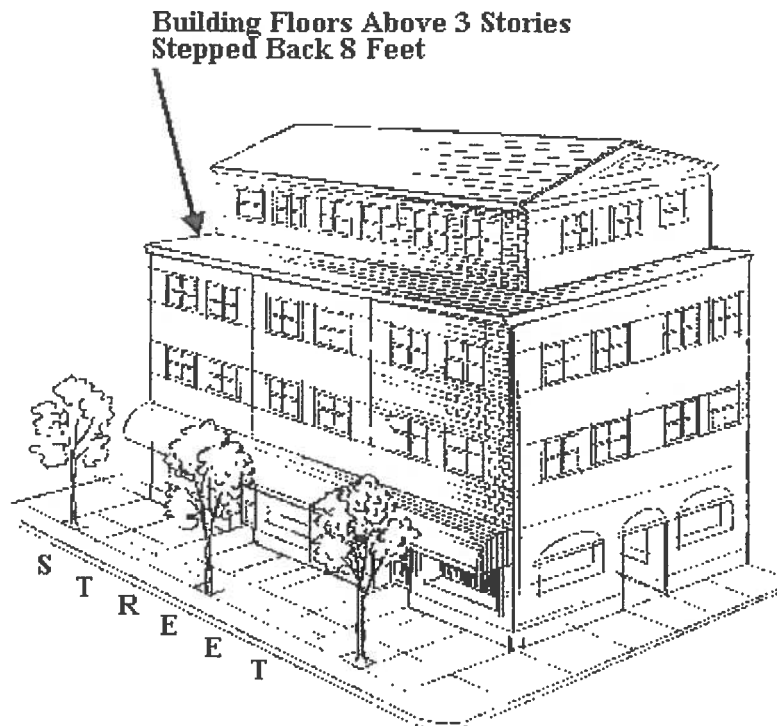
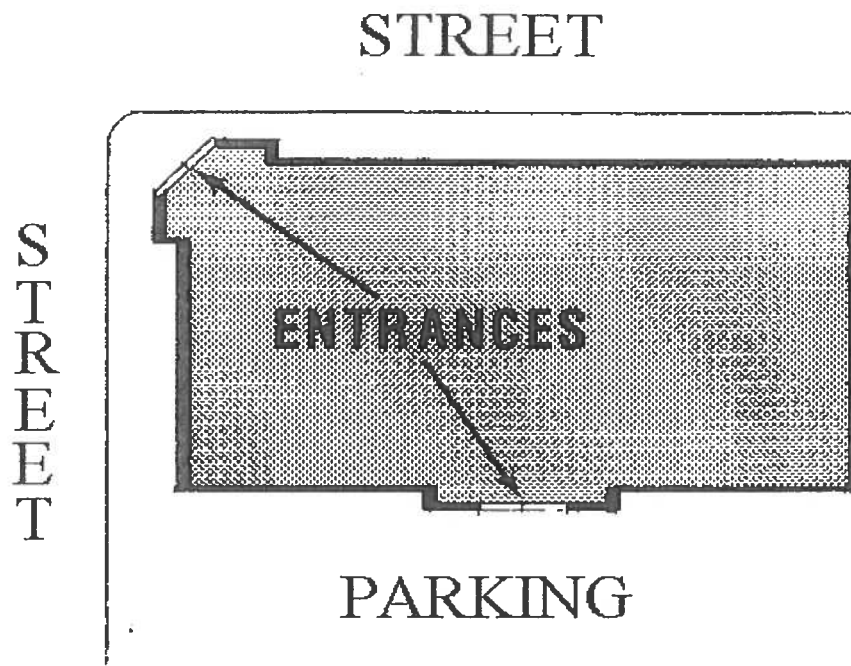


FIGURE 6-3

2. Additional Story Provision for HDC-1 and HDC-2. Projects within the HDC-1 and HDC-2 zoning districts which use the additional story provisions for residential development as outlined in OMC 18.06.100.A.6, must step the additional story back by a minimum of eight (8) feet. The step back is required for the additional story which abuts a street or residential district.

C. Large Scale Retail Uses. Retail uses over twenty-five thousand (25,000) square feet in gross floor area under common ownership or use shall meet the design requirements of this section. For purposes of this section, a retail use under common ownership or use shall mean a single establishment which shares checkstands, management, a controlling ownership interest, or storage areas, e.g., a plant nursery or a grocery store associated with a general merchandise store, such as a home improvement store.

1. Customer entrances. Customer entrances shall be provided on each facade that faces an abutting street, customer parking, or a public park or plaza, up to a maximum requirement of three customer entrances per business occupancy. If there are two or more facades facing abutting streets, at least two such facades must provide a customer entrance. An entrance on a corner of the building may count as serving two facades. Such entrances shall provide both ingress and egress, and shall be double doors, not just single units. See Figure 6-4.

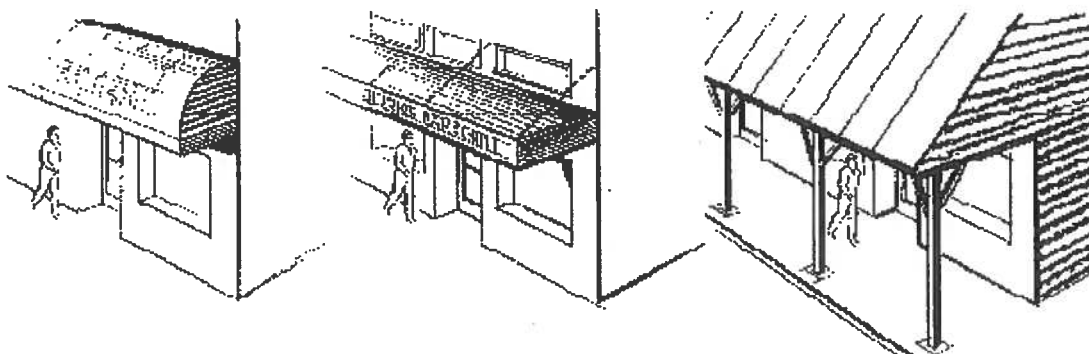


Customer Entrances must be provided on facades facing abutting streets and parking. Example shows corner entrance serving two street facades, plus entrance serving parking.

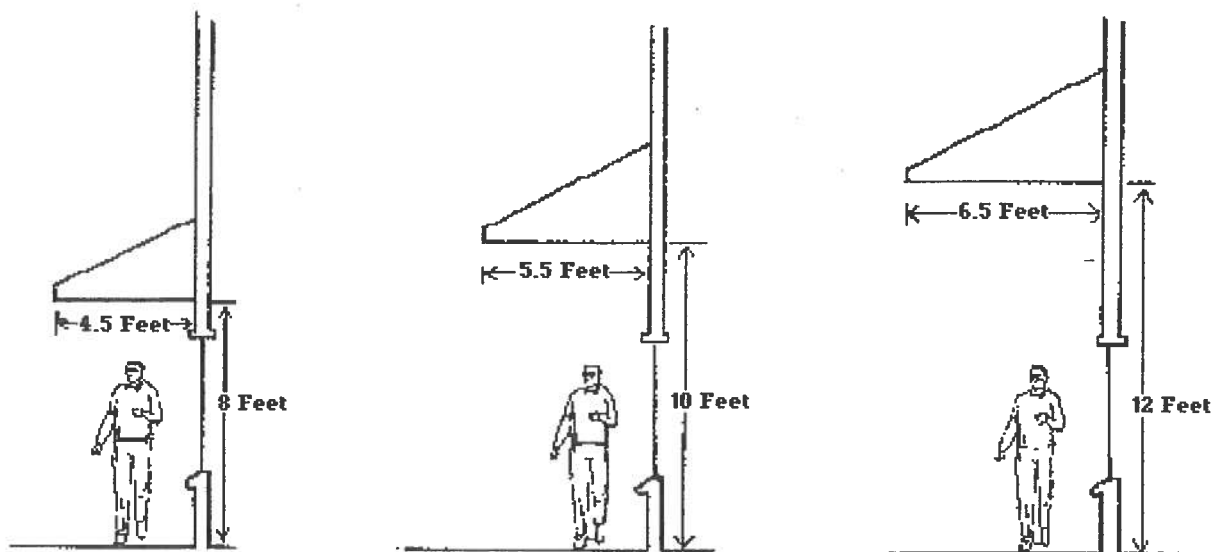
FIGURE 6-4

2. **Rain protection.** Awnings, canopies, marquees, arcades, building overhangs or similar forms of pedestrian weather protection, at least four and one half (4½) feet wide, shall be provided over a pedestrian walkway along at least eighty (80) percent of any facade with a customer entrance. See Figure 6-5. Such weather protection shall be placed no less than eight (8) feet above the walkway. If placed more than eight (8) feet above the walkway, such weather protection shall be at least an additional six (6) inches in width for each additional foot of height, or portion thereof. See Figure 6-6.

Development in the HDC-4 Capital Mall Area shall use design standards established for this area instead of the above rain protection regulation. See 18.06A.280 Building Design - B.4 Building elements.



Rain Protection (L to R): Awning, Marquee, Arcade
FIGURE 6-5



Width of Rain Protection is determined by height above walkway.

FIGURE 6-6

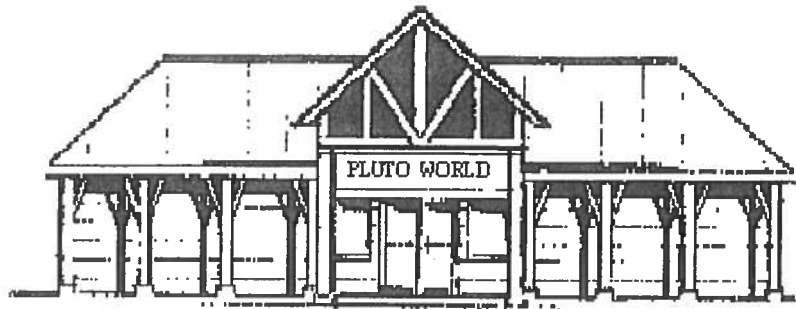
3. Wall articulation. Facades greater than fifty (50) feet in length shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending in the aggregate at least twenty percent (20%) of the length of the facade. No uninterrupted length of any such facade shall exceed fifty (50) horizontal feet. **EXCEPTION:** This requirement shall not apply to walls which:

- a. have no customer entrance; and
- b. are only visible from service areas, and not from nearby residences or from the customer parking lot or an abutting street.

Development in the HDC-4 Capital Mall Area shall use design standards established for this area instead of the above wall articulation regulation. See 18.06A.280 through 18.06A.284, Building Design.

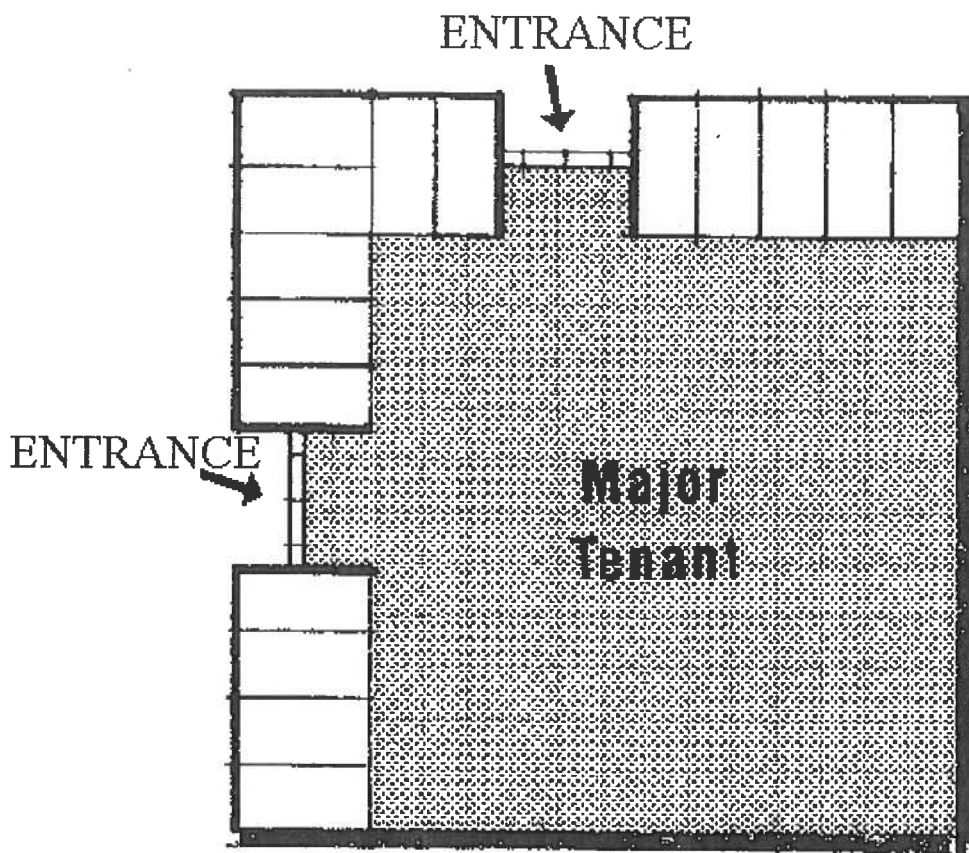
4. Frontage limit. The frontage per business occupancy shall be limited to one hundred (100) feet along any facade facing an abutting street, unless sixty percent (60%) or more of the facade between two (2) and eight (8) feet above the sidewalk is in transparent glazing; i.e., transparent windows, display windows, or transparent store doors (staff note: this would allow a major tenant to have lots of its own display windows, or to lease peripheral space to lots of small tenants, or to look like it was doing so, or to build added stories to get added floor area). See Figures 6-7 through 6-12. **EXCEPTION:** This requirement shall not apply to that portion of a facade where the average grade level of the sidewalk of the abutting street is 4 feet or more above or below the adjacent floor level of the building. See Figure 6-13.

Development in the HDC-4 Capital Mall Area shall use design standards established for this area instead of the above frontage limit. See 18.06A.280 through 18.06A.284, Building Design.



Example of building with 100' frontage, hence exempt from transparent glazing requirement.

FIGURE 6-7



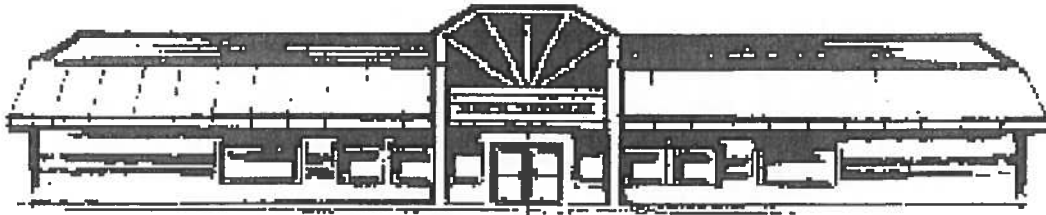
Frontage limited by placing small shops on periphery of building, plan view.

FIGURE 6-8



Small shops on periphery of building, elevation view.

FIGURE 6-9



150 foot frontage with 60% of facade between 2' and 8' in transparent glazing.

FIGURE 6-10



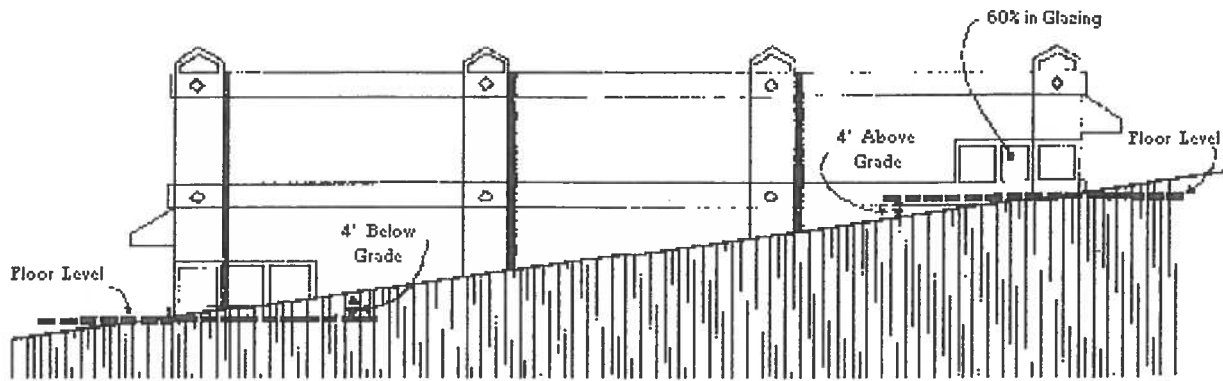
25,000 square foot 1-story building with 150 feet of frontage

FIGURE 6-11



50,000 square foot building on 2 stories with 150 feet of frontage

FIGURE 6-12



Transparency requirement does not apply to the portion of a facade with a floor level over 4' above or below grade.

FIGURE 6-13

5. Very Large Scale Retail Facilities. Retail uses under common ownership or use, which exceed size thresholds set forth in subsection (a) below for the zone in which the retail uses are proposed, shall meet the additional development and design requirements specified in subsections (a)(ii)-(iv). Those which exceed size thresholds set forth in subsection (b) below for the zone in which the retail uses are proposed shall be subject to the requirements for Conditional Use approval provided in subsection (b)(ii).

a. Added development and design requirements for Very Large Scale Retail Facilities

i. Thresholds for requirements

District	Size (gross floor area)
GC	60,000 sq. ft.
HDC-2	40,000 sq. ft.
HDC-3	50,000 sq. ft.
HDC-4, except Capital Mall Area	60,000 sq. ft.
UW	40,000 sq. ft.
UW-H	25,000 sq. ft.
DB	25,000 sq. ft.
UC	50,000 sq. ft.

ii. Adaptability for Reuse/Compartmentalization. The building design shall include specific elements that facilitate the structure's adaptation for multi-tenant reuse. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation and air conditioning. The building design shall also allow for all of the following:

- (1) Subdivision of the interior of structure into separate tenancies. The design for interior subdivision shall accommodate multiple potential tenancies, each no larger than fifty percent (50%) of the size threshold for the district defined in subsection (i) above. Example A: An applicant designs a 120,000 sq. ft. Very Large Scale Retail Use in the GC district to accommodate reuse by four potential tenancies of 30,000 sq.

ft. each. Example B: An applicant designs the same building to accommodate two potential tenancies of 30,000 sq. ft., and four potential tenancies of 15,000 sq. ft.

(2) Facades that readily adapt to multiple entrances without compromising the structural integrity of the building, and adapt to entrances on at least two sides of the building; or, if the building is designed to have only one front façade, all potential tenancies shall be designed for access from the front façade.

(3) Parking lot designs that are shared by establishments or are linked by safe and functional pedestrian connections.

(4) Landscaping schemes that complement the multiple entrance design.

(5) Design and placement of loading docks/loading bays to accommodate multiple potential tenancies.

(6) Other elements of design which facilitate the multi-tenant reuse of the building and site.

iii. Parking Design.

(1) Parking lots with over one acre in paving shall be designed for on-site infiltration of the stormwater generated on site. This may be accommodated by underground infiltration vaults, porous paving, or other techniques permitted by the City of Olympia Stormwater Drainage Manual, and subject to the approval of the Department of Public Works.

(2) Bicycle parking shall meet all requirements of the City's bicycle parking regulations, in particular Sections 18.38.100 Vehicular and Bicycle Parking Standards, and 18.38.220 Design Standards – General.

iv. Site Design.

(1) The site design shall include a plan for pedestrian circulation with logical connections between buildings, between buildings and adjacent streets, and from buildings to parking areas. (See also Sections 18.110.030, 18.120.110, and 18.150.030.)

(2) Pedestrian walkways within the development shall be differentiated from driving surfaces through a change in materials, and shall be designed to accommodate persons with disabilities, such as wheelchair users.

b. Conditional Use Approval

i. Thresholds for Conditional Use Approval

District	Size (gross floor area)
GC	125,000 sq. ft.
HDC-2	60,000 sq. ft.
HDC-3	75,000 sq. ft.
HDC-4, except Capital Mall Area	125,000 sq. ft.

UW	60,000 sq. ft.
UW-H	40,000 sq. ft.
DB	40,000 sq. ft.
UC	100,000 sq. ft.

ii. Conditions for Approval. The following requirements apply to all Very Large Scale Retail Facilities subject to conditional use approval.

(1) The Hearing Examiner shall determine that the proposed facilities meet the development and design requirements of subsection (a) above, and all other requirements of this Title.

(2) The Hearing Examiner shall determine that the proposed facilities will not be detrimental to the health, safety, or welfare of the general public, nor injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(a) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

(b) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

(c) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor; and

(d) The treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

(e) The impact upon public facilities or public services.

6. Additional Regulations. Refer to the following Chapters for additional related regulations:

- a. Chapter 18.36, Landscaping and Screening
- b. Chapter 18.38, Parking and Loading
- c. Chapter 18.48, Conditional Uses
- d. Chapter 18.100, Design Review
- e. Chapter 18.110, Basic Commercial Design
- f. Chapter 18.120, Commercial Design Criteria Downtown
- g. Chapter 18.130, Commercial Design Criteria High Density Corridor (HDC)

h. Chapter 18.150, Port Peninsula

(Ord. 6646 §1, 2009; Ord. 6595 §1, 2008; Ord. 6517 §45, 2007; Ord. 6490 §1, 2007; Ord. 6417 §1, 2006; 6408 §20, 2006; Ord. 6276 §6, 2003; Ord. 6195 §18, 2002; Ord. 6140 §29, 2001; Ord. 6073 §15, 2000; Ord. 5830 §11, 1998; Ord. 5661 §2, 1996; Ord. 5569 §3, 1995; Ord. 5517 §1, 1995).

18.06.120 - Additional regulations

Refer to the following Chapters for additional related regulations.

- Chapter 18.06A Design Guidelines
- Chapter 18.36 Landscaping and Screening
- Chapter 18.38 Parking and Loading
- Chapter 18.40 Property Development and Protection Standards
- Chapter 18.42 Signs
- Article III Overlay Districts

(Ord. 5517 §1, 1995).

18.36

18.36.000 - Chapter Contents

Chapter 18.36 **LANDSCAPING AND SCREENING**

Sections:

- 18.36.020 Purpose.
- 18.36.040 Applicability.
- 18.36.060 General requirements.
- 18.36.080 Landscape and tree plan requirements.
- 18.36.100 Alternative landscape plans.
- 18.36.120 Conflicting requirements.
- 18.36.140 Residential landscape requirements.
- 18.36.160 Commercial landscape requirements.
- 18.36.180 Parking lot landscape and screening.
- 18.36.190 Landscape Requirements for Antennas and Wireless Communications Facilities.
- 18.36.200 Performance assurance.
- 18.36.220 Maintenance.
- 18.36.240 Preferred plantings.

(Ord. 6395 §15, 2006).

18.36.020 - Purpose

The purpose of this chapter is to establish standards for landscaping and screening; to maintain or replace existing vegetation, provide physical and visual buffers between differing land uses, lessen and improve environmental and aesthetic impacts of development and to enhance the overall appearance of the City. Notwithstanding any other provision of this chapter, trees and shrubs planted pursuant to the provisions of this chapter shall be of types and ultimate sizes at maturity that will not impair the scenic vistas protected within Chapter 18.50.100, Design Review, nor interfere with power lines, underground utilities or impervious surface.

(Ord. 5517 §1, 1995).

18.36.040 - Applicability

This chapter shall apply to all development applications in the city, with the exception of individual single-family residential lots and development containing four (4) or less attached dwelling units. All changes in the use of a property or remodel of a structure that requires improvements equal to or greater than fifty (50) percent of the assessed property valuation shall comply with the requirements of this Chapter. See Residential Design Guidelines, Section 18.04A.150, and Individual Commercial Landscape Design District Requirements.

(Ord. 5517 §1, 1995).

18.36.060 - General requirements

A. Existing Trees and Associated Vegetation.

1. The applicant will be required to retain existing trees and associated vegetation pursuant to the City's Tree Protection and Replacement Ordinance, OMC 16.60. This may require site design modifications including, but not limited to: relocating buildings and other site improvements, additional perimeter setback, changes in the size and locations of parking lot islands, etc.
2. Where existing trees and associated vegetation serve the same or similar function to the required landscaping, they shall have priority over and may substitute for the required landscaping, provided the following conditions are met:
 - a. The trees must be healthy and not constitute a hazard as determined by a qualified professional forester. Pursuant to OMC 16.60. Trees must be appropriate for the site at mature size.
 - b. A tree protection and replacement plan must be developed, by a qualified professional forester. Pursuant to OMC 16.60.
 - c. The tree protection and replacement plan must be approved by the City of Olympia's Urban Forester.
 - d. Supplemental landscaping is provided within or adjacent to these areas, as necessary, to accomplish the specific intent and purpose of this chapter.
3. All portions of the site not proposed for building, other site improvements and required landscaping, shall be retained in a predeveloped, uncompacted, forested and vegetative condition. The approval authority may require clearing and supplemental landscaping in these areas. (See 18.04A.070 and 18.06A.090, Landscape Design).

B. Coverage. All planting areas shall have plant materials that provide seventy-five (75) percent coverage within three years.

C. Irrigation.

1. Areas planted with grass or sod shall have a permanent irrigation system. If used elsewhere, irrigation shall be appropriate to the maintenance of plants. See Groundcover/Turf below.
2. All irrigation systems shall be equipped with a controller capable of dual or multiple programming. Controllers must have multiple start capability and flexible calendar programming. They must also allow for at least seven day timing cycles. Timers should be set to reduce evaporation (e.g., water during evening hours after sundown).
3. Irrigation systems shall be designed and operated to minimize runoff and overspray to non-irrigated areas.
4. The water schedule for each circuit identified on the approved landscape plan must be posted inside the corresponding controller.

D. Groundcover/Turf.

1. Ground cover shall be planted and spaced in a triangular pattern which will result in complete coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may be included in total ground cover calculations.
2. Grass species shall be appropriate for the location, use, and size of lawn area. (See Suitability below.)

E. Suitability.

1. The vegetation selected for the landscape plan shall be suited to the climate, location, and physical conditions of the site so it can be reasonably expected to survive. Trees shall be selected and located to minimize the potential for interfering with or damaging power lines, underground utilities, or impervious surfaces. Trees shall be selected for their compatibility with the site design at their mature size. Trees shall be selected and located to minimize potential damage to structures and injuries to people.
2. All developments are encouraged to use native and drought-tolerant plant materials where conditions and location support their survival, and to reduce the amount of sod and lawn areas which are highly dependent on labor, water and chemicals. A list of native and drought tolerant plant materials is available from the Department.
3. In order to reduce water use and improve survivability, design principles using xeriscape techniques are encouraged. In meeting water conservation goals, plantings that are not drought tolerant should be grouped together and separated from drought tolerant plantings. If installed, separate irrigation systems should be provided as necessary for each group. (See 18.36.060(3), Irrigation, for sprinkler requirements).

F. Mulch/Soil.

1. To reduce erosion, minimize evaporation, provide for weed control and to enhance the growing conditions, all areas to be planted should be mulched approximately four (4) inches deep with composted or other approved organic material. If uncomposted mulch is used, it should be amended with a sufficient amount of fertilizer to compensate for typical nitrogen deficiencies caused by the uncomposted mulch.
2. Existing soil types shall be identified on landscape plans. Soils that are found to be inadequate to provide for the long-term health of proposed landscaping shall be amended up to twenty-four (24) inches deep with soil amendments such as bio-solids or other material as deemed necessary by the approval authority.

G. Trees.

1. **Deciduous Trees.** Size - Shall have a caliper of at least two (2) inches, measured six (6) inches above the ground line. Quality - Shall be State Department of Agriculture Nursery Grade No. 1 or

better.

2. **Conifer Trees.** Size - Shall be a minimum of six (6) feet in height, measured from ground line. Quality - Shall be State Department of Agriculture Nursery Grade No. 1 or better.

3. **Street Trees.** Street trees will be required as part of frontage improvements pursuant to City of Olympia Development Standards and subject to any applicable street tree plan adopted by the city. In the absence of an approved street tree plan the species and spacing of required trees will be determined by the City of Olympia's Urban Forester, or designee, consistent with the provisions of this Chapter.

H. Clear Sight Triangle. Fences and landscape plants at maturity shall not exceed two and a half (2.5) feet in height within a clear sight triangle for traffic safety as measured from the street centerline. (See 18.40.060(C) for triangle dimensions.)

I. Screening - Trash and Open Storage.

1. In all commercial and multifamily zone districts, mechanical equipment and waste receptacles which are visible from adjoining streets or parking areas shall be screened from public view by a Type I Solid Screen. This does not include pedestrian oriented waste receptacles along walkways.
2. All outside storage areas shall be fully screened by a Type I Solid Screen a minimum of five (5) feet in width, unless the Department finds such storage material is not visually obtrusive.

J. Stormwater Pond and Swales.

1. Stormwater drainage ponds and swales shall be located where they will not unreasonably impede pedestrian access to or between buildings. They shall be attractively landscaped and integrated into the site design.
2. Existing water bodies and wetlands should be incorporated into the site design as an amenity.

K. Pedestrian Facilities. Pedestrian facilities, transit stops, and barrier free access may be allowed in required landscape areas without requiring additional buffer area, provided the intent of this Chapter is met and that the function and safety of the pedestrian facility, transit stop or barrier free facility is not compromised. (See Sections 18.06A.180, 18.06A.190 and 18.06A.200, Pedestrian Design Guidelines.)

L. Types of Perimeter Landscape.

1. **Solid Screen (Type I).** Purpose: This type of landscaping is intended to provide a solid sight barrier between totally separate and incompatible land uses such as residential and industrial areas. It is also used around outdoor storage yards, service yards, trash receptacles, mechanical and electrical equipment, etc.

Materials: Landscaping shall consist of evergreen trees, tall shrubs and ground cover which will provide one hundred percent sight-obscuring screen; OR a combination of seventy-five (75) percent evergreen and twenty-five (25) percent deciduous trees with large shrubs and ground cover backed by a one hundred (100) percent sight-obscuring fence. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

2. **Visual Screen (Type II).** Purpose: This type of landscaping is intended to create a visual separation that may be less than one hundred (100) percent sight-obscuring between incompatible land use zones. This is typically found between commercial and industrial zones; high density multifamily and single family zones; commercial/office and residential zones; and to screen industrial uses from the street.

Materials: Landscaping shall consist of evergreen OR a combination of approximately sixty (60) percent evergreen and forty (40) percent deciduous trees, interspersed with large shrubs and ground cover. A sight-obscuring fence may be required if as determined by the Design Review Board or Administrator it is necessary to reduce site specific adverse impacts to adjacent land uses. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section (See Section 18.04A.050, Multifamily Design Guidelines, Fences and Walls).

3. **Visual Buffer (Type III).** Purpose: This type of landscaping is intended to provide partial visual separation of uses from streets and main arterials and between compatible uses in order to soften the appearance of parking areas and building elevations. Landscaping shall consist of no more than fifty (50) percent deciduous species.

Materials: Landscaping shall be a mixture of evergreen and deciduous trees interspersed with large shrubs and ground cover. Tree, shrub, and groundcover spacing shall be appropriate for the species type and consistent with the intent of this section.

(Ord. 6273 §21, 2003; Ord. 5517 §1, 1995).

18.36.080 - Landscape and tree plan requirements

A plan of proposed landscaping and screening shall be included with plans submitted for site plan review or Hearing Examiner review. The plans shall be drawn to scale and contain the following information:

A. Tree Plan:

Tree Protection and Replacement Only. Tree protection and replacement only, not to include street trees.

1. The following is a summary of OMC 16.60 describing when a tree protection and replacement plan is required.

- a. Any construction and expansion of a building excluding interior remodel; or
- b. Any engineering permit necessary to develop property; or
- c. Any subdivision of property; or
- d. For those activities not covered above and requiring a city permit, any development which alters the predeveloped or developed condition of a property.

2. **Tree Plan Requirements.** Tree Plan must be developed by a qualified professional forester as defined in the tree protection and replacement ordinance. Specific Plan requirements are outlined in the Tree Protection and Replacement Ordinance (OMC 16.60).

- a. Tree inventory. General description of existing vegetation including:
 - i. Species, sizes and locations of existing trees and other vegetation;
 - ii. Soils description and health of existing trees;
 - iii. Landmark/Specimen trees;
 - iv. Off-site trees adversely affected by proposal.
- b. Tree protection plan (included on the grading plan):
 - i. Locations of trees to be preserved;
 - ii. Description, and detail of how trees will be preserved;
 - iii. Limits of clearing and grading around protected trees;
 - iv. Timeline for clearing, grading and installation of tree protection measures.
- c. Landscaping plan. The landscape plan as required by this Chapter shall be included as one of the required sections of the tree protection and replacement plan.
- d. Street tree plan. The street tree plan for street trees required as part of frontage improvements, shall be included as one of the required sections of the tree protection and replacement plan. It should be drawn to scale on the site plan and should include the following information:
 - i. Location, size, and species of trees to be planted;
 - ii. Description and detail showing site preparation, installation and maintenance measures;
 - iii. Timeline for site preparation, installation and maintenance of street trees;
 - iv. Cost estimate for the purchase, installation and maintenance of street trees;
 - v. The description and location of any underground or overhead utilities within the rights-of-way or near proposed street trees;
 - vi. Additional information. The City's Urban Forester may require any additional information deemed necessary to ensure compliance with the provisions of this chapter;
 - vii. Information waiver. The City's Urban Forester may waive the requirements for a scaled drawing and other submission data if they find that the information presented is sufficient to determine the project's compliance with the provisions of this Chapter;
 - viii. Design guidelines: See Sections 18.04A.070 and 18.06A.090.

B. Landscape Plan.

1. Plan Preparation.

- a. Four (4) or Less Multifamily Units and Commercial Development having less than

20,000 square feet of gross floor area. Landscape plans required by this section shall be prepared by a person experienced in the selection and installation of plant materials and landscape design. Plans shall be drawn to scale and meet all plan submittal requirements of item 2 below.

b. Five (5) or More Multifamily Units; Commercial Development consisting of 20,000 square feet or more of gross floor area; and all development located on a High Density Corridor or Design Review Corridor. Landscape plans required by this section shall be prepared by a Registered Landscape Architect or Certified Washington State Landscaper or Nurseryman. Plans prepared by others shall have their design plans certified by one of the aforementioned groups, attesting that all requirements of this Chapter have been met or exceeded.

2. Plan Requirements. New landscape plans must identify location, species and diameter or size of plant materials using both botanical and common names. Drawings shall reflect the ultimate size of plant materials at maturity. All drawings shall depict:

- a. Existing property lines and perimeter landscape areas;
- b. All public and private open space, including plazas, courts, etc.;
- c. Parking lot planting areas and vehicle use areas, driveways and walkways;
- d. Location of clear sight triangle, if applicable;
- e. Location of buildings or structures (existing and proposed);
- f. Location of aboveground stormwater drainage pond(s) and swales;
- g. Street tree location;
- h. Screening of mechanical equipment;
- i. Existing soil type and required amendments;
- j. Planting details describing method of installation;
- k. Location and description of existing trees or groves of trees to be retained;
- l. Planting locations showing mature size of plants, size of planting stock, species of plant materials, and tree density calculations;
- m. Timeline for site preparation and installation of plant materials;
- n. Cost-estimate for the purchase, installation and three (3) years maintenance of landscaping.

(Ord. 5517 §1, 1995).

18.36.100 - Alternative landscape plans

A. The applicant may formally request in writing a modification from the landscaping requirements set

forth in this Chapter; provided there is:

1. No reduction in critical area and buffer, unless permitted by the Critical Areas Ordinance; and
2. No reduction in required tree density.

B. The Department may administratively approve a modification of landscape requirements for reasons of increased safety, a design which clearly exceeds Chapter requirements or environmental protection, or when the application of this Chapter is infeasible within prior built environments. The applicant shall provide evidence that either strict application of this Chapter is infeasible and/or it is in the long-term best interest of the city to modify landscape requirements. Required landscape plans may be modified only under the following circumstances, as applicable.

1. The proposed landscaping clearly exceeds the requirements of this Chapter.
2. The proposed landscaping maintains or increases solar access for purposes of solar energy devices.
3. The proposed landscaping provides for the preservation of existing trees and associated vegetation, that does not constitute a hazard as determined by a qualified professional forester, pursuant to OMC 16.60, and/or provides for wildlife habitat as determined by environmental review.
4. Strict application of this Chapter violates special easement requirements.
5. A site that can not comply with landscape requirements because of prior development (after investigating alternatives to reduce required parking, etc).
6. In those instances where above ground stormwater requirements serve the same or similar function as required landscaping. The proposed landscaping significantly improves stormwater treatment and aquifer recharge beyond what can be achieved by this Chapter.
7. The preservation of Scenic Vistas.

(Ord. 5517 §1, 1995).

18.36.120 - Conflicting requirements

In the event of a conflict between the standards for individual uses and other general requirements of this chapter the more stringent shall apply. Determination of the appropriate standards shall be made by the Director of the Community Planning and Development Department.

(Ord. 5517 §1, 1995).

18.36.140 - Residential landscape requirements

A. Perimeter Landscape. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the required width and the intent and purpose of screening is achieved.

1. **Plant Coverage.** Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area.

2. **Buffer Area Next to R-4 and R 4-8.**

a. Any land use of higher density, intensity or use that is directly adjacent to an R4 or R 4-8 zone district shall have a solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of use.

b. Mixed use developments or in areas where combined commercial and residential pedestrian use is desired, a Type II or III screen should be used. Screening area and materials for commercial and residential developments may be combined to achieve the desired screening and pedestrian enhancement. See Section 18.36.060(L) for types of screening.

(Ord. 5517 §1, 1995).

18.36.160 - Commercial landscape requirements

A. Perimeter Landscape. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the standard width requirement and the intent and purpose of screening is achieved.

1. **Plant Coverage.** Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area. Type II and III perimeter landscaping shall be used depending upon adjacent perimeter land uses. (See Types of Perimeter Landscape, Section 18.36.060(L).)

2. **Buffer Area Next to Incompatible Uses.**

a. Where a development subject to these standards is contiguous to a residential zoning district, areas of residential development or other incompatible use, then the required perimeter area shall be landscaped with solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of use.

b. Mixed use developments or in areas where combined commercial and residential pedestrian use is desired, a Type II or III screen should be used. Screening area and materials for commercial and residential developments may be combined to achieve the desired screening and pedestrian enhancement. See Section 18.36.060(L) for types of screening.

(Ord. 5517 §1, 1995).

18.36.180 - Parking lot landscape and screening

A. Applicability.

1. The standards of this section shall apply to both public and private parking lots; and
2. Any use within a residential district requiring more than ten (10) parking spaces; and
3. All commercial and industrial uses of land and development.

B. Perimeter Landscaping

In order to soften the appearance of parking lots, separate one parking area from another or from other uses, the following standards apply:

1. **Screening strips** - Perimeter landscaping strips shall be provided as follows:
 - a. Between parking lots and street rights-of-way, screening strips shall be a minimum of ten (10) feet in width; and
 - b. All other zone districts without setbacks shall install a perimeter screening strip at least five (5) feet wide, except as provided in (3) below; and
 - c. Exceptions to (a) and (b) above are allowed by administrative exception below:

2. **Administrative Exception.** The following landscape screen exceptions shall only apply to commercial and industrial districts:

- a. Parking lot screening strips abutting a non-residential use or district may be reduced in width to the minimum needed to accommodate and maintain the screening materials, as determined by the Department; provided plant materials are placed an appropriate distance from sidewalks or other public facilities to prevent future damage or obstruction.
- b. The Site Plan Review Committee or Design Review Board may allow the alteration of screening strips as necessary to provide for direct pedestrian access between sidewalks and building entrances or between parking lots and building entrances, or for trash receptacles, utility boxes, or driveways.

C. Interior Parking Lot Landscaping.

1. The following interior parking lot landscape area is required for all development covered by 18.36.180(A). Space requirements are considered minimums, additional landscape area may be necessary to meet design requirements below.

Required landscape area per parking stall.

Stall size	(1-20)	(21-30)	(31-40)	(41 +)
Standard	23 sq.ft. (8.25%)	27 sq.ft. (9.75%)	31 sq.ft. (11.25%)	35 sq.ft. (12.75%)

Compact	17 sq.ft. (8.3%)	20 sq.ft. (9.8%)	23 sq.ft. (11.3%)	26 sq.ft. (12.7%)
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2. Landscape Islands - Design.

a. Landscape Islands should be a minimum of one forty-four (144) square feet and no more than five hundred (500) square feet in size. Islands shall be designed so that trees will be planted a minimum of six (6) feet from any hard scape surface. The maximum allowable size of five hundred (500) square feet may be increased to allow for the preservation of existing trees and associated vegetation pursuant to OMC 16.60 or to accommodate stormwater treatment/conveyance practices.

b. Islands shall be provided in the following location:

i. Landscaping islands should be placed at the end of every parking row with a maximum spacing of at least one (1) island for every nine (9) parking spaces; and

ii. Between loading doors/maneuvering areas and parking area; and

iii. Any remaining required landscaping shall be dispersed throughout the parking lot interior to reduce visual impact.

c. Permanent curbing shall be provided in all landscape areas within or abutting parking areas. Based on appropriate surface water considerations, other structural barriers such as concrete wheel stops may be substituted for curbing.

3. Landscape Islands - Materials.

a. One tree shall be planted for every two hundred (200) square feet of landscape island area. Each planting area must contain at least one (1) tree. Planting areas shall be provided with the maximum number of trees possible given recommended spacing for species type, and the estimated mature size of the tree.

b. All landscape islands within parking areas shall use drought tolerant trees, shrubs and ground covers. Lawn is not permitted within areas less than two hundred (200) square feet in size and shall only be used as an accessory plant material to required trees, shrubs and ground cover or to accommodate stormwater treatment/conveyance practices.

c. No plant material greater than twelve inches in height shall be located within two (2) feet of a curb or other protective barrier in landscape areas adjacent to parking spaces and vehicle use areas.

d. Deciduous and/or evergreen trees shall be used which form a canopy. Deciduous trees shall have a minimum size of two (2) inches in caliper measured six (6) inches above the base. Evergreen trees shall be a minimum six (6) feet in height at planting.

e. Shrubs and ground cover. Ground cover shall be planted and spaced in a triangular pattern which will result in complete coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may also be included in total ground cover calculations.

f. Motor vehicle overhang. Parked motor vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing are provided. Plants more than twelve (12) inches tall are not allowed within the overhang area.

(Ord. 6195 §27, 2002; Ord. 5714 §16, 1997; Ord. 5517 §1, 1995).

18.36.190 - Landscape Requirements for Antennas and Wireless Communications Facilities

A. Applicability.

1. The standards of this section shall apply to radio, television, and other communication antenna support structures (towers) and equipment compounds, and
2. Wireless communications facilities antenna support structures and equipment compounds.

B. Screening. Equipment compounds which are visible from adjoining streets, parking areas, or other abutting properties shall be screened from view by a Type I Solid Screen a minimum of five (5) feet in width.

C. Perimeter Landscape.

1. Perimeter landscape strips may be averaged, provided the minimum width is not less than fifty (50) percent of the required width and the intent and purpose of screening is achieved.
2. Plant coverage. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways or walkways shall be landscaped. The required width of perimeter areas to be landscaped shall be the depth of the required yard or setback area. Type II or III perimeter landscaping shall be used depending on adjacent perimeter land uses. (See Types of Perimeter Landscape, Section 18.36.060(L).)
3. Buffer area next to incompatible uses. Where a facility subject to these standards is within or contiguous to a residential zoning district, areas of residential development or other incompatible use, then the required perimeter area shall be landscaped with solid screen (Type I) or visual screen (Type II) along the abutting perimeter, depending on the intensity of the abutting use.
4. Alternative landscaping. In lieu of the above requirements, in special cases including, but not limited to, cases where a required tree would be closer to the tower supporting the antenna than the height of the tree at maturity, the applicant may prepare a detailed plan and specifications for landscape and screening, including plantings, fences, walls, topography, etc., to screen the base of the tower and accessory uses. The plan shall accomplish the same degree of screening achieved in items (2) and (3) above but may deviate from the specific requirements, and it must demonstrate to the satisfaction of the City that the public interest will be equally served by such plan.

(Ord. 6395 §15, 2006).

18.36.200 - Performance assurance

A. Landscape Installation.

1. All required landscaping shall be installed prior to issuance of a Certificate of Occupancy (CO) or final inspection; excluding street trees within plats which may use a surety device to guarantee their installation.
2. A CO may be issued prior to completion of required landscaping provided the following criteria are met:
 - a. An applicant or property owner files a written request with the Department five (5) days prior to the CO inspection; and
 - b. The request explains what factors are beyond the applicant's control or which create a significant hardship to prevent the installation of landscape prior to the issuance of a CO; and
 - c. The applicant or property owner has demonstrated a good faith effort to install all required landscaping; and
 - d. Provided requirements (a) through (c) are met, a performance assurance must be posted with the city in a form listed in paragraphs B, C, and D below.
3. The time extension to complete all landscaping may not exceed ninety (90) days after issuance of a Certificate of Occupancy.
4. Failure to complete the installation of required landscape within ninety (90) days after the CO is issued shall constitute a violation of the zoning ordinance.

B. Performance assurance devices shall take the form of one of the following:

1. A surety bond in a form approved by the City Attorney executed by a surety company authorized to transact business in the state;
2. Cash;
3. Assigned savings pursuant to an agreement approved by the City Attorney.

C. If a performance assurance device is employed, the developer/property owner shall provide the City with a non-revocable notarized agreement granting the City and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

D. If the developer/property owner fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

(Ord. 5517 §1, 1995).

18.36.220 - Maintenance

A. Plant Maintenance. Whenever landscaping is required under the provisions of this Chapter, all shrubs and trees in the landscape and planting areas shall be maintained in a healthy condition. Property owners shall be responsible for pruning vegetation which interferes with pedestrians and bicyclists, and that obstructs vehicle clear vision triangles.

B. Irrigation. All portions of any irrigation system shall be maintained in order to perform its original function. Uncontrolled emission of water from any pipe, valve, head, emitter or other irrigation device shall be considered evidence of non-maintenance and a violation of this ordinance.

C. Hard scape. Maintenance of all landscape areas shall also include the painting, repairing, reconstruction, and restoration of landscape structures such as fences, walls, overheads, trellises, etc.

D. Bonding. In addition to any other remedy provided within this code for any landscape maintenance requirements imposed by this Chapter, the city may also require a performance or maintenance bond if maintenance is not adequately provided.

(Ord. 5517 §1, 1995).

18.36.240 - Preferred plantings

Recommended plantings and other information is available from the Department to help create a water-smart landscape. Choosing the right plant in the right location, and using the proper soil are the first steps in creating a healthy and lush landscape.

(Ord. 5517 §1, 1995).

18.38

18.38.000 - Chapter Contents

Chapter 18.38 PARKING AND LOADING

Sections:

- 18.38.020 Purpose.
- 18.38.040 Applicability.
- 18.38.060 Parking and loading general regulations.
- 18.38.080 Administrative variance.
- 18.38.100 Vehicular and bicycle parking standards.
- 18.38.120 Handicapped parking requirements.
- 18.38.140 Loading berths required.
- 18.38.160 Specific zone district requirements.
- 18.38.180 Shared parking facility.
- 18.38.200 Parking facility location.
- 18.38.220 Design standards - General.
- 18.38.240 District design standards.

18.38.020 - Purpose

The objectives of this chapter are:

- A. To provide accessible, attractive, well-maintained and screened off-street parking facilities;
- B. To reduce traffic congestion and hazards;
- C. To protect neighborhoods from the unwanted effects of vehicular traffic generated by adjacent non-residential land use districts;
- D. To assure the maneuverability of emergency vehicles;
- E. To provide aesthetically pleasing parking facilities in proportion to individual land use needs;
- F. To implement comprehensive plan transportation demand management policies, thereby lowering single occupancy vehicle trip;
- G. To reduce impervious parking surface through shared parking and median parking ratios;
- H. To define median parking ratios and to allow a reduction or increase in parking ratios using an administrative variance;
- I. To allow for more intense commercial development within predefined areas.

(Ord. 5517 §1, 1995).

18.38.040 - Applicability

Unless specifically exempted, every land use shall have permanently maintained off-street parking facilities pursuant to the following regulations.

EXEMPT: Land uses within the Downtown are exempt from all parking requirements; however, if parking facilities are provided they must meet required parking ratios and design standards (See figure of exempt parking, 18.38.160(D)(2)).

(Ord. 5517 §1, 1995).

18.38.060 - Parking and loading general regulations

A. Off-street parking and loading spaces shall be provided in accordance with the provisions of this chapter when any of the following actions occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified.

1. When a main or accessory building is erected.
2. When a main or accessory building is relocated or expanded.
3. When a use is changed to one requiring more or less parking or loading spaces. This also includes all occupied accessory structures.
4. When the number of stalls in an existing parking lot is decreased or increased by twenty-five (25) percent or 6 stalls, whichever is less. Only those stalls and areas proposed to be added or removed shall be subject to the provisions of this Chapter. (Note: proposed expansions of existing parking lots not subject to the minimum parking requirements of this Chapter).

B. Required Plans. Building permits shall not be approved unless there is a building plan and plot plan identifying parking and loading facilities in accordance with this chapter. No permit or city license shall be issued unless there is proof that required parking and loading facilities have been or are currently provided in accordance with the provisions of this chapter.

C. Unlawful Removal. It is unlawful to discontinue prior approved parking facilities without establishing alternate facilities that meet the requirements of this chapter. Parking and loading facilities which are adequate to meet the requirements contained in this chapter shall be provided and maintained as long as the use they serve is in existence. These facilities shall not be reduced in total unless a shared parking agreement is canceled, a change in occupancy or use of a premises has occurred which results in a reduction of required parking.

D. Use of Facility. Necessary precautions shall be taken by the property owner to ensure parking and loading facilities are only used by tenants, employees, social/business visitors or other persons for which the facilities are provided, to include shared parking.

E. Off-site Parking. Parking lots may be established as a separate and primary land use, provided the proposed parking lot exclusively serves a specific use, building or development, and shared parking. These parking lots require a conditional use permit in the Arterial Commercial district. (See 18.38.200, Parking Facility Location, for maximum off-site separation requirements.)

F. For Landscape Requirements refer to Chapter 18.36

G. Off-Street Parking--Schedule of Spaces. Off-street parking spaces shall be provided to the extent allowed by this Chapter.

H. Unlisted Uses. Any use clearly similar to any of the below-mentioned uses shall meet such use requirements. If a similarity of use is not apparent, the Site Plan Review Committee may require a parking demand study or determine the standards that should be applied to the use in question.

I. Shared Parking. The Site Plan Review Committee may require an applicant to provide proof that shared parking is infeasible when adjacent land uses or business hours of operation are different. Adjoining property owners will submit a joint letter explaining why an agreement can or cannot be reached. (See Section 18.38.180, Shared and Combined Parking Facilities.)

J. Compact Parking. No more than thirty (30) percent of total required parking may be devoted to compact cars, provided design standards in Section 18.38.220 are met.

K. On-Street Credit - Non-Residential. Upon the applicant's request, non-residential uses located adjacent to a public right-of-way where on-street parking is permitted shall receive credit for one off-street parking space for each twenty (20) linear feet of abutting right-of-way, exclusive only of curb cuts and regardless of the actual and particular on-street parking provisions.

L. Rounding of Fractions. When the number of required parking spaces for a particular use or building results in a fractional space, any fraction less than one-half (1/2) shall be disregarded and any fraction of one-half (1/2) or over shall be counted as one (1) space.

(Ord. 6408 §24, 2006; Ord. 5714 §18, 1997; Ord. 5664 §7, 1997; Ord. 5517 §1, 1995).

18.38.080 - Administrative variance

A. GENERAL.

1. An administrative variance from required parking standards must be received prior to any issuance of building and engineering permits.
2. Various methods to reduce or increase parking may not be combined to reduce or increase parking by more than forty percent. In addition, any stalls gained through sharing, combining or on-site park-and-ride shall be counted toward total parking needs. For example:
 - Evidence is submitted to support one hundred (100) additional stalls to the five hundred (500) already require;
 - Combined parking opportunity = twenty-five (25) stalls;
 - Twenty (20) percent administrative variance option is used = one hundred (100); additional stalls based on five hundred (500) total, but twenty-five (25) have already been found; so
 - The total number of stalls derived from administrative variance = seventy-five (75) stalls.
3. The project developer shall present all findings to the Site Plan Review Committee (SPRC) prior to any final, discretionary approvals; e.g., design review, site plan review, environmental review, or any planning, building or engineering permits. The SPRC shall authorize an increase in

parking, based on compliance with the strategies in Section 18.38.080(C).

4. **Public Notification.** Property owners within three hundred (300) feet of a site shall be notified by mail of all variance requests to increase or decrease parking by twenty-one (21) to forty (40) percent.

B. CRITERIA TO REDUCE AND INCREASE PARKING.

1. **Decrease in Required Parking.** In addition to the following requirements, the Site Plan Review Committee may require that all or some administrative variance design requirements listed for increased parking be met (e.g., bike racks, landscaping, etc.), and require other measures to ensure all impacts associated with reduced parking are mitigated. Any motor vehicle parking spillover which can not be mitigated to the satisfaction of SPRC will serve as a basis for denial.

Decrease of 10% to 20%	Decrease of 21% to 40%
The Site Plan Review Committee may allow a 10% to 20% decrease in required parking after:	The Site Plan Review Committee may allow a 21% to 40% decrease in required parking after:
1. Shared and combined parking opportunities are fully explored; and	1. Shared and combined parking opportunities are fully explored; and
2. On-site park-and-ride opportunities are fully explored; and	2. On-site park-and-ride opportunities are fully explored; and
3. Compliance with commute trip reduction measures as required by state law, if applicable; and	3. Compliance with commute trip reduction measures as required by state law, if applicable; and
4. The site is shown to be no closer than 300 feet from a single-family residential zoned neighborhood; and	4. The site is shown to be no closer than 300 feet from a single-family residential zoned neighborhood; and
5. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects.	5. A report is submitted providing a basis for less parking and mitigation necessary to offset any negative effects; and
	6. The site is served by transit or can be served within 6 months of occupancy (within 3 blocks or 600 feet, whichever is less).

2. **Increased Parking.** Required parking may be increased if the criteria listed below is met to the satisfaction of the Site Plan Review Committee.

Increase of 10% to 20%	Increase of 21% to 40%
The Site Plan Review Committee may allow a 10% to 20% increase above required parking after:	The Site Plan Review Committee may allow a 21% to 40% increase above required parking after:
1. Shared and combined parking opportunities are fully explored; and	1. Shared and combined parking opportunities are fully explored; and
2. On-site park-and-ride opportunities are	2. On-site park-and-ride opportunities are

fully explored; and	fully explored; and
3. Compliance with commute trip reduction measures as required by state law, if applicable; and	3. Compliance with commute trip reduction measures as required by state law, if applicable; and
4. All design and facility requirements listed in step 5 below are met to the satisfaction of SPRC; and	4. All design and facility requirements listed in step 5 below are met to the satisfaction of SPRC; and
5. A report is submitted which supports the need for more parking.	5. A parking demand study is submitted, as determined by the Transportation Section, which supports the need for increased parking.

[NOTE: The total increase/decrease that is allowed is a percentage of total required parking and is only permitted after exploring other alternate means e.g., combined and shared parking, on-site park-and-ride lot, commute trip reduction, etc.]

C. PROCESS TO REDUCE AND INCREASE PARKING.

Requests to reduce parking need only follow steps 1 through 3.

1. **First Step:** Submit evidence that decreased/increased parking is necessary. This may take the form of a brief report for all decreases and ten (10) to twenty (20) percent increases. The SPRC may require additional studies to ensure negative impacts are properly mitigated. A more complete and detailed parking demand study is only required for increases of twenty-one (21) percent or more.

2. **Second Step:** Describe site characteristics, specifically:

- a. Site accessibility for transit; e.g., pullouts;
- b. Site proximity to transit with fifteen (15) to thirty (30) minute headways (time between buses);
- c. Shared use of on-site parking for park-and-ride;
- d. Shared use of off-site and adjacent parking;
- e. Shared use of new proposed parking by existing or future adjacent land uses;
- f. Combined on-site parking; e.g., shopping centers;
- g. Employee density (one hundred (100) or more must meet state commuter trip reduction requirements);
- h. Adjacent land uses.

3. **Third Step:** Determine if additional parking can be provided by shared and combined parking, on-site park-and-ride (install one (1) stall for two (2) stall credit), and by commute trip reduction measures.

4. **Fourth Step:** If additional parking is still desired, the Site Plan Review Committee may require the applicant to complete a parking cost worksheet.

5. **Fifth Step:** If additional parking is still desired an administrative variance is required. The site plan must meet design elements a - i below. To the extent practical, all requirements found below must be included in a project proposal to the satisfaction of the Site Plan Committee prior to approving any administrative variance to increase parking. In those instances where site constraints impede design requirements, written findings of fact shall be made identifying site and project constraints, and shall be identified in the final project approval letter. In its findings, the SPRC shall determine if a good faith effort has been made in building and site design in order to accomplish required design elements.

- a. Design internal roadway, parking area, and pedestrian paths to assure access between public and private transportation facilities; access to adjacent land uses; and access within parking lots.
- b. Install pedestrian amenities; e.g., walkways using textures and colors, lighting, arcades, etc.
- c. Explore alternative parking lot designs in order to reduce impervious surface; e.g., one (1) way instead of two (2) way access aisles.
- d. Double the amount of required interior landscape within that area of additional parking (fifty (50) percent of this requirement - if proven to be maintained - may be Grasscrete, Turfblock or other driveable pervious surface within areas receiving sporadic use: usually the farthest from the building entrance. This additional landscape area may be dispersed throughout the parking lot.
- e. Ninety (90) percent of the parking lot area shall be located behind the building, without unduly compromising other objectives of this Chapter. Parking lot area along flanking streets shall have added landscape and a superior design to strengthen pedestrian qualities e.g. low walls, arcades, seating areas, public art, etc.
- f. Preferential parking shall be located near primary building entrances for employees who ride-share and for high occupancy vehicles (HOVs).
- g. Purchase and install a transit shelter to meet Intercity Transit operational needs unless already available within six hundred (600) feet, as measured from the middle of the property abutting the rights-of-way. This distance may be increased by Intercity Transit if located in lower density zones.
- h. Construct a transit pullout if requirement in letter g above is used and if Intercity Transit finds it practical. Credit may be given for other Intercity Transit demand management strategies if a transit shelter and pullout are infeasible.
- i. Create a transit/ride-share information center and place in a conspicuous location.

(Ord. 6273 §23, §24, 2003; Ord. 5539 §6, 1995; Ord. 5517 §1, 1995).

18.38.100 - Vehicular and bicycle parking standards

A. Required Vehicular and Bicycle Parking. A minimum number of bicycle parking spaces are required as set forth in Table 38-01 below. The specific number of motor vehicle parking spaces set forth in Table 38-01 +/- ten percent (10%) shall be provided, unless varied pursuant to OMC 18.38.080 or other provision of this code. Any change in use which requires more parking shall install vehicular and bicycle facilities pursuant to Table 38.01 and consistent with the location standards of OMC 18.38.220.

B. Building Area. All vehicle parking standards are based on the gross square feet of building area, unless otherwise noted.

C. Residential Exceptions. Residential land uses in the DB, CSH, RMH, and UR Districts require only one (1) vehicle parking space per unit.

D. Reserved Area for Bicycle Spaces. Where specified in Table 38.01 below, an area shall be designated for possible conversion to bicycle parking. Such reserve areas must meet the location requirements of short-term parking and may not be areas where pervious surfaces or landscaping is required. A cover is not required for such areas.

TABLE 38.01			
Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
COMMERCIAL			
Carpet and Furniture Showrooms	One and one-quarter (1.25) space per one thousand (1000) sq. ft. of gross showroom floor area. Each store shall have a minimum of four (4) spaces.	One per sixteen thousand (16,000) square feet of showroom floor area. Minimum of two (2).	One per eight thousand (8,000) square feet of showroom floor area. Minimum of two (2).
Child and Adult Day Care	One (1) space for each staff member plus 1 space for each ten (10) children/adults if adequate drop-off facilities are provided. Adequate drop-off facilities must allow a continuous flow of vehicles which can safely load and unload children/adults. Compliance with this requirement shall be determined by the review authority.		
Hotel and Motel	One (1) space for each room or suite and one (1) space per manager's unit. Hotel/motel banquet and meeting rooms shall provide six (6) spaces for each thousand (1000) square feet of seating area. Restaurants are figured separately.	One (1) per ten (10) rooms. Minimum of two (2).	One (1) per thousand (1,000) square feet of banquet and meeting room space. Minimum of two (2).
Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
COMMERCIAL (continued)			

Markets, Shopping Centers and Large Retail/Wholesale Outlets	<p>Less than 15,000 sq. ft = 3.5 spaces for each 1000 sq. ft. of gross floor areas.</p> <p>15,001 to 400,000 sq. ft = 4 spaces for each 1000 sq. ft. of gross floor area.</p> <p>More than 400,001 sq. ft. = 4.5 spaces per 1000 sq. ft. of gross floor area.</p>	One per six thousand (6,000) square feet. Maximum of five (5); minimum of one (1).	One per three thousand (3,000) square feet. Maximum of ten (10) per tenant; minimum of two (2) within fifty (50) feet of each customer entrance.
Medical and Dental Clinics	Four (4) spaces per 1000 sq. ft. of gross floor area.	One (1) per 10,000 square feet. Minimum of two (2).	One (1) per 10,000 square feet, minimum of two (2) within fifty (50) feet of each customer entrance; plus an equal reserved area for adding spaces.
Ministorage	Three (3) spaces minimum or (1) space for every one hundred (100) storage units, and two (2) spaces for permanent on-site managers.	None	None
Mixed Uses	Shared parking standards shall be used to calculate needed parking. This calculation is based upon the gross leasable area (GLA) for each shop or business and does not include atriums, foyers, hallways, courts, maintenance areas, etc. See shared parking 18.38.180.	See individual use standards.	See individual use standards
Mortuaries and Funeral Parlors	One (1) space per seventy-five (75) square feet of assembly area or thirteen (13) stalls per 1000 sq. ft.	One (1)	Two (2)
Offices, General	<p>Gross floor area up to 2000 sq. ft = One (1) space for each 250 sq. ft.</p> <p>Gross floor area between 2001 to 7500 sq. ft. = One (1) space for each 300 sq. ft.</p> <p>Gross floor area between 7501 to 40,000 sq. ft. = One (1) space for each 350 sq. ft.</p> <p>Gross floor area of 40001 and greater = One (1) space for each 400 sq. ft.</p>	One (1) per ten thousand (10,000) square feet. Minimum of two (2).	One (1) per ten thousand (10,000) square feet; plus an equal reserved area for adding spaces. Minimum of two (2).
Offices, Government	3.5 spaces per one thousand (1000) sq. ft.	One (1) per five thousand (5,000) square feet. Minimum of two (2).	One (1) per five thousand (5,000) square feet; minimum of two (2); plus an equal reserved area for adding spaces.
Retail Uses	Three and a half (3.5) spaces per one thousand (1000) sq. ft.	One per six thousand (6,000) square feet.	One per three thousand (3,000) square feet.

		Maximum of five (5); minimum of one (1).	Maximum of ten (10) per tenant; minimum of two (2) within fifty (50) feet of each customer entrance.
Service Station (mini-marts are retail uses)	Three and a half (3.5) spaces per one thousand (1000) sq. ft. g.f.a. or 1 space per 300 sq. ft.	None.	None
Warehouse, Distribution	1 space for each thousand (1000) sq. ft. or 1 space for each employee.	One (1) per forty thousand (40,000) square feet or one (1) per forty (40) employees. Minimum of one (1).	None.
Warehouse Storage	Gross Floor area of 0-10,000 sq. ft. = One (1) space for each one thousand (1000) sq. ft. Gross floor area between 10,001 - 20,000 sq. ft. = ten (10) spaces plus .75 space for each additional one thousand (1000) sq. ft. beyond ten thousand (10,000) sq. ft. Over 20,000 sq. ft. = eighteen (18) spaces plus .50 for each additional 1000 sq. ft. beyond 20,000 sq. ft., or 1 space for each employee.	One (1) plus one (1) for each eighty thousand (80,000) square feet above sixty-four thousand (64,000) square feet; or one (1) per forty (40) employees. Minimum of one (1).	None

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
INDUSTRIAL			
Manufacturing	One (1) for each two (2) employees on the largest shift, with a minimum of two (2) spaces.	One (1) for each thirty (30) employees on largest shift. Minimum of two (2).	One (1) for each thirty (30) employees on largest shift. Minimum of two (2).
Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
INSTITUTIONAL			
Beauty Salons/Barber Shops, Laundromats/Dry Cleaners, and Personal Services		One per six thousand (6,000) square feet. Minimum of one (1).	One per three thousand (3,000) square feet. Minimum of two (2).
Educational Facilities (to include business, vocational, universities, and other school facilities).		One (1) per five (5) auto spaces. Minimum of two (2)	One (1) per five (5) auto spaces. Minimum of four (4).
Elementary and Middle School	One (1) stall per twelve (12) students of design capacity.	One (1) per classroom.	Three (3) per classroom.
Farmers Market		None	One (1) per ten (10) auto stalls. Minimum of ten (10).
High School	One (1) space per classroom	One per five (5)	One per five (5)

	and office, plus one (1) space for each four (4) students that are normally enrolled and are of legal driving age. Public assembly areas, such as auditoriums, stadiums, etc. that are primary uses may be considered a separate use.	classrooms, plus one (1) for each forty (40) students (may also require one (1) per four thousand five hundred (4,500) assembly seats). Minimum of two (2).	classrooms, plus one (1) for each forty (40) students (may also require one (1) per four thousand five hundred (4,500) assembly seats). Minimum of four (4).
Hospitals, Sanitariums, Nursing Homes, Congregate Care, Rest Homes, Hospice Care Home and Mental Health Facilities.	One (1) for each two (2) regular beds, plus one (1) stall for every two (2) regular employees on the largest shift.	One (1) per thirty (30) beds, plus one (1) per thirty (30) employees on largest shift. Minimum of two (2).	One (1) per thirty (30) beds, plus one (1) per thirty (30) employees on largest shift. Minimum of two (2).
Libraries and Museums	One (1) space per three hundred (300) square feet of public floor area or 3.3 spaces per thousand (1000) sq. ft. Six (6) stalls either on-site or on-street directly adjacent to the property. The Site Plan Review Committee may allow pervious-type parking surfaces.	One (1) per six thousand (6,000) square feet of public floor area. Minimum of two (2).	One (1) per one thousand five hundred (1,500) square feet of public floor area. Minimum of four (4).
Marinas		Minimum of four (4).	One (1) per ten (10) auto stalls. Minimum of four (4).
Other Facilities Not Listed		None	One (1) per twenty-five (25) auto stalls. Minimum of two (2).
Park-N-Ride Lots and Public (Parking) Garages		One (1) per fifteen (15) auto stalls Minimum of four (4)	Two (2).
Parks		None	One (1) per five (5) auto stalls. Minimum of four (4).
Transit Centers		Ten (10).	Ten (10).
Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
PLACES OF ASSEMBLY			
Passenger Terminal Facilities	One (1) space for each one hundred (100) square feet of public floor area or ten (10) spaces per thousand (1000) sq. ft.	Minimum of ten (10)	Minimum of ten (10)
Place of Worship	One (1) space per four (4) seats. When individual seats are not provided, one (1) space for each six (6) feet of bench or other seating. The Site Plan Review Committee may use a ratio of six (6) stalls/1000 sq. ft. of assembly area where seats or pews are not provided or when circumstances warrant increased parking; e.g., large regional congregations which	One (1) per 10,000 square feet of gross floor area.	One (1) per 160 seats or 240 lineal feet of bench or other seating, and one (1) per 6,000 square feet of assembly area without fixed seats. Minimum of four (4).

	attract a large congregation or one which has multiple functions. See shared parking. 18.38.180		
Private Clubs or Lodges (does not include health clubs or retail warehouse)	Six (6) spaces per thousand (1000) sq. ft.	One (1) per 6,000 square feet. Minimum of one (1).	One (1) per 6,000 square feet. Minimum of two (2).
Theater and Auditorium	One (1) space for each four and a half (4.5) fixed seats. If the theater or auditorium is a component of a larger commercial development the above parking standard may be modified to account for shared parking as provided in Section 18.38.180 of this Code	One (1) per 450 fixed seats. Minimum of one (1).	One (1) per 1-10 fixed seats. Minimum of four (4).
Theater and Auditorium without fixed seats	One (1) space for each three (3) permitted occupants. Maximum building occupancy is determined by the Fire Marshal.	One (1) per 300 permitted occupants. Minimum of one (1).	One (1) per 75 permitted occupants. Minimum of four (4).

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
RECREATION/AMUSEMENT			
Bowling Alleys	Five (5) spaces for each alley.	One (1) per twelve (12) alleys. Minimum of one (1).	One (1) per four (4) alleys. Minimum of four (4).
Health Club	Four (4) spaces for each thousand (1000) sq. ft.	One (1) per 5,000 square feet. Minimum one (1).	One (1) per 2,500 square feet. Minimum of four (4).
Skating Rinks and Other Commercial Recreation	Five (5) spaces per thousand (1000) sq. ft.	One (1) per 8,000 square feet. Minimum of one (1).	One (1) per 4,000 square feet. Minimum of four (4).

Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
RESIDENTIAL			
Accessory Dwelling Unit	One (1) space per unit	None	None
Bed and Breakfast	One (1) space in addition to space(s) required for the residential unit.	One (1) per ten (10) rooms. Minimum of one (1).	None
Community Club Houses		None	One (1) per ten (10) auto stalls. Minimum of two (2).
Cottage Housing	One (1) space per unit or 1.5 space per unit if on-street parking is not available along street frontage (One (1) space per twenty (20) linear feet).	One per five (5) units, or one (1) per three (3) units if no on-street parking. Minimum of two (2).	One per ten (10) units, or one (1) per six (6) units if no on-street parking. Minimum of two (2).
Elder Care Home	One (1) space in addition to space(s) required for the residential unit.	Minimum of two (2).	Minimum of two (2).
Fraternities, Sororities and Dormitories	One (1) space for every three (3) beds, plus one (1) space for the manager.	One per fourteen (14) beds. Minimum of two (2).	Ten (10) per dormitory, fraternity or sorority building.

Group Home	One (1) space for each staff member plus one (1) space for every five (5) residents. Additionally, one (1) space shall be provided for each vehicle used in connection with the facility.	One (1) per ten (10) staff members plus one (1) per thirty (30) residents. Minimum of one (1). Additional spaces may be required for conditional uses.	None
Home Occupations	None, except as specifically provided in this table.	None	None
Mobile Home Park	Two (2) spaces per lot or unit, whichever is greater. If recreation facilities are provided, one (1) space per ten (10) units or lots.	None	None
Multifamily Dwellings	Three or more units shall provide one and one-half (1.5) off-street parking spaces per dwelling unit.	One (1) storage space per unit that is large enough for a bicycle.	One (1) per ten (10) units. Minimum of two (2) per building.
Single Family to include Duplex and Townhouse.	Two (2) spaces per unit. Note: parking spaces may be placed in tandem (behind the other). DB, CSH and RMH zone districts require one (1) space/unit.	None	None
Studio Apartments.	Apartments with one (1) room enclosing all activities shall provide one (1) off-street parking space per dwelling unit	None	One (1) per ten (10) units. Minimum of two (2) per building.
Use	Required Motor Vehicle Parking Spaces	Minimum Required Long-Term Bicycle Spaces	Minimum Required Short-Term Bicycle Spaces
RESTAURANT			
Cafes, Bars and other drinking and eating establishments.	Ten (10) spaces per thousand (1000) sq. ft.	One per 2,000 square feet; minimum of one (1).	One per 1,000 square feet; minimum of one (1).
Car Hop	One (1) for each fifteen (15) square feet of gross floor area.	One per 300 square feet; minimum of one (1).	One per 150 square feet; minimum of one (1).
Fast Food	Ten (10) spaces per thousand (1000) square feet plus one (1) lane for each drive-up window with stacking space for six (6) vehicles before the menu board.	One per 2,000 square feet; minimum of one (1).	One per 1,000 square feet; minimum of one (1).

(Ord. 6459, §2, 2007; Ord. 6323 §7, 2004; Ord. 6229 §3, 2002; Ord. 5907 §3, 1999; Ord. 5714 §19, 1997; Ord. 5539 §8, 1995; Ord. 5517 §1, 1995).

18.38.120 - Handicapped parking requirements

Handicapped parking requirements shall be provided as established by the 1991 Washington State Building Code. The parking standards contained within this Section represent those established by the 1991 Washington State Building Code. Any change in the State's handicapped parking requirements shall preempt the affected requirements of this Section.

A. ACCESSIBLE PARKING REQUIRED.

Refer to the table below and WAC 51-30, Parking Facilities, for required accessible parking spaces. Refer to Chapter 11 of the Uniform Building Code for building occupancy definitions.

NUMBER OF ACCESSIBLE PARKING SPACES
--

Total Parking Spaces in Lot or Garage	Minimum Required Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2% of total spaces
Over 1,000	20 spaces plus 1 space every 100 spaces, or fraction thereof, over 1,000

One (1) of every eight (8) spaces or fraction thereof shall be designed to be accessible to wheelchair side loading vans.

EXCEPTIONS:

1. **Inpatient Medical Care Facilities.** Twenty (20) percent of parking spaces provided shall be accessible.
2. **Outpatient Medical Care Facilities.** Ten (10) percent of parking spaces provided shall be accessible.
3. **Apartment Buildings.** One (1) accessible parking space for each fully accessible parking unit shall be provided. When total parking provided on-site exceeds one (1) parking space per apartment, two (2) percent of the additional parking shall be accessible.

B. DESIGN AND CONSTRUCTION.

1. **Location.** Accessible parking spaces shall be located on the shortest possible accessible route of travel to an accessible building entry. In facilities with multiple accessible building entries with adjacent parking, accessible parking spaces shall be dispersed and located near the accessible entrances. Wherever practical, the accessible route of travel shall not cross lanes of vehicular traffic. Where crossing traffic lanes is necessary, the route of travel shall be designated and marked as a crosswalk.
2. **Size.** Parking spaces shall be no less than eight (8) feet in width and shall have an adjacent access aisle no less than five (5) feet in width. Where two adjacent spaces are provided, the access

aisle may be shared between the two spaces. Access aisles shall be marked so that the aisles will not be used as parking space. Van accessible parking spaces shall have an adjacent access aisle no less than eight (8) feet in width or a total of sixteen (16) feet including parking space.

3. **Vertical Clearance.** Where accessible parking spaces are required for vans, the vertical clearance shall be no less than nine and a half (9.5) feet.

4. **Slope.** Accessible parking spaces and access aisles shall be located on a surface with a slope not to exceed one (1) vertical in forty-eight (48) horizontal.

5. **Surface.** Parking spaces and access aisles shall be firm, stable, smooth and slip resistant.

6. **Signs.** Every parking space required by this section shall be identified by a sign, centered between three (3) and five (5) feet above the parking surface, at the head of the parking space. The sign shall include the International Symbol of Access and the phrase "State Disabled Parking Permit Required."

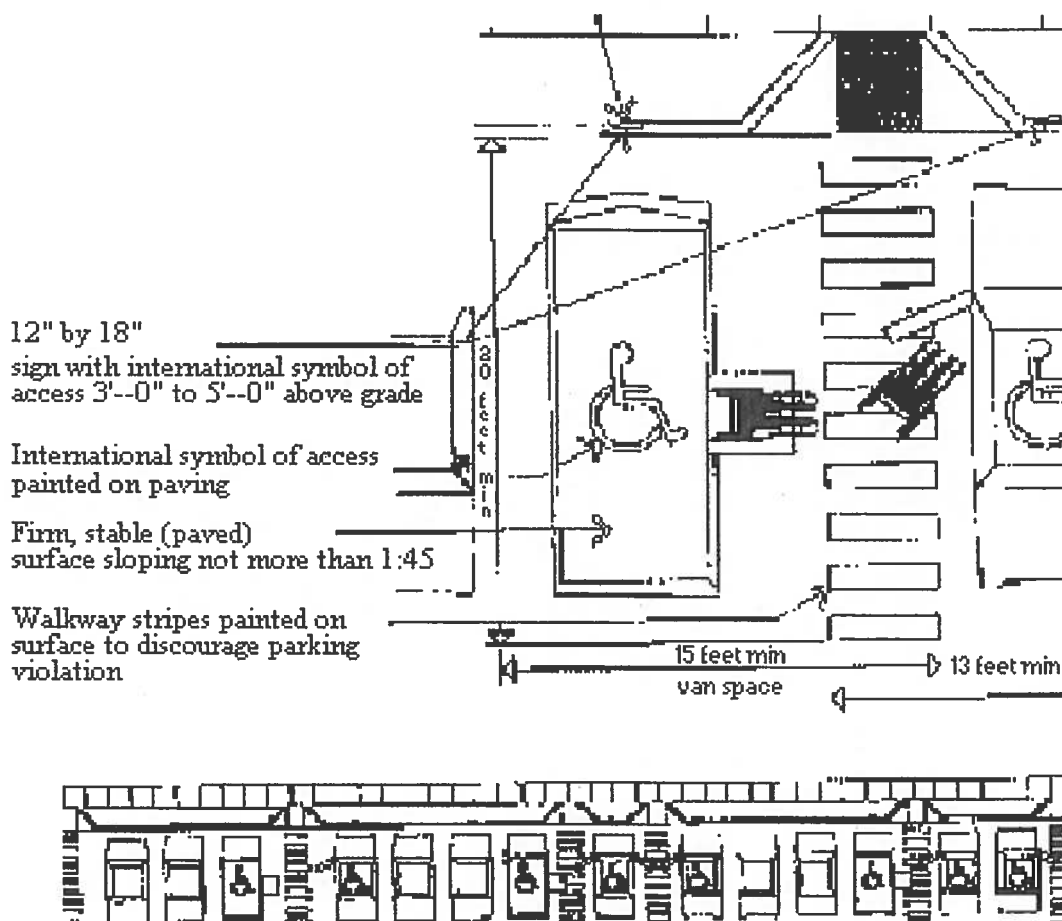
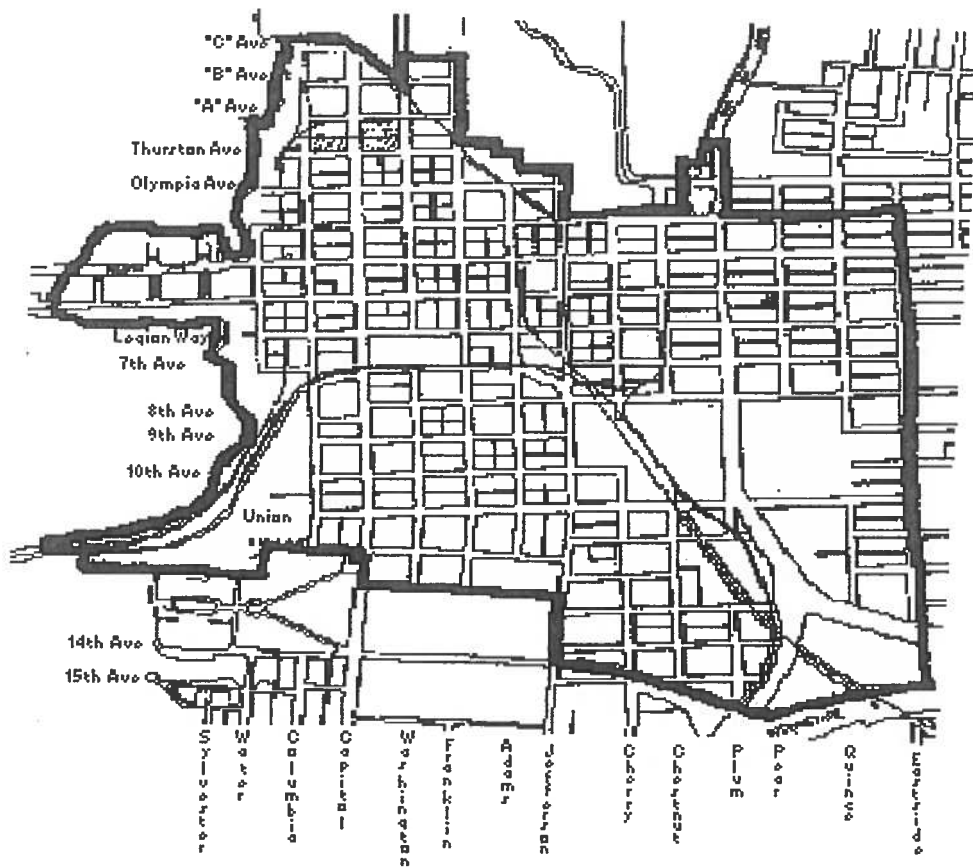


FIGURE 38-1



Downtown Area Exempt From Loading Berth Requirements
FIGURE 38-1.5

(Ord. 5517 §1, 1995).

18.38.140 - Loading berths required

[NOTE: Loading berths are not required in Downtown Olympia (see Figure 38-1.5). (See Section 18.36.180(C)(2)(b) for landscape requirement.)]

A. RETAIL, WHOLESALE AND MANUFACTURING USES.

Any building being or intended to be used for retail, wholesale, warehouse, freight, hospital, industrial and manufacturing uses shall be provided with off-street loading berths according to this schedule.

1. For buildings under five thousand (5,000) square feet, an off-street loading space, having access to a public thoroughfare, shall be required adjacent to each business building, hereafter erected or enlarged ; and such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded in connection with the business conducted in such building.

2. **One (1) berth** shall be required for each building containing five thousand (5,000) to twenty thousand (20,000) square feet of floor area.

3. **Two (2) berths** shall be required for each building containing twenty thousand (20,000) to fifty

thousand (50,000) square feet of floor area.

4. **Three (3) berths** shall be required for each building containing fifty thousand (50,000) to one hundred thousand (100,000) square feet of floor area.

5. **One (1) additional berth** shall be required for each fifty thousand (50,000) square feet of floor area in excess of one hundred thousand (100,000) square feet.

B. OFFICE AND HOTEL USES.

Any building intended to be used for offices, hotel, restaurant, assembly area or other similar use shall be provided with off-street loading berths according to this schedule.

1. **One (1) berth** for each building containing twenty thousand (20,000) to fifty thousand (50,000) square feet of floor area.

2. **Two (2) berths** for each building containing fifty thousand (50,000) to one hundred thousand (100,000) square feet of floor area.

3. **One (1) additional berth** for each one hundred thousand (100,000) square feet of floor area in excess of one hundred thousand (100,000) square feet.

C. LOADING BERTH DESIGN STANDARDS.

Off-street loading facilities shall be designed and maintained in accordance with the standards hereunder.

1. Each loading berth shall be at least ten (10) feet wide, forty-five (45) feet long and fourteen (14) feet high.

2. Loading berths and spaces may be located in any required yard providing such berth is not roofed and is not within a required landscape area.

3. Loading berths and spaces shall be located entirely on the property they are intended to serve and designed in such a way that a street is not used as a maneuvering area.

4. Access to loading berths shall be from an alley when such exists.

5. Two (2) or more separate occupancies or buildings having a common wall may locate their required loading berths in one (1) location; provided, the number of berths is not less than the sum of required berths for all buildings concerned; and there shall be interior access from each building to the loading berth.

6. Loading areas shall be designed that traffic congestion and interference is avoided and the highest possible of safety is maintained.

(Ord. 5517 §1, 1995).

18.38.160 - Specific zone district requirements

A. Ten (10) Percent Reduction in Parking Requirements.

The median motor vehicle parking requirements contained in Section 18.38.100 shall be reduced by ten (10) percent for uses in the High Density Corridor 1, 2, 3, and 4 Districts (see High Density Corridor Map), Neighborhood and Urban Villages, and within the Downtown (see Figure 38-2). This shall not be used in combination with an administrative parking variance or other reductions unless approved by the Site Plan Review Committee.

B. Urban Residential (UR), High Rise Multifamily (RM-H) Residential Mixed Use (RMU) and Commercial Services - High Density (CS-H) Zones.

Residential uses shall be provided with one (1) motor vehicle parking space per unit unless otherwise exempted below.

C. Downtown Exempt Parking Area (See Figure 38-2).

1. Existing buildings constructed prior to January 1, 2002, which are located within the Downtown Exempt Parking Area (See Figure 38-2), shall be exempt from the vehicle parking standards. However, a change of use within such existing structures shall comply with the long-term and short-term bicycle parking standards pursuant to Title 38.01;
2. All new residential buildings and uses located within the Downtown Exempt Parking Area (See Figure 38-2) shall be exempt from vehicle parking standards. However, if any new residential parking is constructed, the parking facility shall meet the Parking Design, Pedestrian Street and Design Review Criteria (OMC 18.38.180 through 18.38.240 and applicable OMC 18.04A or 18.06A, 18.16 and 18.20). All new residential buildings and uses shall comply with the long-term and short-term bicycle parking standards pursuant to Table 38.01; and
3. All new commercial buildings or expansions totaling over 3,000 square feet of gross leaseable area, constructed after January 1, 2002, which are located within the Downtown Exempt Parking Area (See Figure 38-2) shall be required to meet vehicle parking and bicycle standards (OMC 18.38.020 through 18.38.240).
4. Bicycle parking is not required for those buildings and uses located within the Downtown Exempt Parking Area (see Figure 38-2) that do not provide on-site motor vehicle parking.

D. High Density Corridor 1 and 2, and Urban Residential (UR).

1. **Townhouse units** shall provide one and one-half (1.5) parking spaces per unit;
2. **Multifamily units** shall provide one (1) parking space per unit;
3. **Small restaurants** (up to 750 square feet of service area) shall provide two (2) parking spaces/1,000 square feet; and

4. **Small retail** including food stores and laundries (up to 3,000 square feet) shall provide two (2) parking spaces per 1,000 square feet. (The first 350 square feet are exempt from parking requirements.) Small retail may provide additional parking up to three and one-half (3.5) parking spaces per 1,000 square feet.

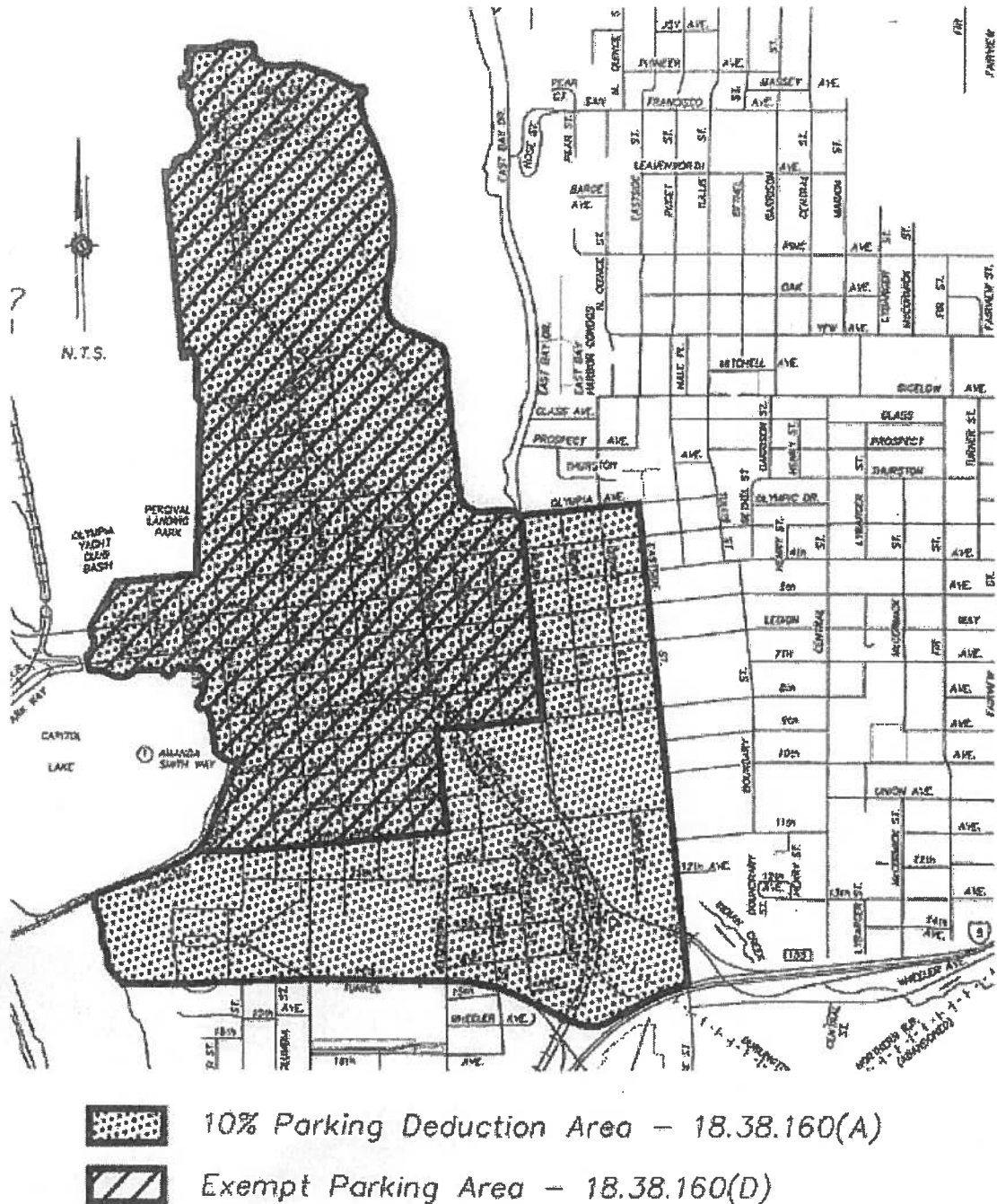


FIGURE 38-2

(Ord. 6459 §3, 2007; Ord. 6323 §8, 2004; Ord. 6195 §28, 2002; Ord. 6165 §1 & 2, 2001; Ord. 5714 §20, 1997; Ord. 5539 §9, 1995; Ord. 5517 §1, 1995).

18.38.180 - Shared parking facility

A. General.

The Site Plan Review Committee shall require an applicant to provide proof that shared parking is feasible when adjacent land uses have different hours of operation. Mixed use and shopping center developments with similar operating hours may also be required to submit a parking demand study to determine if parking can be combined.

1. **Authority.** In order to eliminate multiple entrances and exits, reduce traffic hazards, to conserve space and to promote orderly development, the Site Plan Review Committee and Hearing Examiner are each hereby authorized to plan and group cooperative parking facilities for a number of parking generators in such a manner as to obtain the maximum efficiency in parking and vehicular circulation.

2. **Allocation.**

a. **Shared parking.**

- i. When two (2) or more land uses, or uses within a building, have distinctly different hours of operation (e.g., office and church), such uses may qualify for a shared parking credit. Required parking shall be based on the use that demands the greatest amount of parking.
- ii. If two (2) or more land uses, or uses within a building, have different daytime hours of operation (e.g., bowling alley and auto part store), such uses may qualify for a total parking reduction of no more than fifty (50) percent.

b. **Combined parking.**

Two (2) or more uses which have similar hours of operation and combine parking facilities may qualify to decrease the number of parking stalls as follows. The Site Plan Review Committee may require a parking demand study to ensure sufficient parking is provided.

Two (2) uses:	Five (5) percent reduction
Three (3) uses:	Ten (10) percent reduction
Four (4) or more uses:	Fifteen (15) percent reduction

3. **Location.** Parking spaces provided for one use shall not be considered parking space for another use. Uses may be defined as singular, combined, or share parking.

a. **Shared parking.** In case there are uses in close proximity of each other that operate or are used at entirely different times of the day or week, the Site Plan Review Committee may allow shared parking facilities to satisfy the parking requirements of such uses if the parking facilities are within seven hundred (700) feet of all parking generators being served by such facilities; and

b. **Combined parking.** Two (2) or more uses may satisfy their parking requirements by permanently allocating the requisite number of spaces for each use in a common parking

facility, cooperatively established or operated; provided, the total number of spaces conforms to the requirements in item 4 below.

4. **Agreement.** An agreement, lease, deed, contract or easement establishing shared use of a parking area, approved by the City Attorney, shall be submitted to the Director of Community Planning and Development and recorded with the County Auditor's Office. For new buildings which share parking under this provision, such agreements shall run with the land for both and all properties with shared parking. Such agreement requires City approval for any change or termination. A parking agreement may be attached to a lease if additional parking is required due to a change in occupancy. This only applies in circumstances where there is existing parking and the change in use creates a deficiency.

5. **Termination of Shared or Combined Use.**

a. In the event that a shared or combined parking agreement is terminated, those businesses or other uses with less than the required parking shall notify the Director of Community Planning and Development within ten (10) days and take one of the following actions:

- i. Provide at least fifty (50) percent of the required parking within ninety (90) days, and provide the remaining required parking within three hundred and sixty-five (365) days following the termination of the shared use; or
- ii. Demonstrate, based upon a study deemed reliable by the Director of Community Planning and Development, that the available parking is sufficient to accommodate the use's peak parking demand.
- iii. Apply for and receive administrative parking variance.

b. If sufficient parking is not provided, the use, or that portion of the use out of compliance with this chapter, shall be terminated upon the expiration of the time period specified in (5) (a)(i) above. This requirement shall be established as a condition of the occupancy permit for uses relying on shared parking.

(Ord. 5714 §21, 1997; Ord. 5517 §1, 1995).

18.38.200 - Parking facility location

A. Parking facilities may be provided either on the same premises with the parking generator or in any parking facility, the property line of which is located within seven hundred (700) feet of the parking generator. Parking facilities may be provided further than seven hundred (700) feet from the parking generator or building if:

1. Regular shuttle service is provided;
2. A shared parking agreement is approved by the City; or
3. The parking generator is in the Downtown Business or Urban Waterfront zone and the parking facility is within 1,400 feet.

B. Where possible, surface parking lots shall be located behind a building. Where it is not possible to provide parking behind a building, parking lots may be located along the side of a building, provided that it comprises no more than fifty (50) percent of the site's street frontage. This provision does not apply to commercial parking lots which comprise the only use of a site. In the R-4, R 4-8 and R 6-12

districts, surface parking lots for co-housing projects (not including garages) within forty (40) feet of perimeter or through streets shall not extend more than seventy-five (75) feet along the street frontage in a continuous segment (i.e., uninterrupted by a landscaped open space, garden or orchard with no dimension less than forty (40) feet; a dwelling; or common structure).

The approval authority may waive these requirements if the applicant demonstrates that these parking restrictions would not allow reasonable use of the site due to its configuration (e.g., if the site has multiple street frontages and it is impractical to meet this requirement along all frontages due to the amount or relationship of the proposed development) or other physical site constraints, or it would significantly interfere with pedestrian circulation. Where permitted in commercial districts (listed in OMC 16.06), parking areas in front of buildings should be located between buildings or adjacent to an existing parking area to enable shared parking (see Design Guidelines, Section 18.06A.030 and Section 18.06A.180(E)). Also see Landscape Standards, Section 18.36.180).

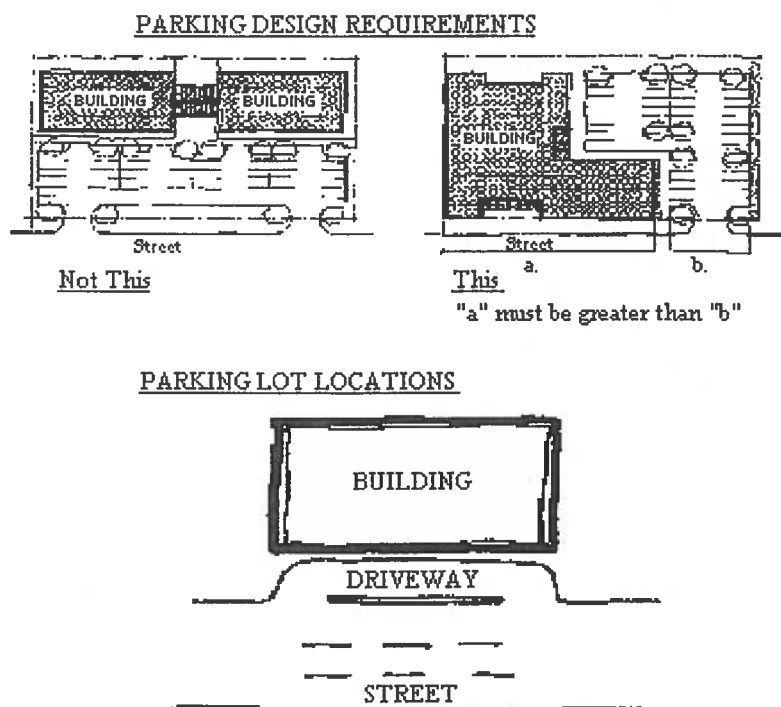


FIGURE 38-3

C. High Occupancy Vehicles - Stall Location. All employers required to operate high occupancy vehicles (HOV) shall mark the closest parking spaces to the building entrance Reserved for HOV. These spaces shall not displace required handicap parking.

D. Arterial Commercial District. Employee and tenant parking in this district may be located up to one thousand (1,000) feet from the parking generator if people are required to walk between the lot and use, or up to three (3) miles if shuttle service is provided at the beginning and end of the work shift.

(Ord. 6408 §25, 2006; Ord. 5801 §5, 1998; Ord. 5664 §8, 1997; Ord. 5517 §1, 1995).

18.38.220 - Design standards-General

Off-street parking facilities shall be designed and maintained in accordance with the standards of the

latest edition of the Transportation and Traffic Engineering Handbook and those hereunder, unless otherwise stated.

A. General Requirements. [NOTE: Also refer to specific zone district design standards in this Chapter under Section 18.38.240.]

1	2 S_w	3 WP	4 VP_w	5 VP_i	6 AW	7 W_2	8 W_4
Parking Class	Basic Stall Width (ft)	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
A	2-Way Aisle-90° 9.00	9.00	17.5	17.5	26.0	61.0	61.0
A	2-Way Aisle-60° 9.00	10.4	18.0	16.5	26.0	62.0	59.0
A	1-Way Aisle-75° 9.00	9.3	18.5	17.5	22.0	59.0	57.0
A	1-Way Aisle-60° 9.00	10.4	18.0	16.5	18.0	54.0	51.0
A	1-Way Aisle-45° 9.00	16.5	16.5	14.5	15.0	48.0	44.0

Source: Guidelines for Parking Facility Location and Design ITE Committee 5D-8, May 1990.

STANDARD PARKING DIMENSIONS

FIGURE 38-4

Figure 7-1. Dimensional elements of parking layouts.
SOURCE: Adapted from R. A. Weant, "Parking Garage Planning and Operation," Fig. 20, Eno Foundation for Transportation, Inc., 1978.

θ Parking angle
 W_1 Parking module width (wall to wall), single loaded aisle
 W_2 Parking module width (wall to wall), double loaded aisle
 W_3 Parking module width (wall to interlock), double loaded
 W_4 Parking module width (interlock to interlock), double loaded aisle
 AW Aisle width
 WP Stall width parallel to aisle
 DI Stall depth to interlock
 D Stall depth to wall measured perpendicular to aisle
 S_L Stall length
 S_W Stall width

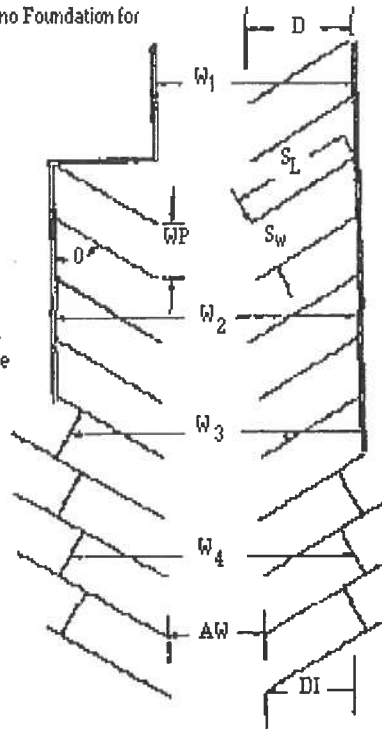


FIGURE 38-5

1. **Driveways.** Driveways and curb cuts shall be in accordance with Chapter 12.40, Driveways, Curbs and Parking Strips, Sections 12.40.010 through 12.40.060 and 12.40.110 through 12.40.170 and plans for such shall be submitted to and approved by the Public Works Director.

2. **Ingress/Egress Requirements.**

a. The Site Plan Review Committee, upon recommendation of the Public Works Director, or designee, and after appropriate traffic study, including consideration of total parcel size, frontage on thoroughfares, uses proposed and other vicinity characteristics, shall have the authority to fix the location, width and manner of approach of a vehicular ingress and egress from a building or parking area to a public street and to alter existing ingress or egress as may be required to control street traffic in the interest of public safety and general welfare.

b. Generally, but not in all cases, the internal circulation system and the ingress and egress to commercial or multifamily developments from an access street shall be so designed that the principal point of automobile cross-traffic on the street occurs at only one point--a point capable of being channelized for turning movements. Access shall be shared with adjoining parcels by placing ingress/egress points on shared lot lines, wherever safe and practical. Where parcels are bounded by more than a single street, generally, but not in all cases, access shall be provided only from the street having the lowest classification in the hierarchy of streets as established by the Public Works Director.

3. **Maneuvering Areas.**

a. All maneuvering areas, ramps, access drives, etc. shall be provided on the property on which the parking facility is located; however, if such facility adjoins an alley, such alley may be used as a maneuvering area. A garage or carport entered perpendicular to an alley must be located a minimum of ten (10) feet from the property line. A garage or carport entered parallel to an alley may be placed on the rear property line; provided sight distances are maintained. [NOTE: See accessory dwelling unit and structure requirements.]

b. Maneuvering areas shall be provided so that no vehicle is obliged to back out of a parking stall onto the street, except in the R-4, R 4-8, and R 6-12 use districts, or where approved by the City Engineer. [NOTE: See aisle width requirements.]

4. **Parking Surface.** All parking lots must be paved and designed to meet drainage requirements. Pervious surfaces (e.g., Turf Block) or other approved dust free surfaces may be used for parking areas held in reserve for future use, overflow parking (parking area furthest from building entrance), or parking areas approved by the Site Plan Review Committee. A maintenance agreement may be required to ensure such surface is properly maintained.

5. **Landscaping.** Parking areas shall be landscaped according to the requirements of Chapter 18.36.

6. **Wheel Stop, Overhang.** Appropriate wheel and bumper guards shall be provided to protect landscaped areas, to define parking spaces and to clearly separate the parking area from any abutting street rights-of-way and property lines. Vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing is provided.

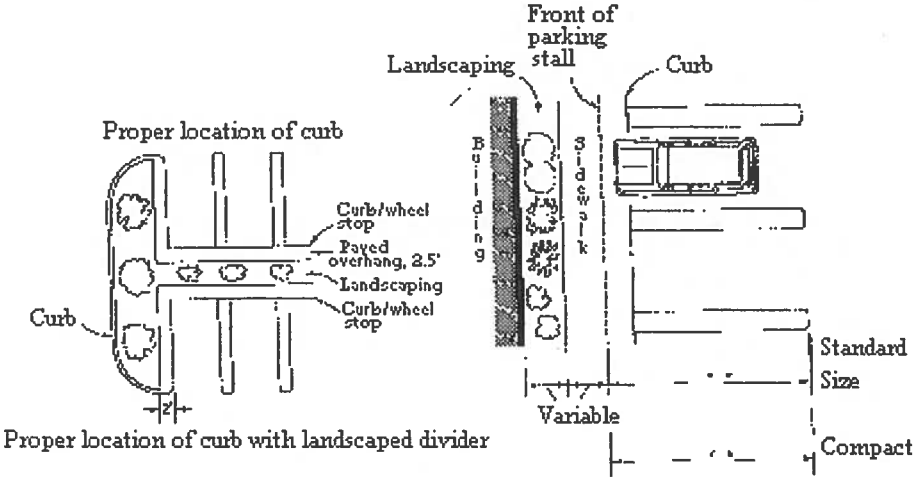


FIGURE 38-6

7. **Contiguous parking lots shall not exceed one (1) acre in size.** Parking lots exceeding one (1) acre in size shall be separated by a minimum ten (10) foot wide landscaped strip. This strip shall be of a different elevation than the parking lot.

8. **Downtown Structured Parking Dimensions.** Structured parking facilities may be designed to the general design standards found in Figures 38-4 and 38-5 above, Figure 38-7 below, or to the following structured parking design standard:



	Compact Car Dimension	Standard Car Dimensions
Standard Stall Width	8-foot	9-foot
Standard Stall Depth	16-foot	16-foot
Standard Aisle Width	24-foot	24-foot
Standard Wall-to-Wall	57-foot	57-foot

B. Compact Car Dimensions, Layout and Circulation.

1. Parking Dimensions (See Compact Parking Dimensions Table below).

1	2 S_w	3 WP	4 VP_w	5 VP_i	6 AW	7 W_2	8 W_4
Parking Class	Basic Stall Width	Stall Width Parallel to Aisle (ft)	Stall Depth to Wall (ft)	Stall Depth to Interlock (ft)	Aisle Width (ft)	Modules Wall-to-Wall (ft)	Modules Interlock to Interlock (ft)
2-Way Aisle-90° A	8.00	8.00	15.0	15.0	21.0	51.0	51.0
2-Way Aisle -60° A	8.00	9.3	15.4	14.0	21.0	52.0	50.0
1-Way Aisle-75° A	8.00	8.3	16.0	15.1	17.0	49.0	47.0
1-Way Aisle-60° A	8.00	9.3	15.4	14.0	15.0	46.0	43.0
1-Way Aisle-45° A	8.00	11.3	14.2	12.3	13.0	42.0	38.0

Source: Guidelines for Parking Facility Location and Design ITE Committee 5D-8, May 1990.

FIGURE 38-7

C. Bicycle Parking Design Standards.

1. A long-term bicycle parking facility shall provide for secure extended and short-term use and shall protect the entire bicycle and its components and accessories from theft and weather. Acceptable examples include, in preferred order: bike lockers; bike check-in systems; in-building parking; and limited-access fenced areas with weather protection.

To discourage improper use a bike locker door should include a see-through window or view hole. For in-building bike parking and limited access fenced areas, fixed structures for locking individual bikes, such as racks, must be provided within the facility. If such an area exceeds five (5) parking spaces, lockable clothing/gear storage lockers must also be provided within the facility. However, facilities such as factories and schools that provide personal lockers are not required to provide additional locker space for bicycle clothing/gear storage.

Exception: For retail uses under five thousand (5,000) square feet, long-term parking facilities exclusively for bicycles must only be provided only upon request of one or more employees. However, if permanent dedicated space is not provided, a sign must be posted at the primary employee entry reading "Secure Bicycle Parking Provided Upon Request - Olympia Municipal Code 18.32."

2. A short-term bicycle parking facility shall provide convenient parking with some security and weather protection. Short-term bicycle parking facilities shall include a covered stationary rack. These facilities may be shared among adjoining establishments.

Short-term bicycle parking facilities shall be located either: no further from a public entry than the nearest non-handicapped parking stall; or visible from and within one hundred (100) feet of the public entry; or within fifty (50) feet of the public entry to the building. A directional sign shall be provided if the selected location is not clearly visible from the primary entrance.

3. Each bicycle parking area shall be separated from motor vehicle parking and maneuvering areas by a barrier, post, or bollard, or by at least five (5) feet of open space. Bicycle parking spaces shall be two (2) feet by six (6) feet each, with no less than a seven (7) foot overhead clearance. A five (5) foot maneuvering aisle shall separate rows of bicycle parking spaces. Bicycle parking facilities shall not be solely accessible by stairs.

4. Bicycle racks shall be covered in such a manner as to protect the entire bicycle from rain and installed to provide adequate maneuvering space and ensure that the requisite number of bicycle parking spaces remain accessible. The rack shall be permanently affixed to the ground and support the bicycle at two (2) or more points, including at least one (1) point on the frame higher than two (2) feet from the ground. The user shall be able to lock the bicycle with a U-shaped lock or cable lock. Bicycle racks which only support a bicycle front or rear wheel are not permitted.

5. Long-term bicycle parking facilities may be substituted for short-term bicycle facilities only if the design is consistent with the purpose of short-term facilities.

(Ord. 6459 §4, 2007; Ord. 6195 §29, 2002; Ord. 6140 §32, 2001; Ord. 5830 §41, 1998; Ord. 5664 §9, 1997; Ord. 5539 §10, 1995; Ord. 5517 §1, 1995).

18.38.240 - District design standards

In addition to the parking design standards for various zone districts found below, also refer to individual land uses located in Article II and Design Guidelines, Sections 18.06A.030 and 18.06A.180 (E).

A. ARTERIAL COMMERCIAL.

1. See Enhanced Pedestrian Access for the Arterial Commercial District in Design Guidelines, Article II.

B. URBAN WATERFRONT ZONE (UW).

1. **Structured Parking Design Requirements.** All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

C. DOWNTOWN BUSINESS ZONE (DB).

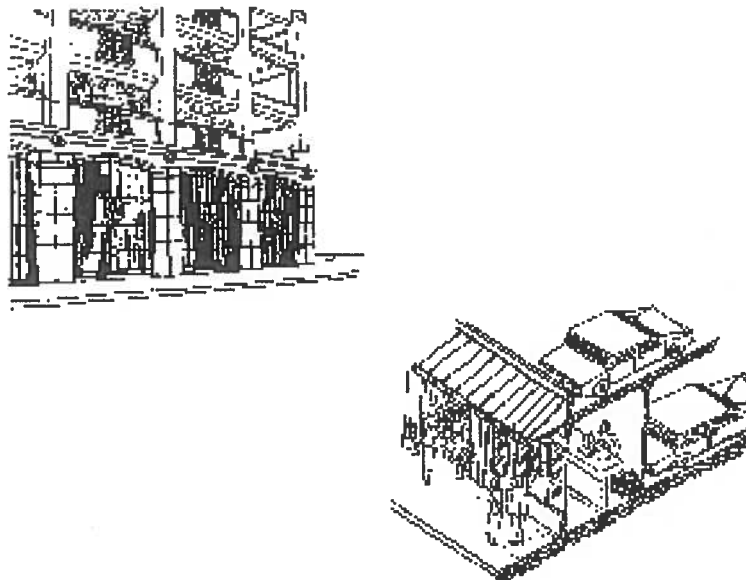
1. **Structured Parking Design Requirements.** All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

D. RESIDENTIAL MIXED USE (RMU), RESIDENTIAL HIGH-RISE MULTIFAMILY (RMH) DISTRICT, URBAN RESIDENTIAL (UR).

1. **Structured Parking Design Requirements.** All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

E. URBAN WATERFRONT - HOUSING (UW-H).

1. **Structured Parking Design Requirements.** All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).



Parking Garage facade treated with decorative grill work.

FIGURE 38-8

(Ord. 6323 §9, 2004; Ord. 6195 §30, 2002; Ord. 5517 §1, 1995).

18.40

18.40.000 - Chapter Contents

Chapter 18.40

PROPERTY DEVELOPMENT AND PROTECTION STANDARDS

Sections:

- 18.40.020 Purpose.
- 18.40.040 Applicability.
- 18.40.060 General standards.
- 18.40.080 Protection standards.
- 18.40.100 Enforcement.

18.40.020 - Purpose

These standards shall ensure that new and altered uses and development will produce an urban environment of stable, desirable character which is harmonious with existing development and consistent with the Comprehensive Plan.

(Ord. 5517 §1, 1995).

18.40.040 - Applicability

All new construction, grading, and additions and all modifications to an existing structure in excess of twenty-five (25) percent of the structure floor area, shall be subject to the standards set forth in this Chapter. See Non-conforming, Chapter 18.37.) All continuing operations and uses shall be subject to and conform to the Protection Standards of this Chapter.

(Ord. 6562 §4, 2008; Ord. 5830 §45, 1998; Ord. 5517 §1, 1995).

18.40.060 - General standards

These standards apply to more than one (1) land use district and are therefore combined in this Chapter. These standards are to be considered in addition to standards and design guidelines located in specific land use district chapters.

A. Required Building Site.

1. **Building Site**--Number of Buildings. Every main building hereafter erected shall be located on a legal lot of record as provided for in this title. There shall be no more than one (1) main building on any one (1) lot in the R-4, R 4-8, and R 6-12 use districts.
2. **Lot or Building Site**--Reduction. No lot or parcel of land now existing or hereafter established shall be so reduced or diminished that yards, open space, width or total lot area be made smaller than the minimum required by this title; nor shall any existing lot or parcel of land that is now smaller than the minimum required by this title be further reduced or diminished in any manner.

B. Clear Sight Triangle. (See Clear Sight Triangle definition.)

1. All corner building sites located in use districts that require a front and side yard shall maintain a clear sight triangle at the intersection of the street rights-of-way for the purpose of traffic safety. Such building, other structures, and landscaping shall conform to those standards set forth in the Public Works and Engineering Standards of the City. No building, structure, object or growth over two and one-half (2.5) to ten (10) feet in height, measured from the street centerlines of the intersecting streets, shall be allowed within this triangle.
2. Absent an Engineering Standard, one angle of this triangle shall be formed by the intersecting street rights-of-way and the sides of the triangle measured along the property lines from said angle shall be twenty (20) feet in length; the third side of such triangle shall be a straight line connecting the ends of the two (2) aforementioned lines.
3. The Public Works Director may alter the clear sight triangle. Such alteration is contingent on unusual site topography, proposed site design features, and other unique circumstances pertaining solely to the site and surrounding properties. The Public Works Director or designee shall make written findings that the alteration does not constitute a traffic or pedestrian safety hazard.
4. Street lights, power poles, traffic signs, or similar street fixtures less than one (1) foot wide or other objects above ten (10) feet in height above the adjacent street elevation shall be allowed in the clear sight triangle unless the Public Works Director determines that, individually or cumulatively, they would pose a public safety hazard. The Public Works Director may authorize other objects in the clear sight triangle which do not comply with this standard upon determining that they would not pose a risk to public safety.

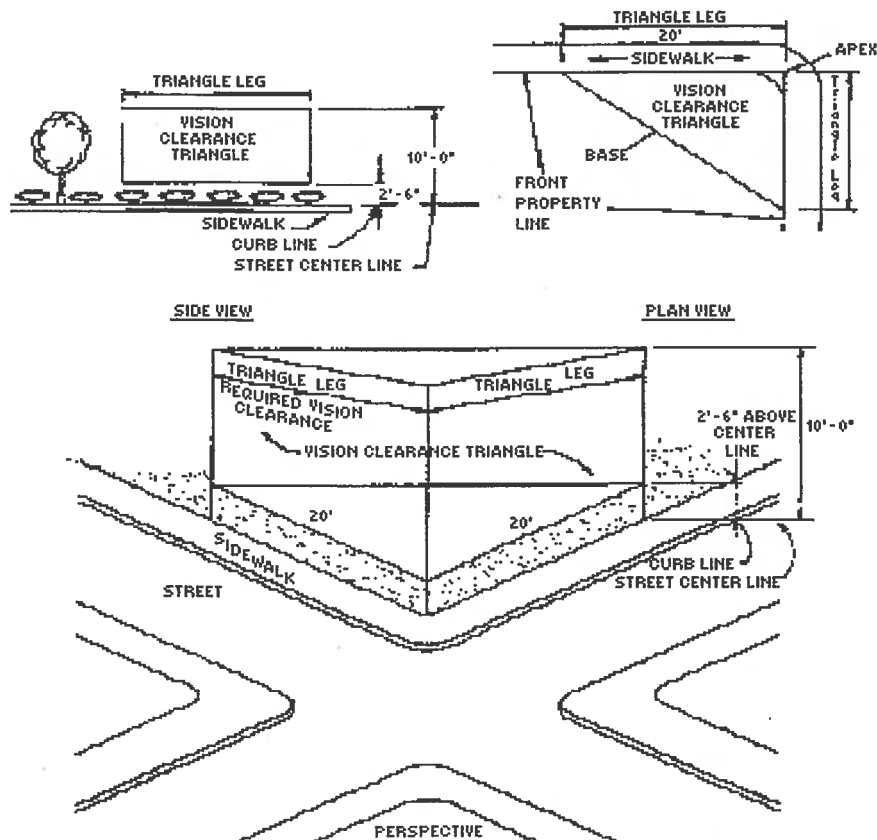


FIGURE 40-1

C. Fences/Hedges, Walls and Site Perimeter Grading. It shall be the responsibility of property owners to ensure fences are within property lines. "Fences" as used in this section includes walls and similar above-grade unenclosed structures forming a continuous or nearly continuous line or row exceeding six feet in length. Also see definition, OMC 18.02.180.F. For this section only, any portion of a special purpose lot, tract or parcel, such as a stormwater or tree tract, which is within ten feet of any public street right-of-way shall be a "front yard," and all other yards shall be defined as if such tract were a buildable lot.

1. Fences, when located within a required yard, shall not exceed the following height limits:

- a. Front yard = 48" (4'-0");
- b. Side yards = 72" (6'-0");
- c. Rear yards = 72" (6'-0");
- d. Clear Sight Triangle = 30" (2'-6").

For purposes of this section, a front yard shall not exceed ten feet in depth, regardless of any other provision found in this Title.

2. Fence height is measured to the top of the fence, excluding posts. Point of ground measurement shall be the high point of the adjacent final grade.

3. Fences, walls, and hedges are permitted within all yard areas provided that regardless of yard requirements, no closed gate, garage door, bollard or other feature shall obstruct a driveway or other motor vehicle private ingress within twenty (20) feet of a street right-of-way nor obstruct automobile views exiting driveways and alleys (see clear vision triangle). This 20-foot requirement is not applicable within the downtown exempt parking area as illustrated at Figure 38-2. Additional exceptions may be granted in accordance with OMC 18.38.220(A)(2).

4. Front yard fences, of common areas, such as tree, open space, park, and stormwater tracts, must be a minimum of twenty-five (25) percent unobstructed, i.e., must provide for visibility through the fence.

5. Fence pillars, posts, and similar features may project a maximum of two (2) feet above maximum fence height.

6. Site Perimeter Grading. Within required yard areas, no single retaining wall (nor combination of walls within five horizontal feet) shall exceed a height of 30 inches as measured from the lowest adjacent grade, nor shall any modification of grades or combination of retaining walls result in grade changes exceeding 30 inches within five feet of a property line nor 60 inches within 10 feet of an existing or proposed property line.

7. An administrative exception may be approved by the Department to exceed maximum fence height and other provisions of these standards under where all of the following conditions exist.

- a. Variation of existing grade on either side of the fence results in a fence lower than the maximum height as measured from the highest point of grade within five (5) feet of either side of the fence; or other special circumstances relating to the size, shape, topography,

location, or surroundings of the subject property warrant an exception to permit a fence comparable with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;

- b. The special conditions and circumstances do not result from the actions of the applicant;
- c. Granting of the exception will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property is located;
- d. The granting of the exception will not be materially detrimental to the public welfare or injurious to the proeprty or improvements in the vicinity and zone in which subject property is situated; and
- e. The exception is the minimum necessary to provide the rights and privileges described above.

Applications for additional fence height or other exceptions shall include a letter or form explaining the exception sought and its purpose of; and fence illustrations and plan drawing that depicts proposed fence location and height, other structures, landscaping, and proposed grades in relation to existing grades.

[NOTE: A building permit is required for all fences exceeding six (6) feet in height. Fences and hedges may exceed maximum heights if located outside of required yards. But see Design Guidelines.]

8. **Hedges.** Hedges are allowed in all required yard areas subject to the following maximum height limits:

- a. Front yard = 48" (4'0")
- b. Side yard = Unlimited
- c. Rear yard = Unlimited

[Note: Clear Sight Triangle = 30" (2'-6"), see Section 18.40.060.(C)]

9. **Barbed and/or razor wire fences.** No person or persons being the owner of or agent for or in possession and control of any property within the city limits shall construct or permit to exist any fence around or in front of such permises, consisting wholly or partially of barbed and/or razor wire, except to provide security at a government-owned property or privately owned utility where security for the property is mandated by law; provided that the provisions of this section shall only extend to fences that are within ten (10) feet of a street or alley or other public place within the City.

9. **Electric fences.** It is unlawful to erect or install or maintain any electric fence within the city limits. "Electric fence" means any fence with above-ground electric conductors carrying electric current supplied by batteries, commercial power or any other source of electricity, erected for the purpose of retaining or excluding any animals, livestock, or persons.

D. Lighting. All display and flood lighting shall be constructed and used so as not to unduly illuminate the surrounding properties and not to create a traffic hazard.

E. Outdoor Storage.

1. Except as provided in the underlying district, there shall be no outdoor storage of goods or materials, and there shall be no warehousing or indoor storage of goods or materials beyond that normally incidental to the uses permitted in each underlying district. Permitted outdoor storage must be screened from view of any public way.
2. Materials covered by buildings with roofs but without sides shall be considered outdoor storage and shall be subject to the screening provisions of this section. This provision shall not apply to display of new or used motor vehicles or watercraft where such activities are an integral part of an automobile or watercraft dealership. Refuse may be stored in cans outdoors, provided that they are enclosed in a screened enclosure area.
3. Storage in residential areas shall comply with the same requirements as those specified for business establishments and shall, in addition, comply with the following:
 - a. Motor vehicles, appliances, and any other mechanical equipment which is no longer operable or licensed shall not be stored outside for a period exceeding thirty (30) days;
 - b. Operable motor vehicles, boats, trailers, recreational vehicles and the like may be stored on the premises provided that they do not obstruct the use of public right-of-way or interfere with traffic visibility, especially the visibility of and at intersections of streets. Vehicles, boats, and the like, so stored shall not be used for living quarters. The storage of boats with a beam exceeding eight (8) feet may be permitted only if it is determined by the Hearing Examiner that such storage will not be detrimental to surrounding property or the neighborhood. In no event shall such vehicles, boats and the like be stored within less than five (5) feet of any side or rear property line without written approval of the occupant of the adjoining property.
4. Storage in or on the public right-of-way is prohibited. All vehicles, boats, trailers, recreational vehicles, household and business equipment, landscape material and any other personal items shall not be placed within a public right-of-way longer than twenty-four (24) hours. Stored item(s) shall be tagged by the police and a warning issued to remove within seventy-two (72) hours. Failure to do so will result in removal by the city at the owners expense. (Also see RCW 46.55.085.)

F. Pleasure Boat Storage.

1. Private pleasure boats shall be allowed to moor in any use district and such moorage, exclusive of yacht clubs, marinas and other commercial moorage facilities shall be subject to the following requirements:
2. The height of any covered boat house shall not exceed sixteen (16) feet above the ordinary water level.
3. The side or end of a covered boat house that faces the water shall not be more than sixty (60) feet beyond the natural shoreline.
4. All structures shall conform to the side yard requirements of the use district in which they are located.

5. Any side wall or roof of any moorage structure shall consist of rigid or semi-rigid materials and the roof area shall not exceed one thousand (1,000) square feet.
6. Covered boat houses shall not occupy more than fifty (50) percent of the width of the lot at the shoreline upon which it is located.
7. A moored boat shall not be used as a place of residence unless some means is employed to connect such boat with the city sewer system.

EXEMPT: Any boat moorage in water under government supervision is exempt from the above-mentioned requirements.

G. Underground Utility Lines.

1. Except as follows, all electrical, telephone or other utility distribution and service lateral lines or wires shall be underground.

Exemptions:

- a. Electric utility substations, switching stations, pad-mounted transformers and switching facilities. These above ground facilities shall be screened from view;
 - b. Electric transmission systems of a voltage of fifty-five (55) kv or more (including poles and wires) and equivalent communications facilities;
 - c. Street lighting (poles);
 - d. Telephone pedestals and other equivalent communication facilities;
 - e. Police and fire sirens, or any similar municipal equipment, including traffic control equipment;
 - f. Temporary services for construction;
2. The cost of constructing new facilities underground or relocating existing aerial facilities underground shall be borne by the serving utilities, the owners of the real property to be served or others requesting such underground service in accordance with the applicable filed tariffs, or the rules and regulations or the published policies of the respective utilities furnishing such service, or as may be contractually agreed upon between the utility and such owner or applicant.
 3. In the absence of filed tariffs, rules or regulations, published policies or contractual agreement, the cost of constructing new facilities underground or relocating existing aerial facilities underground may be financed by any method authorized by state law.

H. Yards.

1. In addition to the following, yard regulations found in Section 18.04.060(B) (Accessory

Structures) apply to all building sites in all use districts of the city.

2. Yards/Setbacks.

a. The required setback area shall be parallel to the structure requiring a setback. Setback width shall be measured from the outermost edge of the building foundation to the closest point of the parallel (or nearly parallel) adjoining lot line. In the event of a planned unit development or binding site plan, such development shall meet all Uniform Building Code separation requirements. (See Figure 40-4.)

b. A required yard area shall be kept free of any building or structure taller than thirty (30) inches, except that a building or projection shall be allowed as provided below:

i. Cornices, window sills, bay windows, flues and chimneys, planters, and eaves of roofs may project two (2) feet into the required yard area.

ii. Marquees and awnings of commercial buildings may project into required setback areas.

iii. Fences may project into the required yard area if they meet fence height requirements found in Section 18.40.060(C).

iv. Uncovered steps, porches, or patios, which are no more than thirty (30) inches above the adjacent grade may be placed within the required setback area.

v. Uncovered swimming pools, hot tubs and satellite dish antennas may be placed in the rear or interior side yard setback area. See 18.04.060(X)(2)(f).

vi. Signs in compliance with Chapter 18.42

vii. Refer to each land use district for other allowed projections in required yards.

c. No building construction nor projection is allowed within any utility, access or public/private easement.

d. The front yard setback for a flag lot shall be a minimum of ten (10) feet measured from the nearest parallel or nearly parallel lot line adjacent to the front facade of the dwelling.

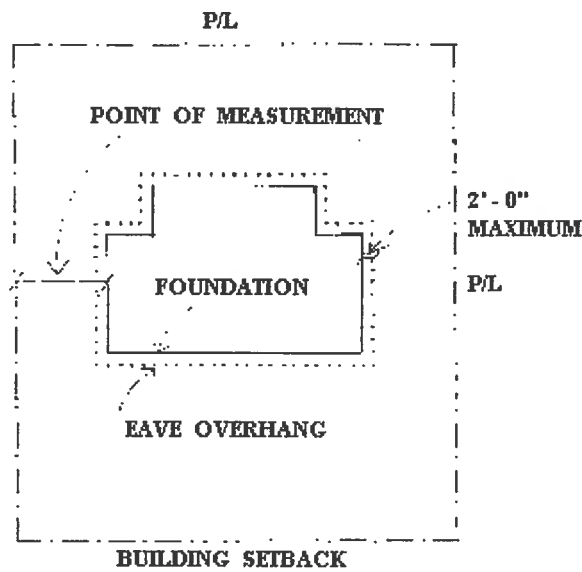


FIGURE 40-4
Rear

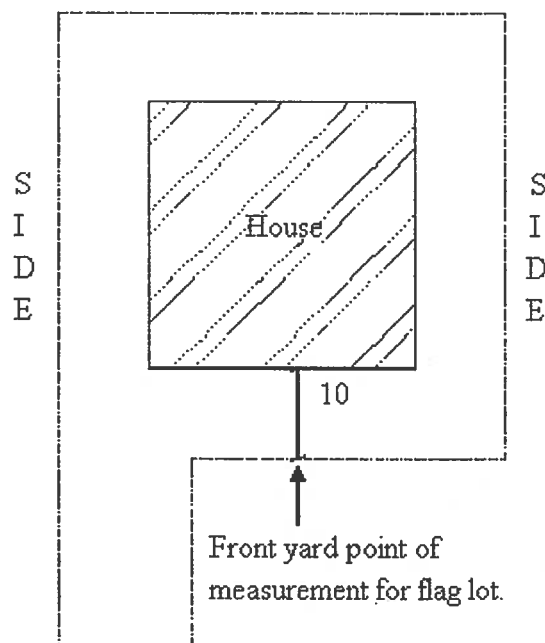


FIGURE 40-5

3. Use of Yard by Another Building. No yard or other open space required by this chapter for any building shall be considered as a yard or other open space for any other building; nor shall any yard or open space on one building site be considered as a yard or open space for a building on any other building site.

I. Minimum Street Frontage.

1. Each lot, other than in townhouse, cottage and co-housing projects, shall have a minimum of thirty (30) feet of frontage on a public or private street. With respect to binding site plans, this requirement shall apply to the entirety of the binding site plan and not to each individual site or lot. The Director may allow the street frontage to be reduced or eliminated to the minimum extent necessary to enable access to property where public street access is not feasible for such reasons,

including but not limited to, physical site conditions or preexisting development or to protect environmentally Critical Areas.

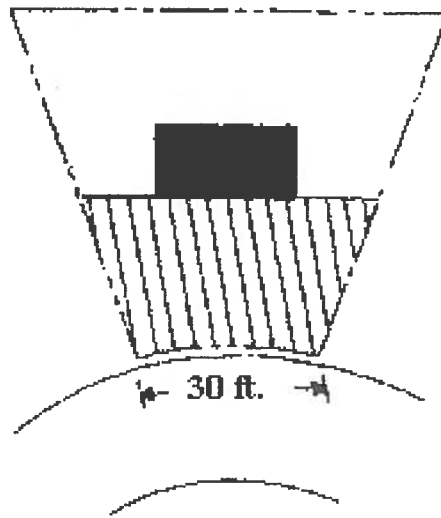


FIGURE 4-2

2. Subdivisions, short subdivisions, binding site plans, and lot line adjustments creating flag lots (with street frontages of less than thirty (30) feet) are subject to the following conditions.

- a. The project shall be designed to minimize the creation of flag lots.
- b. Adjoining flag lots shall share a common driveway wherever possible.
- c. All driveways accessing flag lots shall be designed to allow fire truck access to within one hundred fifty (150) feet of all exterior points of the building(s) on the lot(s), unless alternate forms of fire protection approved by the Chief of the Fire Department are provided, including but not limited to, sprinkler systems.
- d. The area of a flag lot which is less than thirty (30) feet in width shall not be considered part of the minimum lot area required in Table 4.04.

(Ord. 6562 §4, 2008; Ord. 6419 §2, 2006; Ord. 6273 §11, §19, 2003; Ord. 5830 §19, 1998; Ord. 5714 §22, 1997; Ord. 5664 §10, 1997; Ord. 5527 §1, 1995; Ord. 5517 §1, 1995).

18.40.080 - Protection standards

A. General. It shall be the responsibility of the operator and/or the proprietor of any permitted use to provide such reasonable evidence and technical data as the enforcing officer may require to demonstrate that the use or activity is or will be in compliance with the performance standards of this Title. Failure of the enforcing officer to require such information shall not be construed as relieving the operator and/or the proprietor from compliance with the Environmental Performance Standards of this Ordinance.

B. Noise.

1. The maximum allowable noise levels as measured at the property line of noise impacted uses or activities shall be those set forth in the Washington Administrative Code, Chapter 173-60, titled "Maximum Environmental Noise Levels," which chapter is hereby incorporated by reference, except as otherwise provided herein.

2. The "Environmental Designation for Noise Abatement" (EDNA) for the several land use classifications of this Ordinance shall be as follows:

- All living areas (single-family, multifamily, etc.): A
- Medical service and professional office/residential multi: A
- All other commercial areas: B
- Light industrial, industrial: C

3. Noise levels of any sound source, when measured in the manner and locations prescribed in (WAC 173-60) shall not exceed the values shown in Table N.

TABLE N PERMITTED SOUND LEVELS IN RECEIVING EDNA CLASSES				
1. FROM EDNA CLASS A (RESIDENTIAL) SOURCE				
Land Use Classification or District	EDNA Class of Receptor	Maximum Sound Level* (Db(A))	Duration of Any One-Hour Period (min)	Applicable Hours***
Single-family Multifamily	A	55	Continually	7 a.m.-10 p.m.
	A	60	15	7 a.m.-10 p.m.
	A	65	5**	7 a.m.-10 p.m.
	A	70	1	7 a.m.-10 p.m.
	A	45	Continually	10 p.m.-7 a.m.
	A	50	15	10 a.m.-7 p.m.
	A	55	5**	10 a.m.-7 p.m.
	A	60	5	10 p.m.-7 a.m.
Commercial Industry	B		No Requirement	
	C		No Requirement	
2. FROM EDNA CLASS B (COMMERCIAL) SOURCE				
Single-family Multifamily	A	57	Continually	7 a.m.-10 p.m.
	A	62	15	7 a.m.-10 p.m.
	A	67	5**	7 a.m.-10 p.m.
	A	72	1	7 a.m.-10 p.m.
	A	47	Continually	10 p.m.-7 a.m.
	A	52	15	10 p.m.-7 a.m.
	A	57	5**	10 p.m.-7 a.m.
	A	62	5	10 p.m.-7 a.m.
Commercial Industry	B	65****	Continually	7 a.m.-10 p.m.
Commercial	B	60****	Continually	10 p.m.-7 a.m.
Commercial	B	65****	Continually	7 a.m.-11 p.m. Fri & Sat
Industry	C		No Requirement	
3. FROM EDNA CLASS C (INDUSTRIAL) SOURCE				

Single-family Multifamily	A	60	Continually	7 a.m.-10 p.m.
	A	65	15	7 a.m.-10 p.m.
	A	70	5**	7 a.m.-10 p.m.
	A	75	1	7 a.m.-10 p.m.
	A	50	Continually	10 p.m.-7 a.m.
	A	55	15	10 p.m.-7 a.m.
	A	60	5**	10 p.m.-7 a.m.
	A	65	5	10 p.m.-7 a.m.
Commercial Industry	B	65****	Continually	All hours
	C		No Requirement	

*Source: Chapter 173-60, Washington Administrative Code "Maximum Environmental Noise Levels." See Chapter 173-60 regarding variances and exemptions.

**Total not to exceed 15 minutes in any one hour.

***The lower noise levels for EDNA A (residential) receptors apply on all hours of the weekends and holidays.

****DB, UW, UW-H, UR Distructs only

C. Emissions.

1. **Air Pollution** shall be controlled by the operator and/or proprietor of any land use or activity permitted by this title. The ambient air quality standards specified in Regulation I of the Olympic Air Pollution Control Agency (OAPCA), shall apply to all air contaminants listed therein. See Chapter 173-60 regarding variances and exemptions.
2. **Toxic Substances** shall be kept to concentrations not exceeding one-fiftieth (1/50) of interior standards by use of the best available control methods and technology in all phases of plant operation and handling of materials, and by an active commitment to good housekeeping practices. Toxic substances not listed in Regulation I of OAPCA, but released into the air shall be limited in accordance with the most current publication entitled Threshold Limit Values, of the American Conference of Governmental Hygienists.
3. **Liquid Wastes** shall be disposed of through local sanitary sewer systems only upon approval of affected sewer district authorities.
4. **Liquid or solid wastes unacceptable to public sewer authorities** shall be disposed of on a regular basis in keeping with the best operating characteristics of the industry, and in compliance with the regulations and requirements of local, regional, state or federal agencies having jurisdiction in waste disposal and environmental health and safety.
5. **Any operation producing intense heat or glare** shall be performed within an enclosure so as to completely obscure such operation from view from any point along the property line.
6. **The use, storage, transportation and disposal of all radioactive materials or devices** shall be subject to the regulatory jurisdiction and control of the Radiation Control Agency of the Washington State Department of Social and Health Services as amended.
7. No use shall cause earth vibrations or concussions detectable without the aid of instruments beyond its lot lines, with the exception of the temporary vibration produced as a result of construction activity. Such temporary construction activity shall be restricted to the hours between 7:00 a.m. and 6:00 p.m.

D. Ground and Soil Contamination. Materials used or produced in any manufacturing process shall be handled in such a manner as to prevent ground or soil pollution which destroys or endangers the support of natural vegetation or which may contaminate underground aquifers, or other natural drainage systems.

E. Noise Attenuation. All residential and office buildings within three hundred (300) feet of an Industrial or Light Industrial-Commercial zone must use noise attenuation construction or buffering techniques for the benefit of the occupants of the buildings so that state noise standards are met.

(Ord. 6575 §1, 2008; Ord. 6273 §22, 2003; Ord. 5517 §1, 1995).

18.40.100 - Enforcement

The enforcing officer is authorized and required to enforce the minimum standards of this chapter.

A. Proposed Activities.

1. In the enforcement of this chapter, the enforcing officer may require the developer of a proposed activity or use to submit reasonable evidence and technical data to demonstrate that the use or activity will be in compliance with the performance standards of this chapter.
2. The enforcing officer may undertake independent studies and engage such technical assistance as may be needed for such studies or to evaluate data or information submitted by such proponents in connection with the performance standards of any activity.
3. The developer shall pay for or reimburse the City for the costs incurred in the conduct of such tests as the City may require and for costs incurred by the City to engage technical consultants for review and interpretation of data and findings submitted by or on behalf of the developer.

B. Existing Activities.

1. The enforcing officer, upon the request of a complainant, or upon his/her own initiative, may require the operator of any existing activity or use to submit reasonable evidence and technical data to demonstrate that the use or activity is in compliance with the performance standards of this chapter.
2. The enforcing officer may undertake independent studies and engage such technical assistance as may be needed for such studies or to evaluate data or information submitted by such operators in connection with an investigation of compliance with the performance standards of this chapter.
3. Only in the event that a violation of these performance standards is found shall the operator of the activity pay for or reimburse the City for the costs incurred in the conduct of such tests as the City may require, and for costs incurred by the City to engage technical consultants for review and interpretation of data and findings collected in connection with an investigation of compliance with the performance standards of this chapter.

(Ord. 5517 §1, 1995).

18.42

18.42.000 - Chapter Contents

Chapter 18.42 SIGNS

Sections:

- 18.42.020 Purpose.
- 18.42.040 Applicability.
- 18.42.060 General sign regulations.
- 18.42.080 Prohibited signs.
- 18.42.100 Summary of Sign Standards Classification System.
- 18.42.120 General Standards for Freestanding Signs.
- 18.42.140 General Standards for Building Mounted Signs.
- 18.42.160 General Standards for Temporary Signs.
- 18.42.180 General Standards for Sandwich Board Sidewalk Signs.
- 18.42.200 General Standards for Identification Signs for Individual Uses.
- 18.42.220 District Specific Standards for Identification Signs for Individual Uses.
- 18.42.240 General Standards for Development Identification Signs.
- 18.42.260 District Specific Standards for Development Identification Signs.
- 18.42.280 Building Entrance Sign Standards.
- 18.42.300 Political Sign Standards.
- 18.42.320 Real Estate Sign Standards.
- 18.42.340 Directional and Informational Sign Standards.
- 18.42.360 Driveway Entrance/Exit Sign Standards.
- 18.42.380 Nonconforming Signs.
- 18.42.400 TABLE: Summary of Sign Standards by District.

(Ord. 6093 §35, 2001).

18.42.020 - Purpose

It is the purpose of this Chapter to (1) safeguard the life, health and welfare of the citizens of the City of Olympia by regulating and controlling the design, quality of materials, construction, location, use, electrification and maintenance of all signs and sign structures (2) promote the enhancement of business properties and their neighborhoods through the erection of signs complementary with their buildings and uses and harmonious with their surroundings; (3) to protect the right of business to identify its premises and advertise products on the premises through the use of signs.

This chapter shall not regulate building design, official directional signs, traffic signs, copy of signs, design of signs, signs within Highway 101 and Interstate 5 rights-of-way, window displays, point of purchase advertising displays such as product dispensers and candy machines, national flags, flags of political subdivisions, gravestones, holiday decorations, historical site plaques or other such signs of a non commercial nature.

(Ord. 6093 §3, 2001; Ord. 5714 §23, 1997; Ord. 5517 §1, 1995).

18.42.040 - Applicability

No signs shall be erected or maintained in the City except those signs specifically identified in this chapter. The number and size of signs as outlined in this Chapter are maximum standards.

(Ord. 6093 §4, 2001; Ord. 5517 §1, 1995).

18.42.060 - General sign regulations

A. Design Review of Signs.

1. In applying design criteria, or design guidelines, the Design Review Board or staff may deny or further restrict signs otherwise authorized or regulated in other sections of this chapter.
2. The appeal procedures set out in OMC 18.75.020 (A) for signs subject to design review shall apply.

B. Electrical Requirements. Electrical requirements for signs within the City of Olympia shall be governed by the adopted Electrical Code of the City of Olympia. Compliance with said code shall be required by every sign utilizing electrical energy as a prerequisite to issuance of a sign permit under this code.

C. Enforcement and Removal. See OMC 18.73.010.

D. Fees. Sign permit fees shall be paid as established in Title 4 of the Olympia Municipal Code.

E. New Signs, Repairs, Alterations, Abandoned Signs.

1. No new sign shall be erected nor any existing sign structurally altered, that is not in compliance with these standards, the provisions of the Use District in which it is located and any other pertinent Federal, State or Local regulations.
2. All signs shall be kept in good repair and shall be maintained in a safe, neat, clean and attractive condition.
3. Abandoned signs shall be removed, except that if the City designates a sign as historic in nature, the City may allow the sign to be exempt from the removal standard for abandoned signs. (See Section 18.42.380, Non-Conforming Signs.)
4. Out-of-date signs shall be removed within five (5) days after the event, time, or purpose of the sign no longer applies. (See Section 18.42.300 Political Signs).
5. No sign shall be erected or maintained in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe. No sign shall be erected or maintained so as to obstruct any window so that light or ventilation is reduced below minimum standards required by an applicable law or the Uniform Building Code.

6. Signs shall not interfere, confuse or conflict with the recognition and visibility of any traffic control or directional devices or street name signs, nor shall any sign be so placed as to cause visual obstruction of any public rights-of-way.

F. No Permit Required. The following signs do not require a permit:

1. Signs erected by government agencies to implement public policy.
2. Real estate signs subject to the requirements of Section 18.42.320.
3. Political signs meeting the requirements of Section 18.42.300.
4. On-premise occupant name plates on residential dwelling units, provided size of name plates does not exceed three (3) square feet in area.
5. Changing of advertising on a legal changeable copy sign (readerboard).
6. On-premise contractor job signs not exceeding thirty-two (32) square feet in area.
7. Temporary non-commercial signs less than six (6) square feet in sign surface area on private property and installed less than four (4) feet above ground.
8. Normal maintenance of signs that does not change the appearance of the sign.

G. Permit Application. A permit shall be obtained from the City of Olympia for the installation of a new sign, the structural alteration of an existing sign, and all changes to signs regulated by Design Review Guidelines including permanent painted signs. For the purposes of this Title, replacing only the face of an existing sign shall not be considered as either a new sign or a structural alteration and does not require a permit, except in areas regulated by Design Review Guidelines.

1. Application for a sign permit shall be made in writing upon forms provided by the Department. Structural detail, all dimensions, materials, illumination and advertising copy must be included.
2. A plot plan showing property lines, all abutting public rights-of-way, buildings and other structures on the property, existing signs and proposed sign locations, shall be included with the application.
3. If deemed necessary by the building department, additional engineering information and/or structural detail stamped by a structural engineer registered in the State of Washington may be required.
4. No sign permit shall be issued for an enterprise using nonconforming signs in Olympia unless the user or owner brings said signs into conformance or removes them. (See also, OMC 18.42.380 for further nonconforming sign regulations.)

H. Structural Requirements. The structure and erection of signs within the City of Olympia shall be governed by the Uniform Sign Code, 1991 Edition (or any subsequent edition adopted by the City).

I. General Commercial sign standards shall apply to all uses within the Auto Services District, unless

otherwise specified.

(Ord 6317 §4, 2004; Ord. 6093 §5, 2001; Ord. 5830 §23, 1998; Ord. 5714 §24, 1997; Ord. 5517 §1, 1995).

18.42.080 - Prohibited signs

The following types of signs are prohibited.

A. Animated Signs. Exception: Traditional barber signs and time/temperature signs. (See OMC Sections 18.42.120(G) and 18.42.140(D)).

B. Portable Signs. Exception: Sandwich board sidewalk signs (See OMC 18.42.180).

C. Any sign over four (4) feet high in a required yard setback (See OMC 18.02.180 Definitions, see definitions for Setback and Yard).

D. No sign shall be in or over public rights-of-way with the exception of projecting signs, sandwich board sidewalk signs, political signs, or those legally mounted on a marquee.

E. Off-Premises Directional Signs. For exceptions see OMC 18.42.340.

F. Signs unrelated to any use or activity on the property on which the sign is located, such as billboard signs, but not including directional and public service signs as defined herein. (See also OMC 18.02.180 - Definitions.)

G. Roof Signs. Unless they meet the standards for building mounted signs as defined in OMC 18.02.180.

H. Attaching commercial messages to wireless communication facilities for off-site and on-site advertising shall be prohibited.

I. Exceptions for Historic Preservation Purposes. As provided for in Section 18.42.060(E)(3), General Sign Regulations - New Signs, Repairs, Alterations, Abandoned Signs - Abandoned historic signs and Section 18.42.380(C)(1), Nonconforming Signs - Signs on Historic Buildings, the City may allow exceptions to the above prohibited signs for historic preservation purposes.

(Ord. 6395 §23, 2006; Ord. 6093 §6, 2001; Ord. 5714 §25, 1997; Ord. 5517 §1, 1995).

18.42.100 - Summary of Sign Standards Classification System.

A. Sign Structure types:

1. Freestanding signs
2. Building Mounted signs
3. Temporary signs
4. Sandwich Board sidewalk signs

B. Maximum sign surface area:

The maximum sign surface area may be one of the following nine levels, as set forth in this chapter in the maximum sign area standards for specific zoning districts. (**Note:** Double sided signs shall not exceed half (½) the maximum sign surface area per face). See Section 18.42.120 (B) for ratios to be used when calculating maximum size for levels 6 through 11 listed below. Levels 1 through 5 listed below do not use a ratio calculation.

1. 2 square feet
2. 5 square feet
3. 10 square feet
4. 16 square feet
5. 24 square feet
6. 32 square feet
7. 50 square feet
8. 100 square feet
9. 130 square feet
10. 200 square feet
11. 600 square feet, only for a double sided sign in the Auto Services District per OMC 18.42.260 (D)(1)(A).

C. Sign Function types:

1. Identification Signs for Individual Uses
2. Identification Signs for Developments
3. Building Entrance Signs
4. Political Signs
5. Real Estate Signs
6. Directional and Informational Signs
7. Driveway Entrance/Exit Signs
8. Sandwich Board sidewalk Signs

(Ord. 6317 §5, 2004; Ord. 6093 §7, 2001; Ord. 5896 §18, 1999; Ord. 5517 §1, 1995).

18.42.120 - General Standards for Freestanding Signs

A. In addition to these standards, also see the following sections in the Design Review Guidelines: 18.120.140, 18.120.150, 18.145.040, 18.150.100, and 18.150.110.

B. Double-sided signs - If the sign is double sided, each side may have half of the maximum square footage. For example, on a 200 square foot double-sided sign, each side may have a maximum of 100 square feet.

C. Setbacks - in the GC district, the minimum setback shall be the same as provided for buildings. Except: the front yard setback shall be a minimum of five (5) feet if abutting a principal arterial (major arterial) with a rights-of-way of eighty (80) feet or less, provided that the sign owner agrees to assume all expenses of relocating the sign when and if the City acquires additional rights-of-way. The sign owner must provide the City with an appropriate legal document binding the owner and any future heirs or assigns to said agreement.

D. Height - 4 foot maximum.

1. **Exceptions:** In association with secondary and above academic schools, if the site is greater than five acres and more than 50% of the building square footage is a Type "E" occupancy per the Uniform Building Code (UBC) or within the Freeway Corridor Overlay district, see also Sections 18.06A.350 and 18.06A.360

a. Uses on City street frontages - 16 feet

b. Uses adjacent to the freeway - 25 feet

c. A maximum of one (1) pole sign is permitted per use, however, only one pole sign in a development is permitted.

d. Placement of pole signs - pole signs shall be placed in a planter box, or otherwise landscaped, with the area of the landscaping a minimum of one-half (1/2) of the surface area of the sign.

2. **Exception:** Maximum height for business directories which are separate signs from the development identification sign is 7 feet, if the site is at least 40 acres in size and for new development the sign is located a distance from the public right-of-way which is equal to the required throat length of the driveway, per the City Public Works Standards, or for existing development is equal to the existing throat length or 100 feet, whichever is greater.

3. **Exception:** Motor vehicle sales uses within the Auto Services District are allowed thirty (30) foot high pole signs per franchise subject to lot size limitations (See OMC 18.42.200 (B)(1)(b) for the number of signs allowed).

4. Motor vehicle sales uses within the Auto Services District are allowed twelve (12) foot high ground signs (See OMC 18.42.200 (B)(1)(c) for the number of signs allowed).

5. Development identification signs for a single trade organization located within the Auto Services District representing the ownership of 40 acres or more of similar land uses within such district shall be allowed pole signs at a maximum of 25 feet in height.

E. Placement - freestanding signs shall be located entirely on the premises of the use they are associated with, unless otherwise specified.

F. Lighting - In residential zoning districts (defined in sections 18.42.120(H) and 18.42.140(L)), lighting shall not be unreasonably bright or glaring. Also, public service pole signs for academic schools shall be turned off between 9:00 p.m. and 6:00 a.m.

G. Lighting - In the Auto Services Zoning district, signs illuminated directly or indirectly shall not be unreasonably bright or glaring. The placement or location of signs must be placed in a manner so it shall not directly face into an adjacent residential District.

H. Public Service Signs may be included in a use's permitted signage, provided the overall sign size, height and other standards for the underlying zoning district are met. Further, the public service portion of an academic school sign shall not exceed 50% of any sign face and all messages shall remain static for at least five minutes.

I. One Development Identification Electronic Reader Board Sign shall be allowed within the Auto Services District for a single trade organization representing the ownership of 40 acres or more of similar land uses, provided, that all messages shall remain static for at least three minutes.

J. References to residential zoning districts mean the following districts: Residential 4-8, Mixed Residential 10-18, Residential 6-12, Residential Multifamily-18, Residential-4, Mixed Residential 7-13, Residential Multifamily-24.

(Ord. 6317 §6, 2004; Ord. 6187 §1, 2002; Ord. 6093 §8, 2001; Ord. 5714 §26, 1997; Ord. 5517 §1, 1995).

18.42.140 - General Standards for Building Mounted Signs

A. In addition to these standards, also see the following sections in the Design Review Guidelines: 18.04A.170, 18.05A.130, 18.05A.140, 18.05A.240, 18.120.140, 18.120.150, 18.145.040, 18.150.100, and 18.150.110.

B. Size of sign surface area:

1. **Ratio used in calculation of maximum sign surface area.** For 32 through 200 square foot signs, the maximum sign surface area shall not exceed one (1) square foot per one linear foot of the wall on which the sign is mounted. Provided, however, for motor vehicle sales uses within the Auto Services District, the maximum sign surface area shall not exceed one and a half (1 ½) square feet for every one (1) linear foot of wall not to exceed two hundred fifty (250) square feet in sign surface area on which the sign is mounted.

2. **Individual uses in multiple occupancy buildings** - the length of the wall to be considered for size calculation purposes, includes only that portion enclosing the space the business occupies, not the length of the entire building.

3. **Marquee signs, i.e. signs mounted on marquees** - marquee signs are exempt from aggregate sign surface area requirements (See Section 18.42.140(H) for standards which limit size).

4. **Mansard roof signs** - the size ratio shall use the length of the wall enclosing the use, not the length of the roof.

C. Lighting - In residential zoning districts (defined in sections 18.42.120(H) and 18.42.140(L)) lighting shall not be unreasonably bright or glaring.

D. Public Service signs, such as time and temperature signs and community bulletin boards, are allowed to be incorporated into a use's permitted signage, provided the overall sign size, height and other standards for the underlying zoning district are met.

E. Flush mounted signs.

1. **Projection from face of building** - shall not exceed 12 inches away from the wall which the sign is attached to nor extend beyond such wall, or above the roof line.

2. In the Auto Services District, flush mounted signs using channel letters, channel letters shall not exceed thirty six (36) inches in height. Logos or symbols are not subject to this size requirement.

F. Painted wall signs - If a change is made to the original appearance of a painted wall sign, this shall constitute a new sign and require a permit.

G. Awning signs

1. **Lighting** - Only the area containing the sign band may be internally lit. All awnings which are illuminated must meet state energy code requirements.

H. Marquee signs

1. **Theaters** - existing movie theaters are allowed to retain their traditional type of marquee sign without animated lighting.

2. **Marquee signs** are exempt from the aggregate sign surface area requirements.

3. The vertical measurement of the sign shall not exceed twelve (12) inches.

4. No portion of the sign may project out beyond the marquee.

5. **Clearance from grade** - minimum eight (8) feet if sign is located under the marquee.

6. **Placement** - can be under, on top of, or on any face of the marquee. If on top of the marquee, the sign shall be parallel to the plane of the wall it is attached to.

7. **Projection from face of building** - if attached to the face of the marquee, the sign shall not project more than 12 inches away from the face of the marquee.

I. Projecting signs

1. **Clearance from grade** - minimum of 10 feet, except when sign is mounted under a marquee, minimum clearance from grade is 8 feet.

2. **Projection from face of building** - shall not exceed 3 feet.

J. Signs on mansard roofs are to be considered as building mounted signs and subject to the standards for such.

K. Window signs. A sign permanently mounted on a window (for example a neon sign) or permanently painted on the window, is considered a building mounted sign and subject to the standards for such. Exception: Signs indicating whether a use is open or closed for business are not subject to these standards.

L. References to residential zoning districts mean the following districts: Residential 4-8, Mixed Residential 10-18, Residential 6-12, Residential Multifamily-18, Residential-4, Mixed Residential 7-13, Residential Multifamily-24.

(Ord. 6317 §7, 2004; Ord. 6093 §9, 2001; Ord. 5714 §27, 1997; Ord. 5517 §1, 1995).

18.42.160 - General Standards for Temporary Signs

A. Permits are required for all temporary signs, except for political and real estate signs (OMC 18.42.300, 18.42.320), including inflatable signs and banners, unless otherwise indicated (See Section 18.42.060(F)).

B. Maximum Length of time a permit may be issued for - sixty (60) days, except for motor vehicle sales uses within the Auto Services District, the maximum display time is thirty (30) days.

C. Frequency of issuance of temporary sign permits - no more than four (4) such permits shall be issued to any one (1) use during any twelve (12) month period; except for motor vehicle sales uses within the Auto Services District, temporary sign permits shall be limited only by a requirement for a fourteen (14) days separation between temporary sign events.

D. Number of temporary signs - no more than one (1) such sign shall be allowed at any one time for a use, except for motor vehicle sales uses within the Auto Services District, no limit is imposed.

E. Lighting is not permitted for temporary signs.

F. Banners

1. Shall be mounted flush on buildings only.

G. Window Signs

1. **Permits** - not required
2. Aggregate shall not exceed 40% of window space.

H. Temporary Non-commercial Signs.

1. **Number of signs** - limited to one (1) sign per street frontage

2. **Height** - not to exceed eight (8) feet.

3. **Maximum Size.**

a. Commercial and Industrial zones:

i. Fifty square feet, not to exceed twenty-five (25) square feet in sign area per side.

ii. No limitation for motor vehicle sales uses within the Auto Services District.

b. Residential zones (defined in sections 18.42.120(H) and 18.42.140(L)):

i. Ten square feet, not to exceed five (5) square feet in sign area per side.

4. If a temporary non-commercial sign is less than six (6) square feet in sign surface area and less than 4 feet in height, then a permit is not required.

(Ord. 6317 §8, 2004; Ord. 6093 §10, 2001).

18.42.180 - General Standards for Sandwich Board Sidewalk Signs

A. These standards do not apply to real estate signs. (See Section 18.42.320, Real Estate Sign Standards).

B. Permitted districts - Downtown Business, Neighborhood Retail, Community Retail, Neighborhood Village, Urban Village, Neighborhood Center, Community Oriented Shopping Center, PO/RM, General Commercial, Urban Waterfront, Urban Waterfront - Housing, Commercial Services-High Density, High Density Corridor-1, High Density Corridor-2, High Density Corridor -3, and High Density Corridor-4 districts.

C. Height - 4 foot maximum.

D. Width - 24 inch maximum.

E. Number of signs - 1 per use.

F. Placement, except real estate signs (See Section 18.42.320, Real Estate Sign Standards):

1. Signs must be located directly in front of the sponsoring business and on the walkway which is directly in front of the business entrance. Signs shall not be located in the 6-foot Pedestrian Walking Lane specified in OMC 9.16.180.B.2. In no case shall signs be more than 20 (twenty) feet from the front wall of the business.

2. Signs are to be displayed during business hours only.

3. Signs shall not create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.

4. Signs shall be located next to the curb edge of a sidewalk in such a manner so as not to interfere with the opening of car doors, use of bicycle parking facilities, bus stops, loading zones, or pedestrian traffic.

5. Signs shall be located such that an unobstructed passageway of forty-eight (48) inches shall be maintained for wheelchair travel on all public and private rights-of-ways.

G. Lighting attached to sign is not permitted.

H. Liability - owners of such signs shall assume liability for damage resulting from their use and shall provide the City with a notarized signed agreement (as provided by the City) holding the City harmless from such resulting loss.

(Ord. 6517 §46, 2007; Ord. 6461 §2, 2007; Ord. 6456 §2, 2007; Ord. 6195 §31, 2002; Ord. 6093 §11, 2001).

18.42.200 - General Standards for Identification Signs for Individual Uses

Identification signs for individual uses are those which serve as the primary identifier of the name of an individual use.

A. Sign Structure Type and Building Type

1. Building mounted signs are permitted on both single and multiple occupancy buildings.
2. Freestanding signs are permitted for single occupancy buildings only.

B. Number of identification signs:

1. All uses in Neighborhood Retail, Neighborhood Village, Neighborhood Center, Medical Services, Professional Office/Residential Multifamily, Commercial Services-High Density, Residential Mixed Use, Urban Residential, Community Retail, General Commercial, Auto Services, Urban Waterfront, Urban Waterfront - Housing, Downtown Business, Urban Village, Community Oriented Shopping Center, Light Industrial/Commercial, Industrial, and High Density Corridor-1, High Density Corridor-2, High Density Corridor-3, and High Density Corridor-4 districts: one per street frontage.

a. Exception: Multi-family uses in Residential Multifamily-18, Residential Multifamily-24, Residential Multifamily High Rise, and Urban Residential - two (2) signs are permitted where there are entrances off two (2) public rights-of-way.

b. Exception: Motor vehicle sales uses within the Auto Services District are allowed pole signs per franchise based upon lot size (see OMC 18.42.120 (D)(3) for the height of signs):

- i. 0-30,000 sq. ft. = No Pole Signs
- 30,001-43,560 sq. ft. = 1 Pole Sign
- 43,561-140,000 sq. ft. = 2 Pole Signs
- 140,001-210,000 sq. ft. = 3 Pole Signs
- 210,001-Infinity sq. ft. = 4 Pole Signs

An additional pole sign for a dealer's used car lot is not permitted, except that any motor vehicle sales lot in the Auto Services District larger than 43,560 square feet (1 acre) without a franchise is allowed one (1) pole sign.

c. Motor vehicle sales uses within the Auto Services District are allowed ground signs at a separation of one hundred (100) feet between ground signs along street frontages (see OMC 18.42.120 (D)(4) for the height of signs).

d. For those motor vehicle sales lots facing Cooper Point Road/Auto Mall Drive, see OMC 18.42.220 (C)(5) for district specific standards.

2. Non-residential uses in residential districts (defined in sections 18.42.120(H) and 18.42.140(L)) - only one (1) sign is permitted.

a. Exception: Multi-family uses in Residential Multifamily-18, Residential Multifamily-24, Residential Multifamily High Rise districts, and Urban Residential - two (2) signs are permitted where there are entrances off two (2) public rights-of-way.

3. If a use does not directly front on any public rights-of-way, the calculation regarding number of signs shall be based on the number of exposures to a street which the use has.

(Ord. 6517 §47, 2007; Ord. 6323 §10, 2004; Ord. 6317 §9, 2004; Ord. 6195 §32, 2002; Ord. 6093 §12, 2001).

18.42.220 - District Specific Standards for Identification Signs for Individual Uses

A. District - Freeway Corridor, (see also Section 18.145.040).

1. **Sign Structure** - Pole signs are permitted (Freeway Corridor district and Auto Services District are the only districts in which pole signs are allowed).

2. **Use limits** - if property is adjacent to freeway, pole signs are limited to multifamily complexes, shopping centers and industrial complexes.

3. For the purposes of calculating the number of permitted signs, pole signs are subject to the standards for freestanding signs, i.e., they are not in addition to the number of permitted freestanding signs but are considered one of the permitted freestanding signs.

4. All other sign standards in Freeway Corridor district are determined by the underlying zoning district in the following sections.

B. Districts - Community Retail, General Commercial, Urban Waterfront, Downtown Business, Urban Village, Community Oriented Shopping Center, Urban Center, Light Industrial/Commercial, Industrial, High Density Corridor-2, High Density Corridor-3, and High Density Corridor-4.

1. **Sign Structure Allowed.**

a. Freestanding and building mounted.

2. **Maximum Size - 200 square feet** (100 square feet per side for double sided signs).

a. Exception: Projecting signs.

i. Maximum Size - 50 square feet (25 square feet per side for double sided signs).

ii. Building type limits - projecting signs are only permitted on single occupancy buildings not located in a shopping center.

iii. Limits on number of projecting signs - Only one projecting sign permitted per building.

b. Exception: Commercial parking lots.

i. Maximum Size - 24 square feet

ii. Building mounted signs on commercial parking lots shall be flush mounted only.

C. District - Auto Services

1. Sign Structure

a. Freestanding and building mounted only.

2. **Maximum size** - Building mounted signs for motor vehicle sales uses within the Auto Services district, one and one half (1 ½) square feet per one (1) linear foot of wall length not to exceed a maximum of two hundred and fifty (250) sq. ft. in size.

a. Channel letter for building mounted signs shall not exceed thirty six (36) inches in height. Logos or symbols are not subject to this requirement.

3. **Maximum size** - Pole signs for motor vehicle sales uses within the Auto Services District are allowed signs at two hundred sixty (260) square feet (one hundred thirty (130) sq. ft. per side of a double sided sign) in sign surface area (see OMC 18.42.120 (D)(3) for the height of signs and OMC 18.42.200 (B)(1)(b) for the number of allowed signs.

4. **Maximum size** - Ground signs for motor vehicle sales uses within the Auto Services District are allowed one hundred (100) square feet (fifty (50) square feet per side of a double sided sign) with a minimum setback of six (6) feet from the property line (See OMC 18.42.120 (D)(4) for the height of signs and OMC 18.42.200 (B)(1)(c) for the number of allowed signs).

5. For those motor vehicle sales lots facing Cooper Point Road/Auto Mall Drive are allowed either:

a. Pole signs at thirty (30) feet in height as allowed in C.3 above and setback a maximum of thirty (30) feet from the front yard property line, and, ground signs at four (4) feet in height setback a minimum of six (6) feet at a separation of one hundred (100) feet between ground signs; or

b. Ground signs at twelve (12) feet high as allowed in C.4. above and setback a minimum of six (6) feet from the front property line at a separation of one hundred (100) feet between ground signs with no pole signs allowed.

D. Districts - Neighborhood Retail, Neighborhood Village, and Neighborhood Center.

1. Sign Structure.

a. Freestanding and building mounted only.

2. **Maximum Size - 100 square feet** (50 square feet per side for double sided signs).

E. Districts - Medical Services, Professional Offices/Multifamily Residential, Urban Waterfront - Housing, High Density Corridor-1, Commercial Services-High Density, Residential Mixed Use, Residential-4, Residential-4-8, Residential-6-12, Mixed Residential-7-13, Mixed Residential-10-18, Residential Multifamily-18, Residential Multifamily-24, Residential Multifamily High Rise, and Urban Residential (UR).

1. **Sign Structure - freestanding and building mounted.**

a. Exception: Home-based preschools, home occupations, and income producing uses in co-housing developments - freestanding signs are not permitted, flush mounted signs only are permitted.

b. Exception: Freestanding or building mounted signs are permitted for home occupations in properties abutting the west side of the 300 and 400 blocks of West Bay Drive Northwest.

2. **Maximum Size - 24 square feet** (12 square feet per side for double sided signs).

a. Exception: Academic Schools - maximum size is 100 square feet (50 square feet per side for double sided signs).

b. Exception: Multi-family Uses - maximum size is 16 square feet (8 square feet per side for double sided signs).

c. Exception: Home-based preschools, home occupations, and income producing uses in co-housing developments - maximum size is 2 square feet; provided, however, that freestanding signs for home occupations in properties abutting the west side of the 300 and 400 blocks of West Bay Drive Northwest may not exceed five (5) square feet in sign surface area per side.

(Ord. 6323 §11, 2004; Ord. 6317 §10, 2004; Ord. 6195 §33, 2002; Ord. 6140 §33, 2001; Ord. 6093 §13, 2001).

18.42.240 - General Standards for Development Identification Signs

A. Development Identification Signs are those which serve as the primary identifier of the name of a development. Business directories are considered a part of a use's Development Identification Signs.

B. Business Directories.

1. Business directories must include equal space for all businesses in the development.

2. A business directory may be either combined with that portion of the development identification sign which identifies the name of the development or it may be a separate sign, provided that the combined amount of signage identifying the name of the development and the

business directory sign does not exceed the total allowable sign surface area for Development Identification Signs (for sign surface area standards, See Section 18.42.260, District Specific Standards for Development Identification Signs).

3. Building location maps shall be considered as a type of business directory and are subject to the above standards.

C. Sign Structure - freestanding and building mounted.

D. Number of signs -

1. Multiple occupancy buildings

a. Sign identifying name of building - 1 per exterior public entry.

b. Business directory for the building - 1 per exterior public entry.

2. Multiple building complexes.

a. Sign identifying name of development - 1 per driveway entry to the development, to be located at the driveway entry.

b. Business directory for the development - 1 per driveway entry to the development.

3. Residential subdivisions - 1 per street frontage which has a driveway entry to the development.

4. Pole signs - if a use is permitted a pole sign, only one (1) pole sign is permitted per development; except, a single trade organization located within the Auto Services District representing the ownership of 40 acres or more of similar land uses within such district shall be allowed one (1) development identification sign along any adjacent state highway and four (4) development identification signs along Cooper Point Road/Auto Mall Drive, which signs shall be located on the property of such trade organization or its member(s) which it advertises.

E. Development Identification Signs are not permitted on single occupancy buildings.

(Ord. 6317 §11, 2004; Ord. 6093 §14, 2001).

18.42.260 - District Specific Standards for Development Identification Signs

A. District - Freeway Corridor see also Section 18.145.040.

1. Sign Structure - Pole signs are permitted as development identification signs (Freeway Corridor District and Auto Services District are the only districts in which pole signs are allowed.)

2. Content - business directories are not permitted on pole signs. Pole signs may have the name of the development only.

3. Use limits - if property is adjacent to freeway, pole signs are limited to shopping centers and industrial complexes.

4. For the purposes of calculating the number of permitted signs, pole signs are subject to the standards for freestanding signs, i.e. they are not in addition to the number of permitted

freestanding signs but are considered one of the permitted freestanding signs.

5. All other sign standards in Freeway Corridor Overlay district are subject to those for the underlying zoning district.

B. Districts - Community Retail, General Commercial, Urban Waterfront, Downtown Business, High Density Corridor-2, High Density Corridor-3, High Density Corridor-4, Neighborhood Retail, Light Industrial/Commercial, Industrial, Neighborhood Village, Urban Village, Neighborhood Center, Community Oriented Shopping Center, Urban Center, Residential-4, Residential-4-8, Residential-6-12, Mixed Residential-7-13, and Mixed Residential-10-18.

1. **Maximum Size** - 50 square feet (25 square feet per side for double sided signs).
 - a. Exception: Shopping malls & centers
 - i. 200 square feet on major arterial frontage (100 square feet per side for double sided signs).
 - ii. 100 square feet on secondary or local street frontage (50 square feet per side for double sided signs).
2. **Commercial developments**
 - a. Sign Structure - freestanding and building mounted.
3. **Residential developments (i.e. subdivisions):**
 - a. Sign Structure - freestanding

C. Districts - Medical Services, Professional Office/Multifamily Residential, Urban Waterfront - Housing, High Density Corridor-1, Commercial Services-High Density, and Residential Mixed Use.

1. **Sign Structure** - freestanding, with directory allowed, and building mounted.
2. **Maximum Size** - 32 square feet (16 square feet per side for double sided signs).
 - a. Exception: Residential developments (i.e. subdivisions):
 - i. Sign Structure - freestanding
 - ii. Maximum Size - 50 square feet (25 square feet per side for double sided signs).

D. Districts - Auto Services

1. **Sign Structure - Freestanding**
 - a. Maximum Size - Along State Highways - three hundred (300) square feet per side, twenty five (25) foot high including any electronic reader board pole sign. See OMC 18.42.120.I. for electronic reader board limitations.
 - b. Maximum Size - Arterial Streets - one hundred (100) square feet per side, twenty five (25) foot high pole sign. Placed on Cooper Point Road/Auto Mall Drive (see OMC 18.42.240 (D)(4)).
 - c. All development identification signs for a single trade organization representing 40 acres

or more of similar land uses within such zone shall be located on the property of such trade organization or its member(s).

(Ord. 6317 §12, 2004; Ord. 6195 §34, 2002; Ord. 6093 §15, 2001).

18.42.280 - Building Entrance Sign Standards

Entrance signs are signs which indicate where the entrance to a use is.

A. Districts - Community Retail, General Commercial, Urban Waterfront, Urban Waterfront Housing, Downtown Business, Urban Village, Community Oriented Shopping Center, Urban Center, Light Industrial/Commercial, Industrial, Neighborhood Retail, Neighborhood Village, Neighborhood Commercial, Medical Services, Professional Offices/Multifamily Residential, Commercial Services-High Density, Residential Mixed Use, Urban Residential, High Density Corridor-1, High Density Corridor-2, High Density Corridor-3, and High Density Corridor-4.

B. Permitted Content - name of the use only.

C. Sign Structure - flush mounted signs only.

D. Number of signs - one per exterior public entry.

E. Placement - over each exterior entrance, provided there is not a marquee.

F. Maximum Size.

1. 10 square feet.

a. Exception: Shopping Centers.

i. Use with a floor area that exceeds twenty thousand (20,000) square feet in area - 16 square feet.

ii. Use with a floor area less than twenty thousand (20,000) square feet in area - 5 square feet.

G. Use limits - not permitted on uses in residences, such as preschools and home occupations, which are allowed one identification sign only.

(Ord. 6323 §12, 2004; Ord. 6195 §35, 2002; Ord. 6093 §16, 2001).

18.42.300 - Political Sign Standards

A. Permits - not required.

B. Maximum size of sign surface area:

1. **Residential zones** (defined in sections 18.42.120(H) and 18.42.140(L))- 10 square feet.

2. **Other districts** - 32 square feet.

C. Height. Four (4) foot maximum in residential districts (defined in sections 18.42.120(H) and 18.42.140(L)). In any other district, four (4) feet. In other districts, and outside required residential setbacks, maximum height is 10 feet.

D. Placement. Political signs may not be placed in public parks or attached to traffic safety devices, telephone poles, power poles, or other public utility facilities. They may be placed upon private property or within the public rights-of-way, provided that the sign shall be placed no less than ten feet from the paved edge or traveled portions of the roadway and signs placed within twenty feet of a street corner shall not exceed thirty inches in height within the clear sight triangle. Signs shall not interfere with traffic safety.

E. Removal. All political signs must be removed 5 days after the election in which the candidates or issue on the sign has been determined. However, after primary elections, if the candidate or issue is going into the general election, signs may remain until 5 days after the general election. The candidate or committee for which the sign is displayed, shall be responsible for its removal. The candidate or committee for which the sign is displayed, shall be subject to the penalties and fines for violation of these requirements, as set forth in this title.

(Ord. 6093 §17, 2001).

18.42.320 - Real Estate Sign Standards

A. Permits - not required.

B. Materials - all exterior real estate signs must be of wood or plastic or other durable material.

C. Placement - signs may not be attached to a utility pole or traffic safety device or interfere with traffic safety.

D. Residential properties:

1. **For Sale and Sold signs**

a. Maximum size - 10 square feet, provided that if a single faced sign, sign shall not exceed 5 square feet.

b. Height - 7 feet maximum.

c. Placement - signs shall be placed wholly on the property for sale. If sign is greater than 5 square feet in sign surface area, it must be placed more than 30 feet from the abutting owners property line.

2. **Directional Open House Signs**

a. Maximum size - 10 square feet, provided that if a single faced sign, sign shall not exceed 5 square feet.

- b. Height - 4 foot maximum.
- c. Placement - signs may be placed no less than ten (10) feet from the traveled portion of public rights-of-way, provided it does not interfere with traffic safety.
- d. Hours - permitted only during daylight hours and when the broker, agent, or seller is in attendance at the property for sale.
- e. Number of signs - one (1) sign per street frontage on the premises for sale and three (3) off-premise signs. However, if a broker/agent has more than one (1) house open for inspection in a single development of subdivision, s/he is limited to four (4) off-premises open house signs in the entire development or subdivision.

E. Commercial and Industrial Properties:

1. For Sale or Rent Signs

- a. Maximum size - 50 square feet, provided that if a single faced sign, sign shall not exceed 32 square feet.
- b. Height - 8 foot maximum
- c. Placement - for all commercial and industrial properties, if the sign is freestanding, it shall be located more than 15 feet from public rights-of-way and from any abutting property line if the adjacent property is developed. For developed commercial and industrial properties, if the face of the building is less than 10 feet from the property line, the sign shall be placed on the building or in a window.
- d. Removal - signs shall be displayed only while the property is actually for rent or sale.
- e. Number of signs - one (1) sign per street frontage while the property or building is actually for sale or rent.

F. Additional Real Estate Signs - The Hearing Examiner may grant a special use permit to allow temporary off-premises signs in addition to those permitted above. Notice of adjacent property owners shall not be required. Such additional signs may be used to advertise open houses, to provide directions to new developments, or for similar purposes. Such signs may be placed no less than ten (10) feet from the traveled portion of the public right-of-way, provided they do not interfere with traffic safety, but they may not be attached to utility poles or traffic safety devices. The Hearing Examiner shall determine the number and locations of such signs, and the period during which they may be displayed. The Hearing Examiner shall take into account the number of existing signs in any proposed location, and shall limit or prohibit new ones so as to prevent a traffic hazard or a detrimental effect on neighboring property.

(Ord. 6093 §18, 2001).

18.42.340 - Directional and Informational Sign Standards

Directional signs are those designed solely to guide or direct pedestrian or vehicular traffic to an area or place. Informational signs are those of a public or quasi-public nature.

A. Off-premises commercial directional signs are prohibited, with the *exception* that an off-premises commercial directional sign may be granted, if all of the following can be found to apply:

1. The use caters to tourists through on-premise provision of food, lodging or recreation.
2. The use is located at least one (1) city block from a major arterial (as designated by the City).
3. Such signs shall be directional in nature only (that is, no advertising other than location is allowed).
4. No more than two (2) such signs for each use shall be approved.
5. **Sign Structure** - freestanding or building mounted.
6. **Maximum Size** - 16 square feet (8 square feet per side for double sided signs).
7. Such a sign shall meet all other applicable provisions of these standards.

B. Directional and informational signs of a public or quasi-public nature.

1. May be erected or maintained by an official or civic body.
2. **Sign Structure** - freestanding or building mounted.
3. **Maximum Size** - 16 square feet (8 square feet per side for double sided signs).

C. Directional signs for motor vehicle sales uses within the Auto Services District

1. **Sign Structure** - shall be freestanding
2. **Maximum Size of a Directional Sign** - shall be sixteen (16) square feet (eight (8) square feet per side of a double sided sign).
3. **Number of Signs** - limited to a maximum of four (4) signs.
4. **Maximum Sign Height** - shall be seven (7) feet.

(Ord. 6317 §13, 2004; Ord. 6093 §19, 2001).

18.42.360 - Driveway Entrance/Exit Sign Standards

A. Content - no commercial message permitted

B. Sign Structure - freestanding

C. Maximum size - 5 square feet (2 ½ square feet per side for double sided signs).

D. Number of signs - 1 per driveway

(Ord. 6093 §20, 2001).

18.42.380 - Non-Conforming Signs

A. General. Except as otherwise provided, any sign which is non-conforming may not be structurally altered without being brought into compliance with the requirements of this Title. (See OMC 18.02.180, Definitions, Signs, Abandoned and Non-Conforming and Section 18.42.060(C), General Sign Regulations, Enforcement, and Removal).

1. Any non-conforming sign which is damaged or destroyed by fire, explosion, wind, act of nature, or other accidental means may be restored if the cost thereof does not exceed fifty percent (50%) of its replacement cost. Signs damaged in an amount in excess of fifty percent (50%) of replacement cost shall be removed.
2. All non-conforming signs shall be kept in good repair and maintained in a neat, clean, attractive, and safe condition. (See also OMC 18.42.060(C), Enforcement and Removal.)

B. Signs on historic buildings. If firm evidence can be provided of the existence in the past of a sign on a designated historic building, which would be non-conforming under current regulations, the City may allow the placement of a replica of the sign, if the sign receives approval from both the City's Design Review Board and Heritage Commission and meets current building code standards.

(Ord. 6093 §21, 2001).

18.42.400 - TABLE: Summary of sign standards by district

**TABLE 18.42.01
SUMMARY OF SIGN STANDARDS BY DISTRICT**

Note: This Is a Summary Table Only. Please See Referenced Sections for Full Standards.

<u>Type of Sign</u>	<u>Building Type</u>	<u>Sign Structure Type</u>	<u>Number of Signs</u>	<u>Size Level of sign surface area</u>
See Sections 18.42.200 through 18.42.360	See Sections 18.42.200 through 18.42.360	See Sections 18.42.120, 18.42.140 & 18.42.180	See Sections 18.42.120 through 18.42.360	See Sections 18.42.120 through 18.42.360
DISTRICTS: Community Retail, General Commercial, Urban Waterfront, Downtown Business, Urban Village, Community Oriented Shopping Center, Urban Center, Light Industrial/Commercial, Industrial, High Density Corridor-2, High Density Corridor-3, and High Density Corridor-4				
Identification Sign for Individual Uses	Single Occupancy buildings	Building mounted sign or Freestanding sign	1 per street frontage Except for motor vehicle sales uses within the Auto Services District, pole signs based on lot size (see OMC 18.42.200 (B)(1)(b) for the number of signs). Ground signs based on street frontage at a	200 s.f. max. Except commercial parking lots (24 s.f. max.) and projecting signs (50 s.f. max.) Except motor vehicle sales uses within the Auto Services District, 260 s.f. max. Double sided signs: ½ the s.f. max.

			separation of 100 feet between signs.	
	Multiple Occupancy buildings	Building mounted sign only		
Building Entrance Signs:	All	Building mounted sign (flush mounted only)	1 per exterior public entry	10 s.f. max Except shopping centers & malls in which-case size level depends on the floor area of the use (16 s.f. max. if exceeds 20,000 s.f. and 5 s.f. max. if under 20,000 s.f.)
Development Identification Signs:	Multiple occupancy buildings	Building mounted sign or Freestanding sign	1 per exterior public entry Except for the Auto Services District and other entities, 5 freestanding signs allowed.	50 s.f. max. Except shopping centers & malls (200 s.f. max. on major arterial, 100 s.f. max. on local street) Except for the Auto Services District and other entities, 600 s.f. along state highways and 260 s.f. along arterial rights-of-way. Double sided signs: ½ the s.f. max.

TABLE 18.42.01 continued on next page

Type of Sign	Building Type	Sign Structure Type	Number of Signs	Size Level of sign surface area
See Sections 18.42.200 through 18.42.360	See Sections 18.42.200 through 18.42.360	See Sections 18.42.120, 18.42.140 & 18.42.180	See Sections 18.42.120 through 18.42.360	See Sections 18.42.120 through 18.42.360

DISTRICTS: Community Retail, General Commercial, Urban Waterfront, Downtown Business, Urban Village, Community Oriented Shopping Center, Urban Center, Light Industrial/Commercial, Industrial, High Density Corridor-2, High Density Corridor-3, and High Density Corridor-4

	Multiple building complexes	Building mounted sign or Freestanding sign	1 per driveway entry to the development.	
	Residential Subdivisions	Freestanding sign only		
Driveway Entrance/Exit Signs:	All	Freestanding sign only	1 per driveway	5 s.f. max. Double sided signs: ½ the s.f. max.
Sandwich Board Sidewalk Signs:	All	Sandwich Board sidewalk sign	1 per use	Height - 4 ft. max. Width - 24 inch max.

DISTRICTS: Neighborhood Retail, Neighborhood Village, and Neighborhood Center

Identification Sign for Individual Uses	Single Occupancy buildings	Building mounted or Freestanding	1 per street frontage	100 s.f. max. Double sided signs: ½
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				the s.f. max.
	Multiple Occupancy buildings	Building mounted only		
Building Entrance Signs:	All	Building mounted sign (flush mounted only)	1 per exterior public entry	10 s.f. max Except shopping centers & malls in which case size level depends on the floor area of the use (16 s.f. max. on sign if floor area is 20,000 s.f. or more, and 5 s.f. max. on sign if floor area under 20,000 s.f.)
Development Identification Signs:	Multiple occupancy buildings	Building mounted sign or Freestanding sign	1 per exterior public entry	50 s.f. max. Double sided signs: ½ the s.f. max.
	Multiple building complexes only	Freestanding sign	1 per street frontage which has a driveway entry to the development.	
	Residential Subdivisions	Freestanding sign only		

TABLE 18.42.01 continued on next page

<u>Type of Sign</u> See Sections 18.42.200 through 18.42.360	<u>Building Type</u> See Sections 18.42.200 through 18.42.360	<u>Sign Structure Type</u> See Sections 18.42.120, 18.42.140 & 18.42.180	<u>Number of Signs</u> See Sections 18.42.120 through 18.42.360	<u>Size Level of sign surface area</u> See Sections 18.42.120 through 18.42.360
DISTRICTS: Neighborhood Retail, Neighborhood Village, and Neighborhood Center (continued)				
Driveway Entrance/Exit Signs:	All	Freestanding sign only	1 per driveway	5 s.f. max. Double sided signs: ½ the s.f. max.
Sandwich Board Sidewalk Signs:	All	Sandwich Board sidewalk sign	1 per use	Height - 4 ft. max. Width - 24 inch max.
DISTRICTS: Medical Services, Professional Offices/Residential Multifamily, Commercial Services-High Density, Residential Mixed Use, Urban Residential, and High Density Corridor-1				
Identification Sign for Individual Uses	Single Occupancy buildings	Building mounted sign (flush mounted only) or Freestanding sign	1 per street frontage	24 s.f. max. Except academic schools (100 s.f. max), multi-family uses (16 s.f. max.) and income producing uses in residences (2 s.f. max.) Double sided signs: ½ the s.f. max.
	Multiple Occupancy buildings	Building mounted sign only (flush mounted only)		
Building Entrance	All	Building mounted sign	1 per exterior public	10 s.f. max

Signs:		(flush mounted only)	entry	Except shopping centers & malls in which case size level depends on the floor area of the use (16 s.f. max. on sign if floor area is 20,000 s.f. or more, and 5 s.f. max. on sign if floor area under 20,000 s.f.)
Development Identification Signs:	Multiple occupancy buildings	Building mounted sign or Freestanding sign	1 per exterior public entry	32 s.f. max Double sided signs: ½ the s.f. max.
	Multiple building complexes only	Freestanding sign	1 per street frontage which has a driveway entry to the development.	
	Residential Subdivisions	Freestanding sign only		50 s.f. max. Double sided signs: ½ the s.f. max.

TABLE 18.42.01 continued on next page

Type of Sign	Building Type	Sign Structure Type	Number of Signs	Size Level of sign surface area
See Sections 18.42.200 through 18.42.360	See Sections 18.42.200 through 18.42.360	See Sections 18.42.120, 18.42.140 & 18.42.180	See Sections 18.42.120 through 18.42.360	See Sections 18.42.120 through 18.42.360
DISTRICTS: Medical Services, Professional Offices/Residential Multifamily, Commercial Services-High Density, Residential Mixed Use, Urban Residential, and High Density Corridor-1 (continued)				
Driveway Entrance/Exit Signs:	All	Freestanding sign only	1 per driveway	5 s.f. max.
Sandwich Board Sidewalk Signs in PO/RM & CSH	All	Sandwich Board sidewalk sign	1 per use	Height - 4 ft. max. Width - 24 inch max.
DISTRICTS: Residential-4, Residential-4-8, Residential-6-12, Mixed Residential-7-13, Mixed Residential-10-18, Residential Multifamily-18, Residential Multifamily-24, Urban Residential, and Residential Multifamily High Rise				
Identification Sign for Individual Uses	Single Occupancy buildings	Building mounted sign - flush mounted only or Freestanding sign, Except income producing uses in residences - flush mounted only	Non-single family residential uses: 1 per use Except multi-family uses in RM-18, RM-24 & RMH, in which case, 2 signs are permitted where there are entrances off 2 public rights-of-way.	24 s.f. max. Except academic schools (100 s.f. max), multi-family uses (16 s.f. max.) and income producing uses in residences (2 s.f. max.) Double sided signs: ½ the s.f. max.
	Multiple Occupancy buildings	Building mounted sign only - flush mounted only		
Development	Residential	Freestanding sign only	1 per street frontage	50 s.f. max

Identification Signs:	Subdivisions		which has a driveway entry to the development	Double sided signs: ½ the s.f. max.
Driveway Entrance/Exit Signs:	All	Freestanding sign only	1 per driveway	5 s.f. max. Double sided signs: ½ the s.f. max.

TABLE 18.42.01 continued on next page

<u>Type of Sign</u>	<u>Building Type</u>	<u>Sign Structure Type</u>	<u>Number of Signs</u>	<u>Size Level of sign surface area</u>
See Sections 18.42.200 through 18.42.360	See Sections 18.42.200 through 18.42.360	See Sections 18.42.120, 18.42.140 & 18.42.180	See Sections 18.42.120 through 18.42.360	See Sections 18.42.120 through 18.42.360
DISTRICTS: Freeway Corridor				
Identification Sign for Individual Uses	All	Pole signs permitted provided that if the property is adjacent to freeway uses are limited to multifamily complexes, shopping centers and industrial complexes.	1 pole sign only on a parcel or per development. Except for motor vehicle sales uses within the Auto Services District, freestanding signs as prescribed in OMC 18.42.220 (C)(5).	200 s.f. max. Double sided signs: ½ the s.f. max. Except for motor vehicle sales uses within the Auto Services District, 260 s.f.

*s.f. = square feet

(Ord. 6323 §13, 2004; Ord. 6317 §14, 2004; Ord. 6140 §30, 2001; Ord. 6093 §35, 2001).

18.100

18.100.000 - Chapter Sections

Chapter 18.100

DESIGN REVIEW

Sections:

- 18.100.020 Statement of Policy.
- 18.100.040 Purpose.
- 18.100.060 Projects Subject to Design Review.
- 18.100.080 Design Review Districts and Corridors.
- 18.100.090 Design Review Process.
- 18.100.100 How to Use Design Criteria.
- 18.100.110 Submission Requirements.

(Ord. 6306 §2, 2004).

18.100.020 - Statement of policy

The City Council finds that new development can have a substantial impact on the character of the area in which it is located. Some harmful effects of one land use upon another can be prevented through zoning, subdivision regulations and building codes. Other aspects of development are more subtle and less amenable to exacting rules promulgated without regard to specific development proposals. Among these are: the general form of the land before and after development, the spatial relationships of the structures and open spaces on adjacent land uses, and the appearance of buildings, signs and open spaces. Such matters require the timely exercise of judgment in the public interest by people qualified to evaluate the design of a new development.

(Ord. 6306 §2, 2004).

18.100.040 - Purpose

The purposes of design review are:

- A. To promote those qualities in the natural environment which bring value to the community;
- B. To foster the attractiveness and functional utility of the community as a place to live and work;
- C. To preserve the special character and quality of Olympia by maintaining the integrity of those areas which have a discernible character or are of special historic significance;
- D. To raise the level of community expectations for the quality of the built environment;
- E. To encourage originality and creativity in site planning and architecture;
- F. To communicate these purposes to the applicant and to assist the applicant in achieving these purposes;

G. To preserve and enhance property value;

H. To ensure that new developments maintain or improve neighborhood character and livability; and

I. To consider the applicants' needs and goals and the broader public impact of any proposal.

(Ord. 6306 §2, 2004).

18.100.060 - Projects Subject to Design Review

A. The following projects are subject to design review:

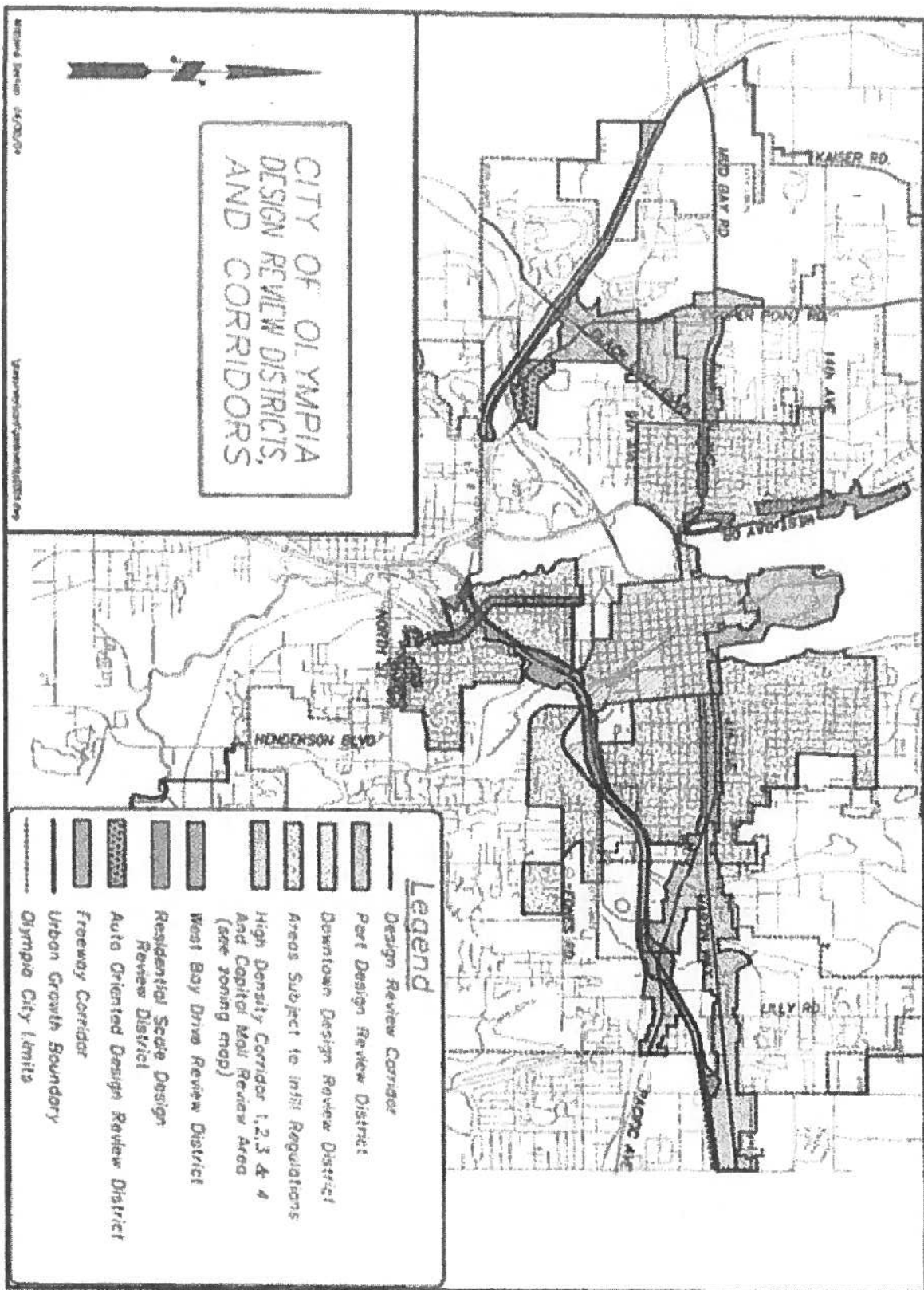
1. Projects within designated design review districts and corridors, as shown on the Official Design Review Map (See OMC Section 18.100.080);
2. Commercial projects adjacent to residential zones;
3. Commercial or residential projects for Heritage Register properties or those within an historic district;
4. Projects with a building area greater than 5000 square feet that require a Conditional Use Permit in a residential zone;
5. Multifamily projects;
6. Single family housing, including designated manufactured homes, on lots less than 5000 square feet or on substandard lots;
7. Dwellings proposed on lots within the area depicted on Figure 4-2a, "Areas Subject to Infill Regulations";
8. Master Planned Developments;
9. Manufactured housing parks;
10. Duplexes, triplexes, fourplexes, townhouses, accessory dwelling units, and cottage housing;
11. All projects within scenic vistas as identified on the official maps of the City (See OMC Section 18.100.110); and,
12. Signs within designated design review districts and corridors or associated with a project that is subject to design review.

B. Exceptions: Evergreen Park PUD; interior work; and projects which do not affect the character, use, or development of the surrounding properties, or the architectural character of the structure, such as fences, parking lots with less than twenty (20) spaces or minor repair or renovation of, or minor additions to, existing structures.

(Ord. 6581 §7, 2008; Ord. 6491 §11, 2007; Ord. 6306 §2, 2004).

18.100.080 - Design Review Districts and Corridors

The following districts and corridors are hereby established as Design Review Districts and Corridors: Downtown, Port Peninsula, High Density Corridor 1, 2, 3, and 4 (HDC), High Density Corridor-4 Capital Mall Area, Freeway Corridor, West Bay Drive, Residential Scale, Auto Oriented, and Infill Districts. Said districts and corridors are defined on the "Official Design Review Districts and Corridors Map," on file with the City Clerk and generally described in the illustration below. In the event of a conflict between this illustration and the official map, the official map shall govern.



(Ord. 6306 §2, 2004).

18.100.090 - Design Review Process

All projects subject to design review shall be reviewed either by the Design Review Board (DRB), the Joint Review Committee (JRC) or by staff as noted below. The DRB, JRC, or staff shall provide a recommendation to the review authority. The review authority shall give substantial weight to the recommendation of the DRB or JRC. (A project reviewed by the JRC shall not also be reviewed by the Heritage Review Committee.)

A. Projects subject to review by the Design Review Board or Joint Design Review Committee, as described in OMC 18.76.180:

1. Any proposed development project located within the following design districts:
 - a. Downtown District; and,
 - b. Residential Scale Design District.
2. Any proposed building development over 5,000 square feet in gross floor area, located within the following design districts and corridors:
 - a. High Density Corridors;
 - b. West Bay Drive District;
 - c. Auto Mall District;
 - d. Port Peninsula District;
 - e. Freeway Corridor; and,
 - f. Design Review Corridors.
3. Any multifamily building with five (5) units or more, any townhouse building with five (5) units or more, and any multifamily development with twenty (20) units or more.
4. All Master Planned Developments.
5. Projects with a building area greater than 5,000 square feet that require a Conditional Use Permit in a residential zone.

B. Projects subject to review by Staff:

1. Single family dwellings on lots within the area depicted on Figure 4-2a.
2. Minor additions or alterations to residential or commercial projects on a Heritage Register or within a Historic District.
3. Any proposed development of 5,000 square feet or less in gross floor area, and signs in the following design districts and corridors:

- a. High Density Corridors;
- b. West Bay Drive District;
- c. Auto Mall District;
- d. Port Peninsula District;
- e. Freeway Corridor; and,
- f. Design Review Corridors.

4. Any other project subject to design review not described in "A" above.

(Ord. 6491 §12, 2007; Ord. 6408 §37, 2006; Ord. 6306 §2, 2004).

18.100.100 - How to Use Design Criteria

A. Requirements and Guidelines. Each section of the design review chapters consists of a requirement and possibly several guidelines. Compliance with each requirement is necessary; the guidelines provide methods to achieve compliance with the requirement. Applicable guidelines must be incorporated into the project design except in cases where proposed design solutions are considered by the Board and/or staff to be equal to or better than the guidelines, and meet the intent of the requirement. If the project does not conform to the design criteria, the Board and/or staff will indicate the requirements that have not been met.

B. Illustrations. Illustrations contained within specific criteria sections are intended to be in harmony with the text of the same section. In the event of conflict between text and an illustration, the text shall govern.

C. Design Review Criteria Chapters. Design criteria are separated into chapters, depending on whether the development is commercial or residential, and the location or type of that development, as outlined below.

18.105 Historic Structures and Buildings within the Historic Districts. This Chapter applies to structures listed on the Olympia Heritage Register, Washington Heritage Register, and the National Register of Historic Places, and all structures within a Historic District.

18.110 Basic Commercial Design Criteria. This chapter applies to all commercial projects throughout the City that require design review, in addition to the district-specific requirements found in the following chapters, as applicable. It also applies to projects with a building area greater than 5,000 square feet in gross floor area that require a Conditional Use Permit in a residential zone, to commercial projects adjacent to residential buildings, to commercial or residential projects. The design districts are shown on the Official Design Review Districts and Corridors.

18.120 Commercial Design Criteria - Downtown District. This chapter applies to all commercial projects that require design review that are located in the Downtown Design Review District. In addition, commercial projects in the Downtown Design District may also be subject to the requirements of Chapter 18.16, Pedestrian Streets.

18.130 Commercial Design Criteria - High Density Corridors. This chapter applies to all projects that require design review that are located in the HDC districts.

18.135 Commercial Design Criteria - Residential Scale District. This chapter applies to all projects that require design review that are located in the Residential Scale District.

18.140 Commercial Design Criteria - Auto Oriented District. This chapter applies to all projects that require design review that are located in the Auto Oriented District.

18.145 Commercial Design Criteria - Freeway Corridor. This chapter applies to all projects that require design review that are located in the Freeway Corridor District.

18.150 Commercial Design Criteria - Port Peninsula. This chapter applies to all projects that require design review that are located in the Port Peninsula design review district. This chapter contains the only design criteria that apply to the Port Peninsula.

18.155 Commercial Design Criteria - West Bay Drive District. This chapter applies to all projects that require design review that are located in the West Bay Drive District.

18.170 Residential Design Criteria - Multifamily. Design criteria contained in this chapter (Sections 18.170.030 - 18.170.160) apply to all multifamily residential buildings with five or more units and any multifamily development with twenty (20) units or more throughout the city. Projects of this type and size are reviewed by the Design Review Board.

18.175 Residential Design Criteria - Infill and other residential. Sections 18.175.020 through 18.175.060 of this chapter apply to single-family dwellings, including designated manufactured housing, proposed on lots within the area depicted on Figure 4-2a, on lots less than 5000 square feet, or on substandard lots, duplexes, triplexes, fourplexes, and townhouse buildings of four (4) units or less throughout the city. Sections 18.175.080 and 18.175.090 apply to accessory dwelling units throughout the city. Section 18.175.100 applies to cottage development.

18.180 Residential Design Criteria - Manufactured home parks. This chapter applies only to manufactured home parks.

(Ord. 6581 §8, 2008; Ord. 6491 §13, 2007; Ord. 6306 §2, 2004).

18.100.110 - Submission Requirements

A. Conceptual Design Review. Applications for review of the Conceptual Design shall be filed with the Department as part of a land use review application on forms provided by the Department.

B. Detailed Design Review. Applications for review of the Detailed Design shall be submitted to the Department prior to or at the same time as a building permit application on forms provided by the Department.

C. Combined Conceptual & Detailed Design Review. For those projects which have had a presubmission conference, do not have any apparent environmental issues, (such as those listed in the Critical Areas Ordinance, Title 14.10, or transportation issues), and which do not require a public hearing, upon request by the applicant and with the concurrence of staff, the Design Review Board may conduct both Conceptual and Detailed Design Review of a project at the time of Land Use Review.

D. Time Limitations. Except in cases where the applicant agrees to an extension of time, the Design Review Board shall have a public meeting on an application for a major project within thirty (30) days after an application is deemed complete pursuant to OMC 18.72.

(Ord. 6306 §2, 2004).

18.110

18.110.000 - Chapter Contents

Chapter 18.110

BASIC COMMERCIAL DESIGN CRITERIA

Sections:

- 18.110.020 Frontage.
- 18.110.030 Connections.
- 18.110.040 Fences and Walls
- 18.110.050 Pedestrian Amenities.
- 18.110.060 View Preservation.
- 18.110.070 Building Location & Design.
- 18.110.080 Maintaining Human Scale.
- 18.110.090 Street Walls.
- 18.110.100 Windows.
- 18.110.110 Projections into the right-of-way.
- 18.110.120 Roofs.
- 18.110.130 Corners.
- 18.110.140 Consistency.
- 18.110.150 Colors and Materials.
- 18.110.160 Lighting.
- 18.110.170 Parking Structures.
- 18.110.180 Plant Selection.
- 18.110.190 Screening Site Services.
- 18.110.200 Screening Blank Walls.

(Ord. 6491 §17-18, 2007, repealed Section 18.110.210 and 18.110.220; Ord. 6306 §3, 2004).

18.110.020 - Frontage

A. Requirement: Buildings must abut at least fifty percent (50%) of the street frontage. Gaps in frontage between buildings on a single project may not exceed eighty (80) feet in length.

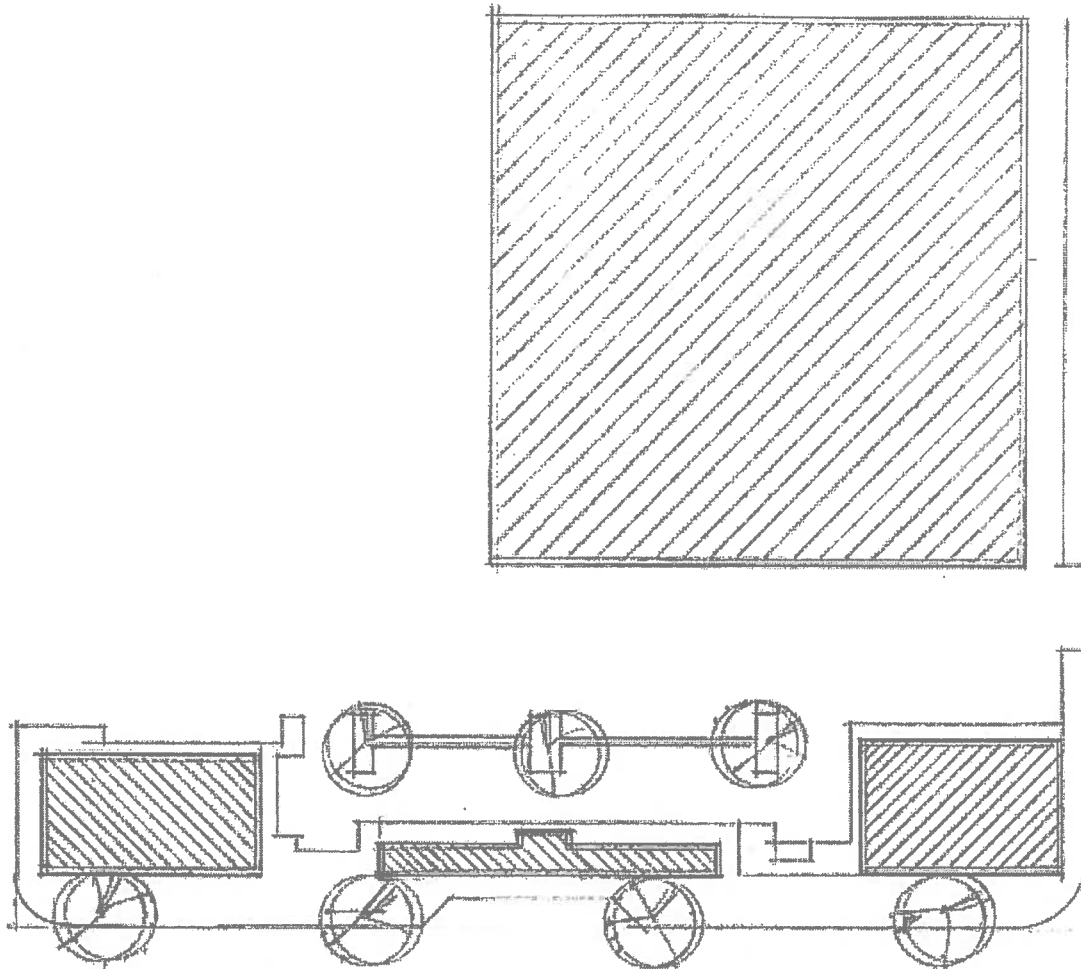


FIGURE 18.110.020

(Ord. 6306 §3, 2004).

18.110.030 - Connections

A. REQUIREMENT: Provide driveway and sidewalk connections to and through the development to adjoining streets, bus stops, designated urban trails, and properties, where access exists or reasonable connections are possible. If a parking lot lies between the building entry and an adjacent public street, a pedestrian walkway at least six (6) feet wide shall be provided between them. In all other cases, on-site sidewalks shall have a passable width of at least four (4) feet. All crossings of vehicular travel lanes shall be clearly marked.

B. GUIDELINES:

1. Provide clear pedestrian circulation routes on site.
2. Minimize curb cuts by sharing driveways and access from side streets whenever possible.
3. On large sites where no public streets exist, create a grid street system within the project.

4. Locate storm drainage ponds, swales, and other drainage system components so they do not unreasonably impede pedestrian access to or between buildings.
5. Provide a direct and clear visual connection through the buildings to the front street if parking is located behind the buildings.
6. Provide signs for pedestrians and vehicles within the site, if necessary.
7. Provide walkways through parking bays and adjacent to landscape islands.

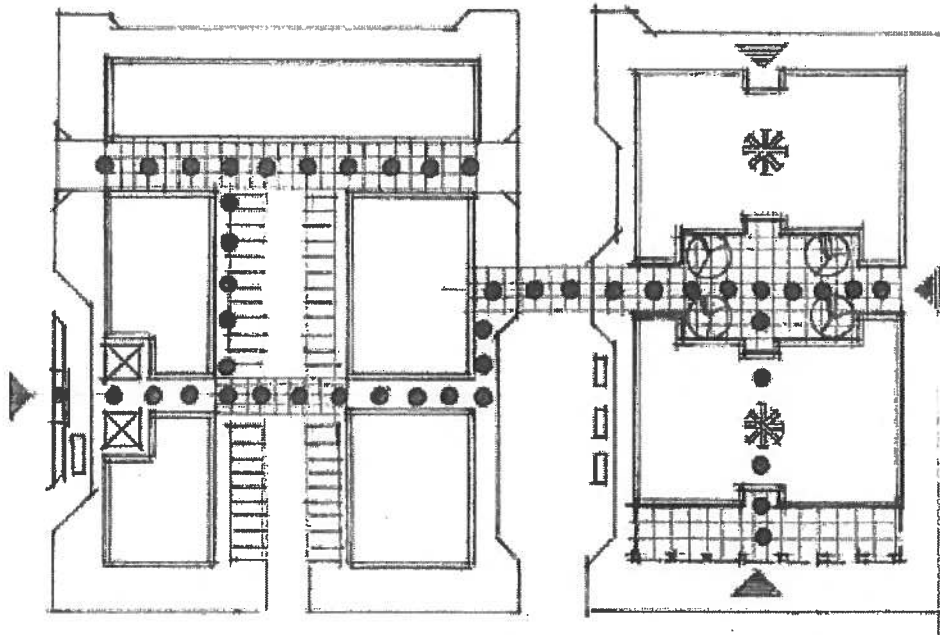


FIGURE 18.110.030

(Ord. 6306 §3, 2004).

18.110.040 - Fences and walls

A. REQUIREMENT: Minimize the use of fences that inhibit pedestrian movement or separate the project from the neighborhood and adjoining streets. Front yards shall be visually open to the street. Where fencing is necessary, maintain a human scale along the street by providing pedestrian connections through use of gates or openings at frequent intervals.

B. GUIDELINES:

1. Provide variation in fencing through use of stepped fence heights or small setbacks.
2. Add visual interest by providing variation in fence materials, texture, or colors.
3. Provide landscape screening to break up long expanses of fencing.
4. Repeat use of building facade material on fence columns and/or stringers.

5. Provide lighting, canopies, trellises or other features to add visual interest.

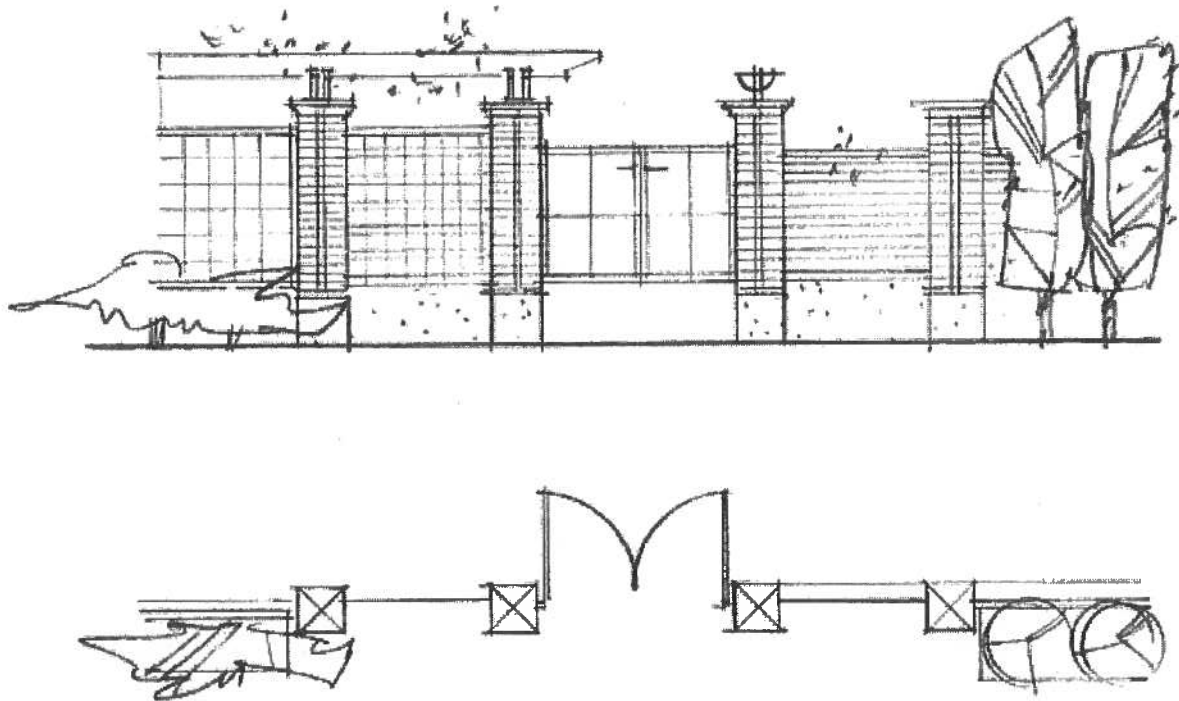


FIGURE 18.110.040

(Ord. 6306 §3, 2004).

18.110.050 - Pedestrian amenities

A. REQUIREMENT: Provide pedestrian amenities in places where people typically gather, including but not limited to, transit stops, building entrances, or street corners. These spaces must include seating, landscaping, and at least two of the following:

1. Patterned materials on walkways;
2. Shelters;
3. Trash receptacles;
4. Drinking fountains;
5. Pedestrian lighting, light bollards, or alley lighting;
6. Fountains, sculptures, mobiles, kiosks, or banners;
7. Street trees, flower boxes, or container landscaping in alleys;
8. Street vendor stations where appropriate; or,

9. Bike racks.

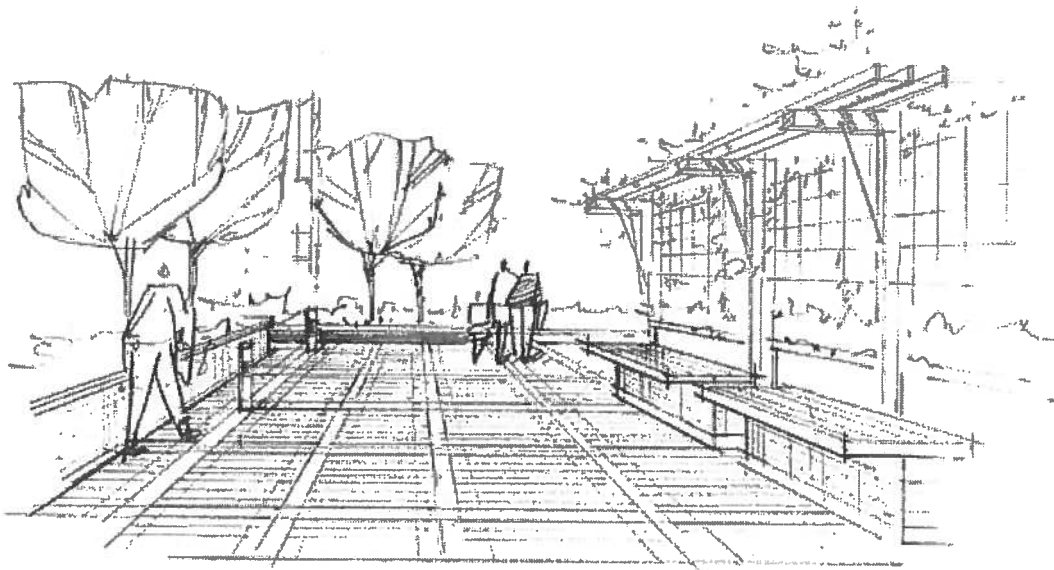


FIGURE 18.110.050

(Ord. 6306 §3, 2004).

18.110.060 - View preservation

A. REQUIREMENT: In order to protect the existing outstanding scenic views which significant numbers of the general public have from public rights-of-way, applicants for development must consider the impact their proposal will have on views of Mt. Rainier, the Olympic Mountains, Budd Inlet, the Black Hills, the Capitol Building, and Capitol Lake or its surrounding hillsides. All development must reserve a reasonable portion of such territorial and immediate views of these features for significant numbers of people from public rights-of-way, and shall provide lookouts, viewpoints, or view corridors so that visual access to existing outstanding scenic vistas is maintained.

Refer to the Scenic Vista overlay zoning maps available at the Community Planning and Development Department.

(Ord. 6306 §3, 2004).

18.110.070 - Building location and design

A. REQUIREMENTS:

1. Place commercial buildings on the street edge and locate parking on the side or behind the building. Parking lots shall not be located on corners. Exceptions may be made where an alternative building location would provide as good or better pedestrian access. Exceptions may be made in the Auto Oriented Design District and in the HDC-4 Capital Mall area (see Section 18.130.060).
2. Entrances to buildings shall be clearly articulated and obvious from the street.

3. Commercial and public buildings over three (3) stories must have a clearly defined base at street level that is no more than two stories high.



FIGURE 18.110.070-A

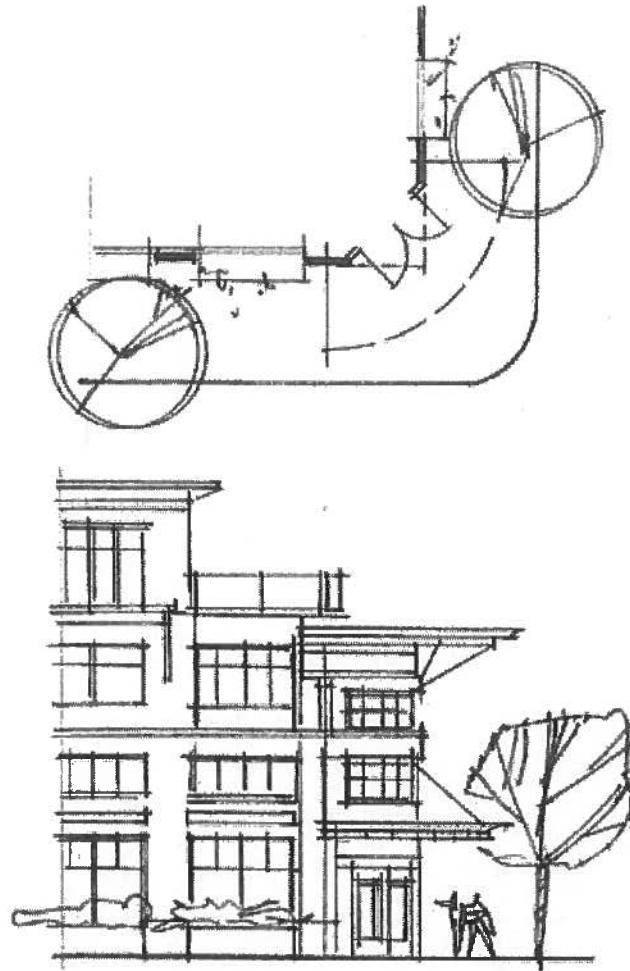


FIGURE 18.110.070-B

(Ord. 6306 §3, 2004).

18.110.080 - Maintaining human scale

A. REQUIREMENT: Use design elements to maintain a human scale at the street. Projects requiring a conditional use permit in a residential zone must incorporate elements that relate to existing buildings in the neighborhood.

B. GUIDELINES:

1. Where there is a strong sense of human scale neighborhood identity, use building modulation, roof forms, windows, materials, and details that are similar to the neighborhood buildings.
2. Articulate façade design features to reduce the apparent size of large buildings. Design elements may include, but are not limited to: facade modulation, cornices, window patterns, plazas, porches, patios, decks, covered entries, balconies, bay windows, dormers, stepped roofs, gables or other roof elements, a variety of cladding materials, lighting fixtures, trellises, trees or other landscape features, and multiple paint colors and building materials.

3. Locate retail shops with display windows at the street level around the exterior of larger commercial buildings.

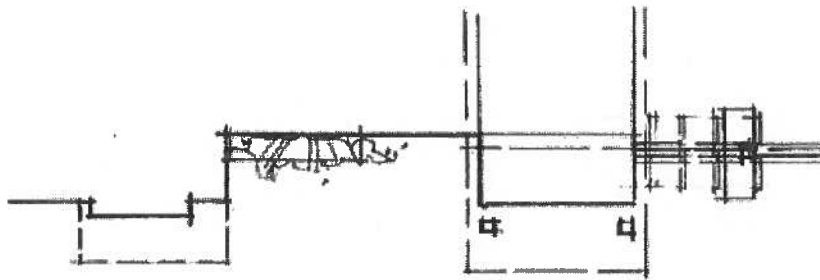


FIGURE 18.110.080

(Ord. 6306 §3, 2004).

18.110.090 - Street walls

A. REQUIREMENT: Use a high proportion of clear or lightly tinted glass at the street level for displays or to reveal services available where appropriate. This glass shall cover or comprise at least sixty (60) percent of the building face between two (2) and eight (8) feet in elevation above the sidewalk. If glass is not possible, at least one (1) of the following, or an equivalent, shall be substituted for glazing on the building walls fronting on a street, sidewalk, or other pedestrian walkway visible to pedestrians. The following guidelines are listed in order of preference. Wall segments without such treatments should not exceed thirty (30) feet in length:

B. GUIDELINES:

1. Ornamental and structural architectural details that provide texture to the building surface; or,
2. Climbing plants, vines, trees, or other vegetation that, within three (3) years of planting, can

reasonably be expected to cover or screen the wall to the degree required to comply with this section; or,

3. A pedestrian area, consistent with Section 18.06.100, Development Standards, located along the southern, eastern, or western exposure of a building face at a transit stop, intersection corner, or other location.

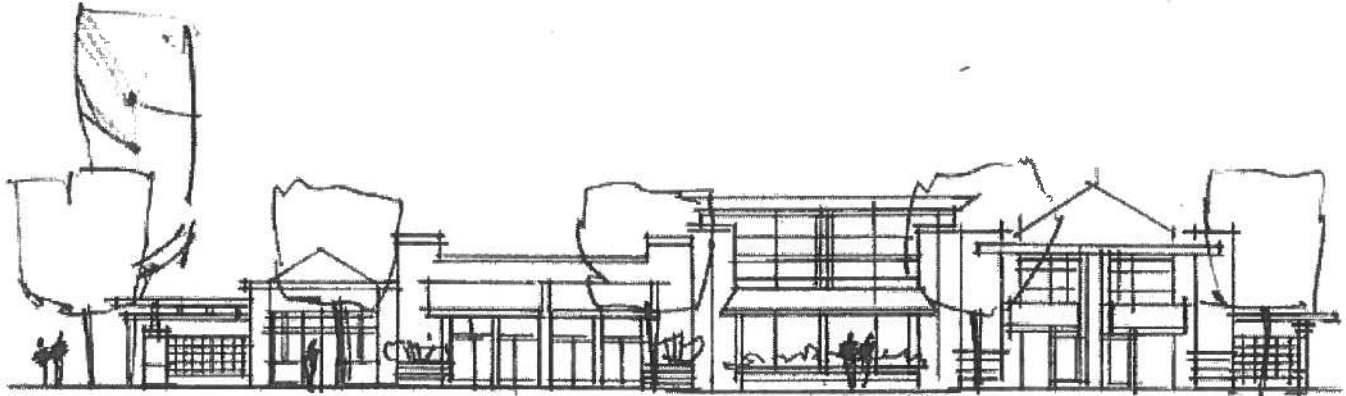


FIGURE 18.110.090-A

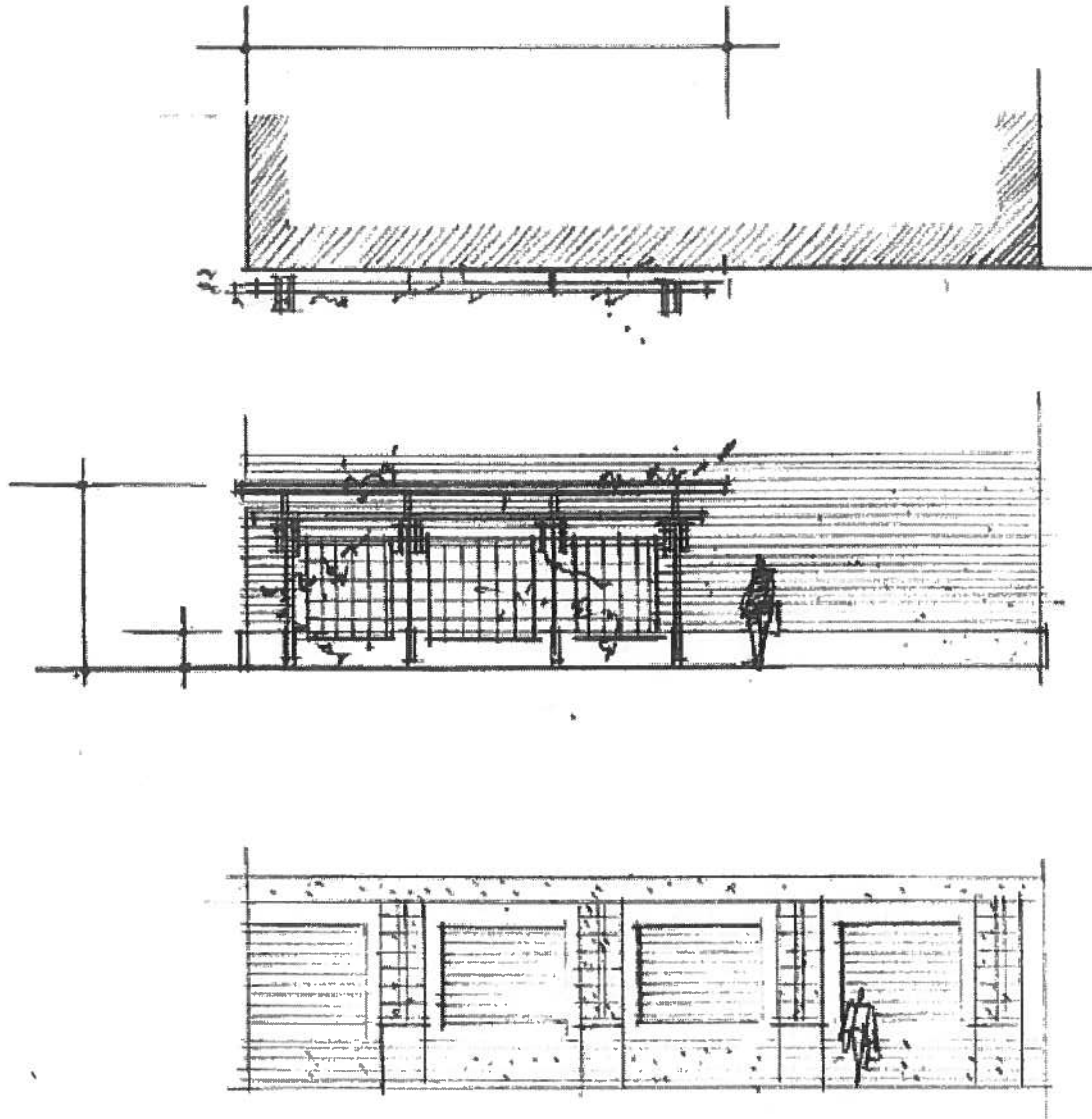


FIGURE 18.110.090-B

(Ord. 6306 §3, 2004).

18.110.100 - Windows

A. REQUIREMENT: Windows shall provide relief, detail, and variation to building facades and shall be in harmony with the character of the structure.

B. GUIDELINES:

1. Provide variation in rhythm both horizontally and vertically.
2. Use windows that are recessed or protruding such as bay windows.
3. Use visually significant window elements, including lintels, sills, casings, mullions, and frame dimensions.

4. Provide more glazing area on the ground floor than on the upper floors.

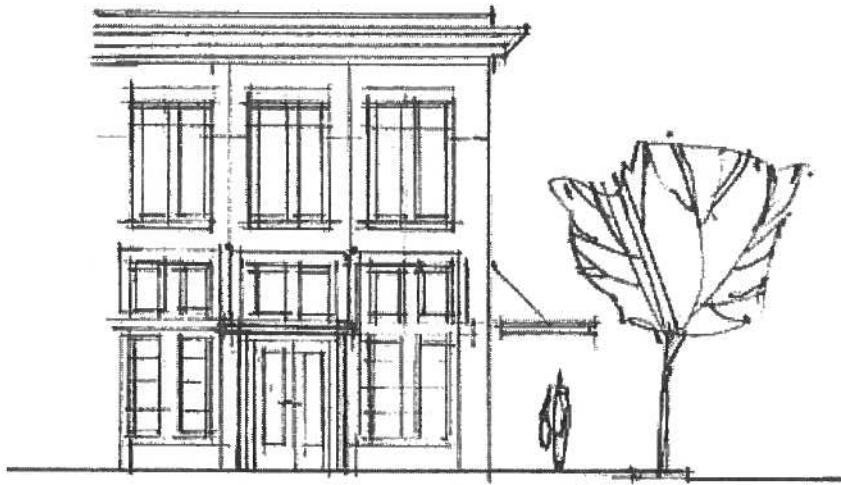


FIGURE 18.110.100

(Ord. 6306 §3, 2004).

18.110.110 - Projections into the right-of-way

A. REQUIREMENT: In order to create a positive visual experience for the pedestrian moving along the street, add interest and variety to building facades by using projections into the right-of-way.

B. GUIDELINE: Use any of a variety of projections such as awnings, trellises, planter boxes, bay windows, balconies, canopies and porticos. When awnings are used they should cover the pedestrian clear zone (the 42" of sidewalk immediately adjacent to the building).

Also see Development Guidelines and Public Works Standards 12.24.020 as amended.



FIGURE 18.110.110

(Ord. 6306 §3, 2004).

18.110.120 - Roofs

A. REQUIREMENT: Provide relief, detail and variation to roof lines.

B. GUIDELINES:

1. Use cornices at upper edge of façades or soffit overhangs on rooflines that abut the street.
2. Use landscaped roof terraces and gardens on buildings that are stepped back from the street.



FIGURE 18.110.120

(Ord. 6306 §3, 2004).

18.110.130 - Corners

A. REQUIREMENT: Create pedestrian friendly building elements at intersections and alley entrances.

B. GUIDELINE: Incorporate features such as inset or angled corners and entrances, display windows, or corner roof features.

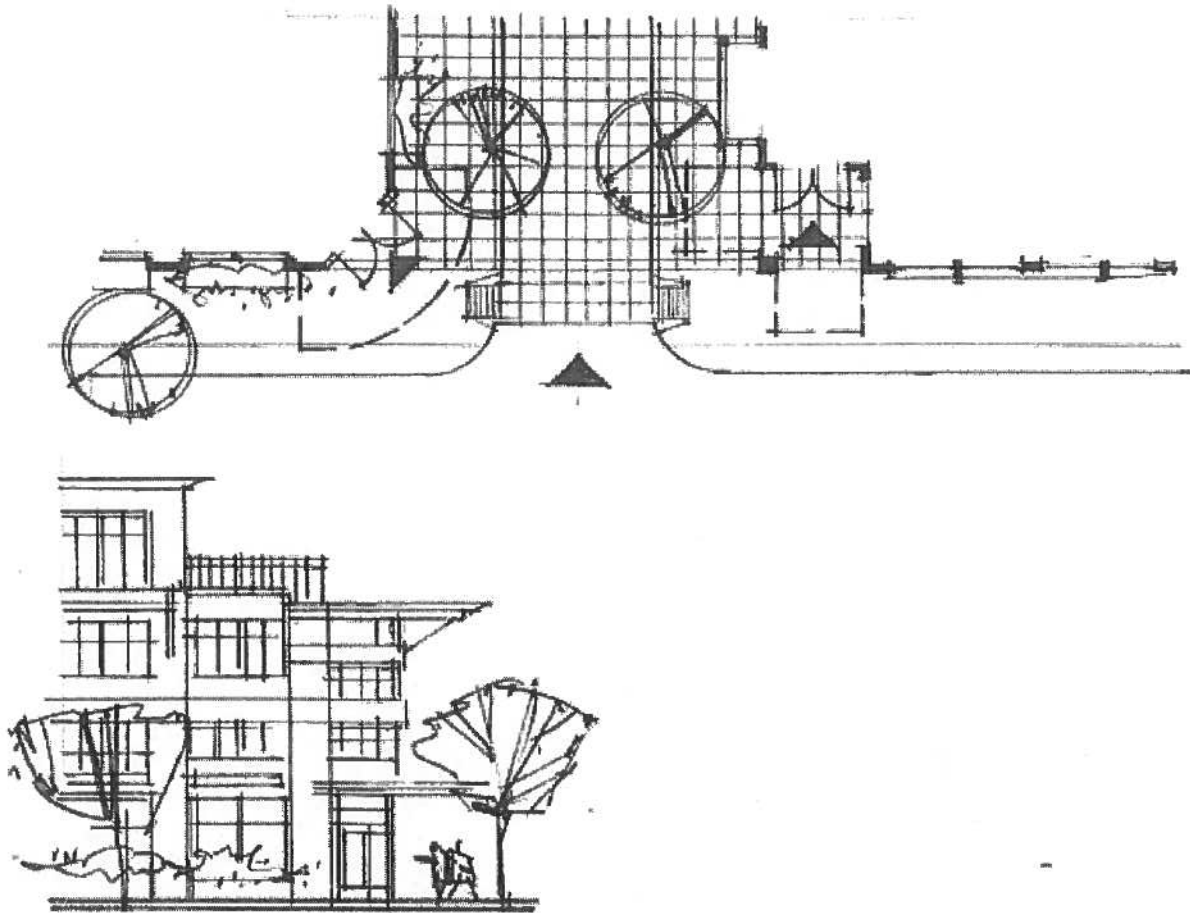


FIGURE 18.110.130

(Ord. 6306 §3, 2004).

18.110.140 - Consistency

A. REQUIREMENT: Buildings shall have a consistent visual identity from all sides visible to the general public; except, building walls adjacent to alleys in the downtown design district.

B. GUIDELINES:

1. Use consistent exterior materials, architectural detailing, and color schemes.
2. Buildings should present a comparable level of quality of materials, detailing and fenestration.



FIGURE 18.110.140

(Ord. 6306 §3, 2004).

18.110.150 - Colors and materials

A. REQUIREMENT: Use building materials with texture and pattern (such as brick) on exterior building walls and large surfaces. Reserve brightly saturated colors for trim or accents.

B. GUIDELINES:

1. Avoid large expanses of highly tinted or mirrored glass.
2. Do not use highly reflective exterior materials (except glazing) where glare would affect nearby buildings or traffic.



FIGURE 18.110.150

(Ord. 6306 §3, 2004).

18.110.160 - Lighting

A. REQUIREMENT: Use lighting to emphasize the building and landscaping, and to provide visibility and general security. Lighting shall not shine off-site or into adjacent buildings.

B. GUIDELINES:

1. Use lighting to emphasize key architectural elements and landscape features.
2. Use adequate lighting along sidewalks and alleys to provide well-lit pedestrian walkways. (Also see Section 18.40.060(D), Lighting.)

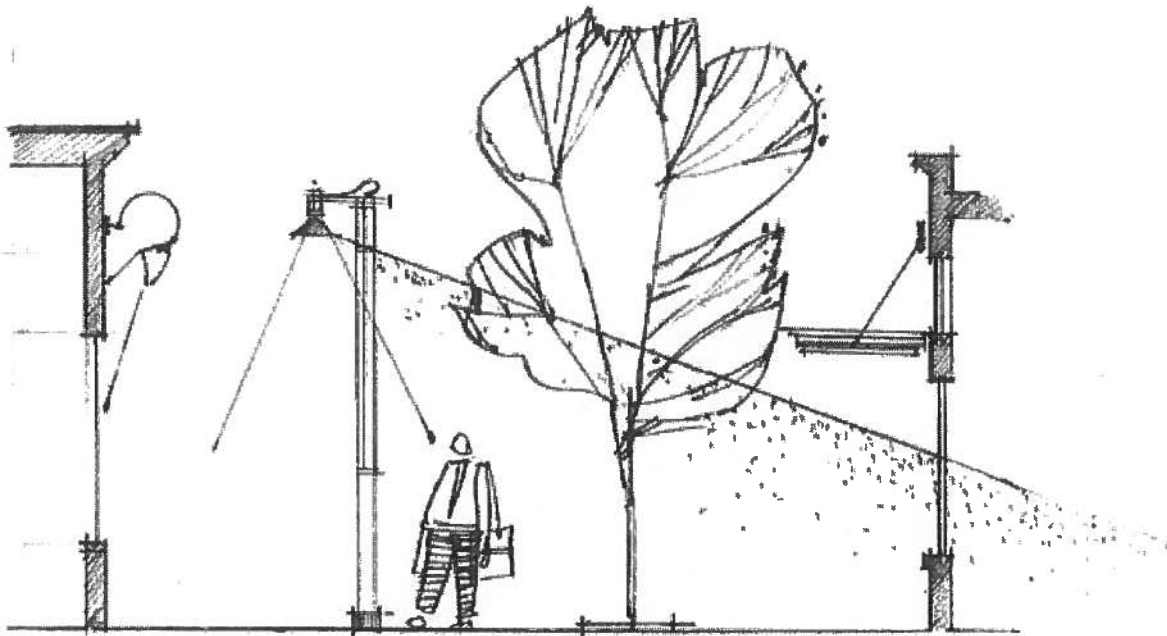


FIGURE 18.110.160

(Ord. 6306 §3, 2004).

18.110.170 - Parking structures

A. REQUIREMENT: Vehicle entries to garages shall be recessed at least six (6) feet from the street facade plane. At least sixty (60) percent of the street facade between two (2) and eight (8) feet above the sidewalk, shall have at least one (1) of the treatments listed below.

B. GUIDELINES: (Listed in order of preference)

1. Transparent windows (with clear or lightly tinted glass) where pedestrian-oriented businesses are located along the facade of the parking structure; or,

2. Display windows; or,
3. Art or architectural treatment such as sculpture, mosaic, glass block, opaque art glass, relief art work, or similar features; or,
4. Decorative metal grille work or similar detailing which provides texture and covers the parking structure opening; or,
5. Vertical trellis or other landscaping or pedestrian plaza area.

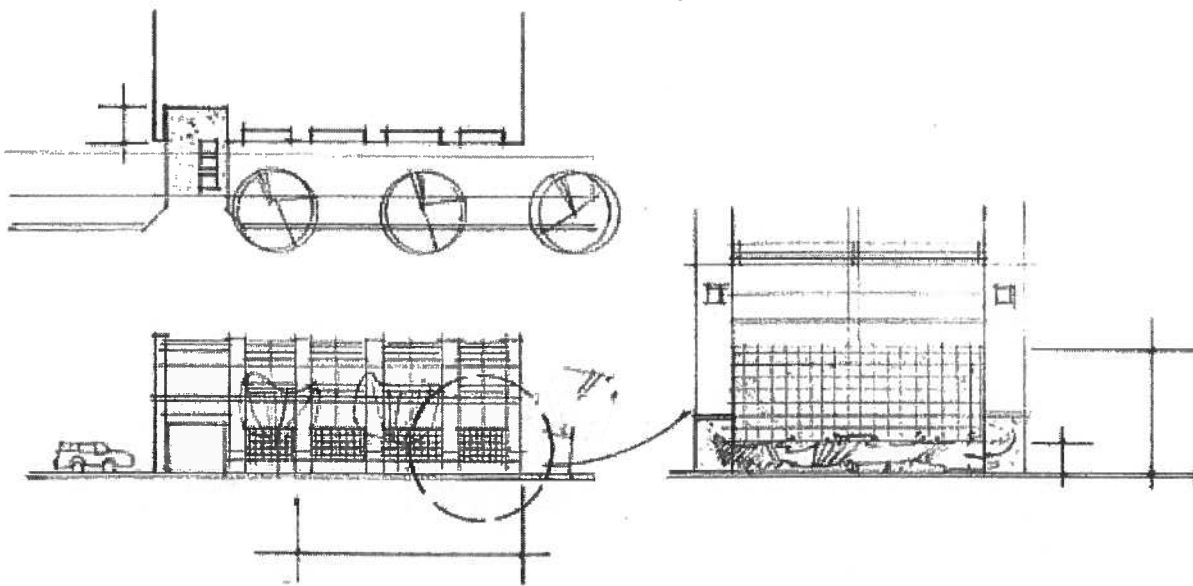


FIGURE 18.110.170

(Ord. 6306 §3, 2004).

18.110.180 - Plant selection

A. REQUIREMENT: Select plants that are compatible with planting conditions and existing landscaping. Plant trees that at their mature, natural size will be well-suited to the planting location. Avoid use of invasive species adjacent to critical areas. Do not plant noxious weeds, as defined by the Thurston County Noxious Weed Control Program (lists are on file with Thurston County or the City's Community Planning & Development Department).

B. GUIDELINES:

1. Provide visual continuity with the existing streetscape by coordinating tree and shrub species with established, healthy landscaping.
2. Consider mature tree size in relation to planting area dimensions and soil type.
3. Avoid a haphazard appearance by using a limited number of plant species.

4. Choose native plant species for primary landscaping; limit use of exotic plant species to areas of interest or effect.

(Ord. 6306 §3, 2004).

18.110.190 - Screening site services

A. REQUIREMENT: Show the location of all mechanical equipment and utility vaults on both site and landscape plans early in the design process. Provide visual screening so that mechanical equipment and utility vaults are not visible from adjacent public rights-of-way, or adjacent dwelling units. Screen roof-top mechanical and communications equipment on all sides. (See Section 18.36.060(I), Screening - Trash and Open Storage.)

B. GUIDELINES:

1. Locate mechanical equipment and utility vaults on the least visible side of the building and/or site.
2. Screen at-grade locations with vertical plants such as trees, shrubs or ornamental grasses.
3. Screen or paint wall mounted mechanical equipment to match the building.

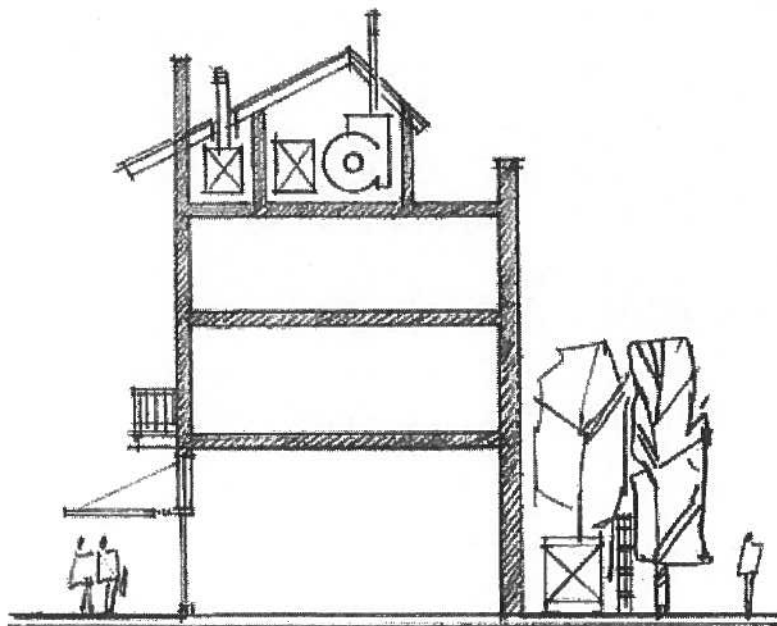


FIGURE 18.110.190

(Ord. 6306 §3, 2004).

18.110.200 - Screening blank walls

A. REQUIREMENT: Use a variety of landscape materials along lengthy expanses of blank walls or

fences.

B. GUIDELINES:

1. Screen walls or fences with a combination of trees, shrubs and vines.
2. Use irrigated raised planter boxes for screening purposes.
3. In narrow planting areas adjacent to walls or fences, use espaliered trees or shrubs and vines.

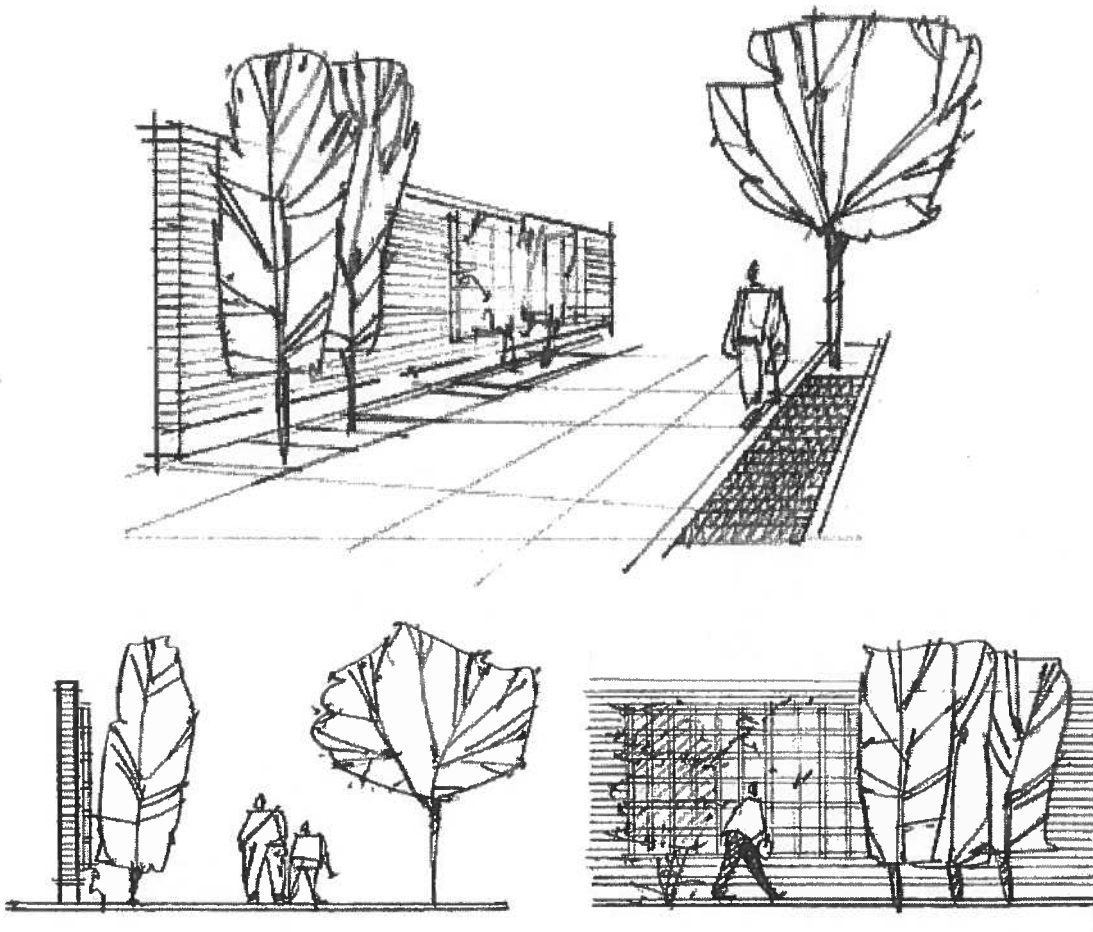


FIGURE 18.110.200

(Ord. 6306 §3, 2004).

18.130

18.130.000 - Chapter Contents

Chapter 18.130

COMMERCIAL DESIGN CRITERIA HIGH DENSITY CORRIDOR (HDC)

Sections:

- 18.130.020 Building orientation.
- 18.130.030 Building design.
- 18.130.040 Surface parking.
- 18.130.050 Historic building types – HDC 1 & 2.
- 18.130.060 HDC 4 Capital Mall – Incremental expansion.

(Ord. 6306 §5, 2004).

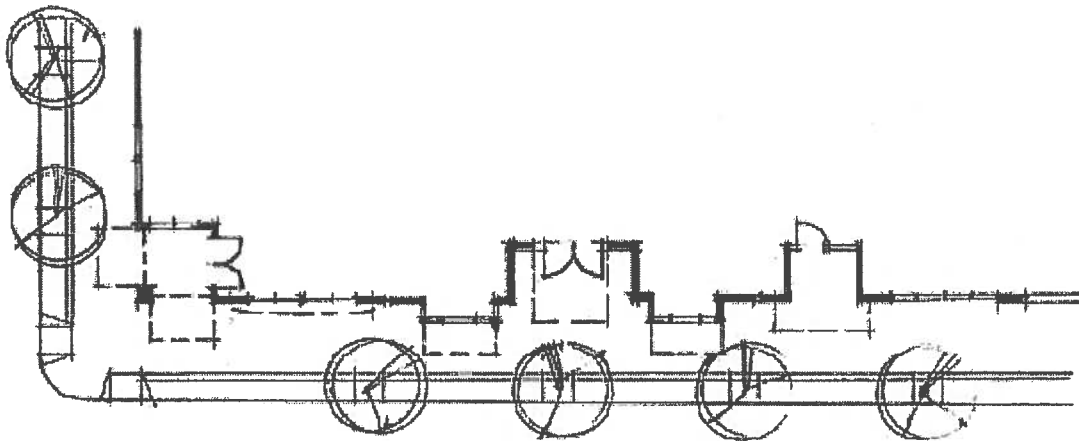
18.130.020 - Building Orientation

A. REQUIREMENTS:

1. Primary building entries, storefront windows, and building facades shall face the street, create a continuous row of storefronts along the street frontage, and provide direct access from the street to the building with close pedestrian access to the nearest bus stop. In the case of multifamily housing or townhouse projects, stoops and porches or distinctive entryways can substitute for commercial storefront window openings.
2. In the case of buildings at corners of street intersections, this requirement applies to both street frontages. An entrance at the corner would meet this requirement.
3. HDC-4 exceptions: The following exceptions apply if excellent pedestrian connections to the HDC street are provided:
 - a. Building entries need not face the HDC street edge but may be located on the corner, off a publicly accessible pedestrian plaza or on the side of the building. All other applicable design guidelines apply.
 - b. Hotels and multifamily developments may be set back greater than 10 feet provided that the setback area does not include parking.
 - c. Setbacks may be increased where street improvements do not exist or where they do not provide the separation from vehicles as described in the Development Guidelines and Public Works Standards (Street Standards) to include the additional distance required by those standards for sidewalk and planter strips. The setback area may not include parking.

B. GUIDELINES:

1. Locate service and delivery entries in the rear whenever possible.
2. On transit routes, site design should accommodate transit bus stop zones as may be needed, including:
 - a. in-lane bus stop(s) or possible stop pullout(s),
 - b. ADA accessible pedestrian pathways,
 - c. shelter and/or provision for cover to help reduce pedestrian exposure to the elements, and
 - d. other amenities such as such as lighting, benches, or information kiosks.
3. Where a transit route does not exist, meet with the local public transit provider to ascertain the viability of developing a bus stop for the site.

**FIGURE 18.130.020-A****FIGURE 18.130.020-B**

(Ord. 6417 §2, 2006; 6306 §5, 2004).

18.130.030 - Building Design

A. REQUIREMENT: Where visible to pedestrians, walls over thirty (30) feet in length shall be modulated and building elements shall be articulated. Orient buildings and locate windows to provide privacy, to the extent practical, both within the project and to the adjacent residential neighborhood.

B. GUIDELINES:

1. Provide vertical and horizontal modulation in the facade;
2. Provide features that identify a clear base to the building;
3. Provide recessed entries;
4. Provide awnings, canopies, marquees, building overhangs, or similar forms of pedestrian weather protection. Such elements should be at least four and one half (4-1/2) feet wide and cover at least eighty (80) percent of the length of buildings, including entries, which abut a pedestrian walkway, subject to Section 18.06.080, Commercial Development Standards.
5. Use fenestration;
6. Vary roof lines; use dormers;
7. Provide porches or balconies.



FIGURE 18.130.030-A

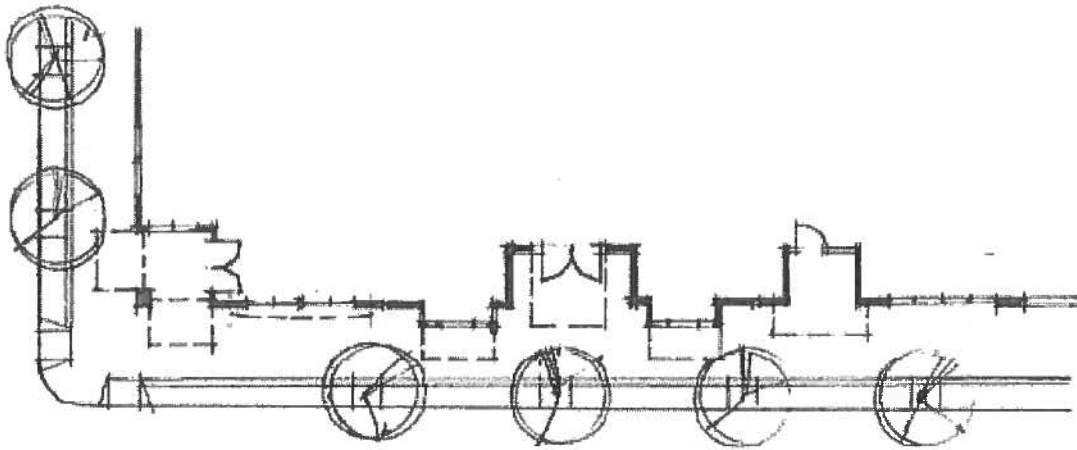


FIGURE 18.130.030-B

(Ord. 6306 §5, 2004).

18.130.040 - Surface Parking

A. REQUIREMENT: Locate parking behind or on the side of buildings. On corner lots, parking shall not be located on the corner. Minimize curb cuts and provide landscaping, berms and/or low walls for screening.

(See also Section 18.38.200, Parking Facility Location.)

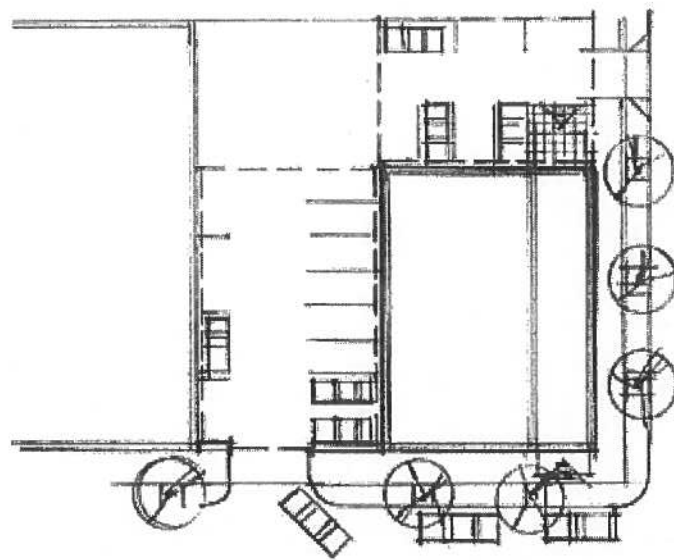


FIGURE 18.130.040-A

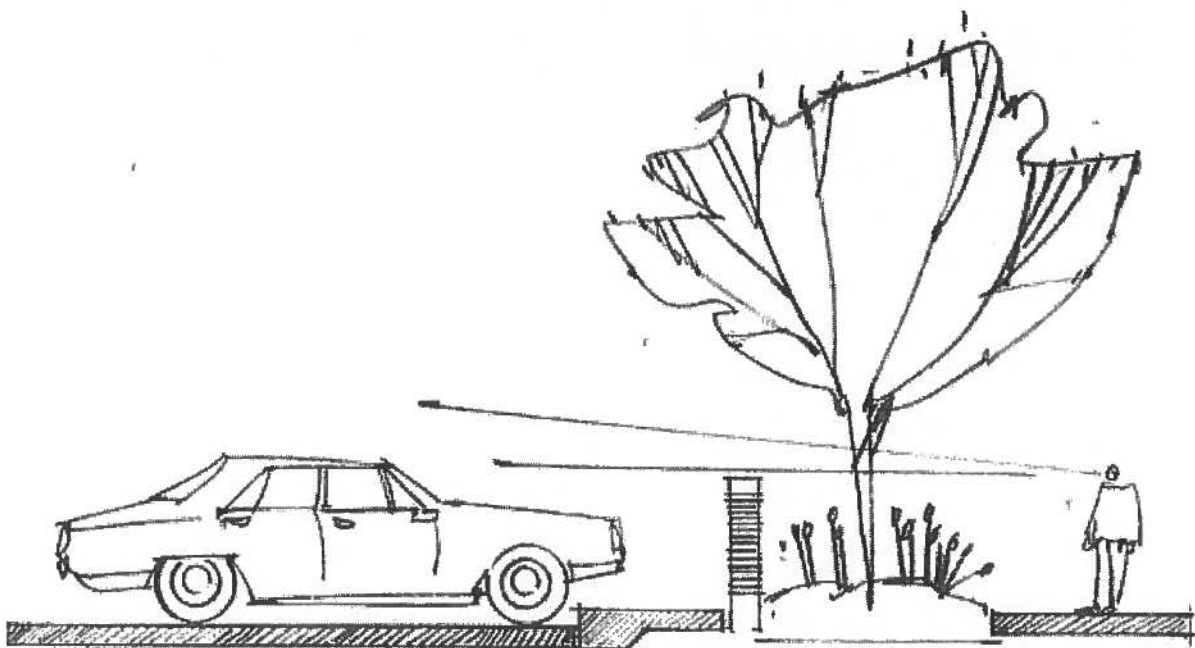


FIGURE 18.130.040-B

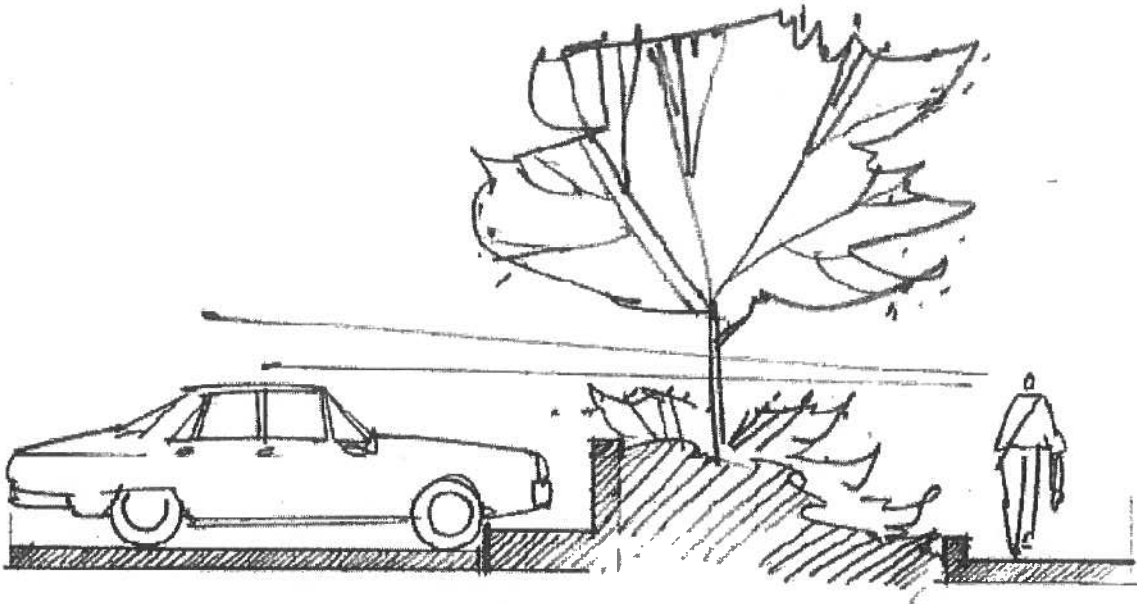


FIGURE 18.130.040-C

(Ord. 6306 §5, 2004).

18.130.050 - Historic Building Types - HDC 1 and HDC 2

A. REQUIREMENT: In HDC 1 and 2 districts, buildings shall include similar details to one of the historic building types as found on the corridor and in the adjacent neighborhoods. Orient buildings and locate windows to provide privacy, to the extent practical, both within the project and to the adjacent residential neighborhood. In the case of multifamily housing or townhouse projects, stoops and porches or distinctive entryways can substitute for commercial storefront window openings.

B. GUIDELINES:

1. Craftsman design may include:

- a. Wide pitched roofs with broad overhangs;
- b. Visible structural detail such as rafter tails and knee brackets;
- c. Heavy porch columns;
- d. Deep covered porches;
- e. Broad, horizontal lines.

2. Vernacular design may include:

- a. Gable roof;

- b. Horizontal clapboard exterior material;
- c. Vertical windows;
- d. Minimal detailing.

3. Tudor design may include:

- a. Steeply pitched gabled or hipped roofs and cross-gables;
- b. Stone, stucco or brick (sometimes with decorative patterns);
- c. Arched doorways;
- d. Tall, vertical proportions.

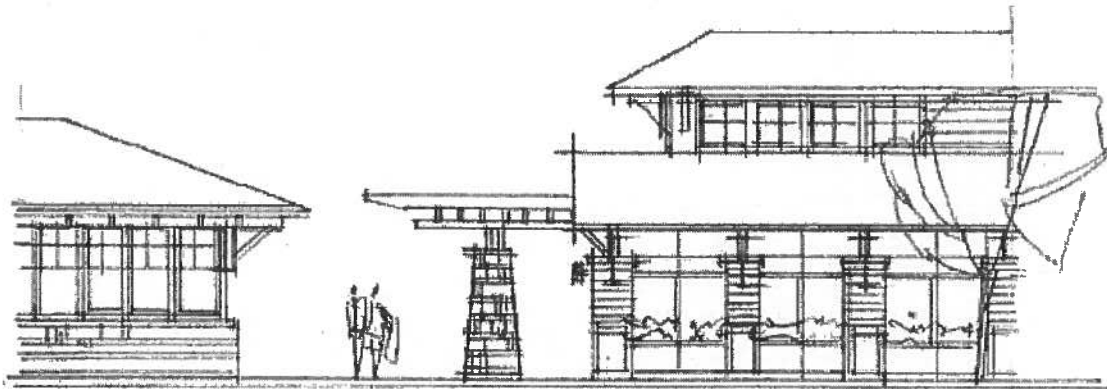


FIGURE 18.130.050-A (Craftsman)



FIGURE 18.130.050-B (Vernacular)



FIGURE 18.130.050-C (Tudor)

(Ord. 6306 §5, 2004).

18.130.060 - HDC 4-Capital Mall-Incremental Expansion

A. Pedestrian Streets - 4th Avenue West and Kenyon Street. (Pedestrian Street Requirement does not apply to existing mall vehicular circulation.)

1. **Building Frontages.** Buildings are required to front the sidewalk and be a minimum of 20 feet in height. The building facades shall convey an urban character and include significant retail office storefronts at the ground level. (Building frontage requirement does not apply to below grade structures.) No less than 60% of the street-level building facade, between 2 feet and 8 feet above grade, shall be transparent storefront. Mixed-Use development, including residential and office uses, is encouraged on upper levels. Variations from the setback are allowed in order to encourage unique storefront building design features, and to create plazas. Canopies, arcades and/or colonnades shall be provided as overhead weather protection.

2. **Interim Surface Parking Allowance.** Interim surface parking is allowed along 4th Avenue W and Kenyon Street as long as minimum 20 foot sidewalk / landscape area (see required sidewalks below) is provided. The area within 60 feet of the sidewalk/landscape link should be planned for

future infill development. The planning of this area shall be reviewed by the Design Review Board for consistency with Pedestrian Street requirements, other design standards and street slope conditions along 4th Avenue W. and Kenyon Street.

3. **Required Sidewalks.** 15 foot sidewalk with street trees when building faces street; (Staff note: Current major commercial collector street standards include a 10 foot sidewalk. Urban designers suggest that a wider sidewalk is necessary where a retail/commercial storefront is combined with a canopy and street tree.) 20 foot linkage when parking lot faces the street. The linkage will include a 10 foot sidewalk and a 10 foot landscaped planter. See street cross section illustrations. (This allows for development of full street improvements when buildings are developed that face the street edge.)

B. Building Focal Points. A focal point, including tower elements and entryway features shall enhance street intersections, plaza areas and mall entry points. (Renovation of existing mall entries shall not be required when minor renovations - such as a new coat of paint or new signage - or interior remodeling by tenant or anchor store are constructed within existing building envelope.) Renovated exterior entry and new mall entries shall include significant entry features, retail facades, display windows and streetscape elements to enhance the pedestrian experience, improve safety, and encourage walking between uses in the area.

C. Transit Facility. A Transit stop or facility shall be integrated into the Capital Mall Area. It shall be located to provide a direct link to the shopping mall while supporting transit plans for the area. Transit stop or facility location can change as mall area expansion occurs over time. Transit routing through the site to the facility shall be designed to reduce conflicts with customer vehicles and parking. Transit stops will: a) be a short walking distance to the significant building entrance, b) be located at a safe and attractive location, c) be weather protected, d) include amenities such as benches and illumination, e) have adequate space to accommodate transit arrivals and departures and, f) be efficiently integrated into a transit route.

D. Significant Building Entry. At the north side of the mall a significant entry shall be provided. (Development of this site feature is required when expansion on the north side of the Capital Mall Area meets or exceeds a cumulative total of 100,000 SF of new floor area). It is recommended that the Significant Building Entry be oriented toward Kenyon Street. The design of this entry shall include a tower element that is visible from intersection of Black Lake Blvd. and Capital Mall Drive. This element is allowed to extend up to 30 feet beyond the height limit. The feature tower shall be subject to Design Review Board approval based on design appropriateness and compatibility with overall shopping center renovation design.

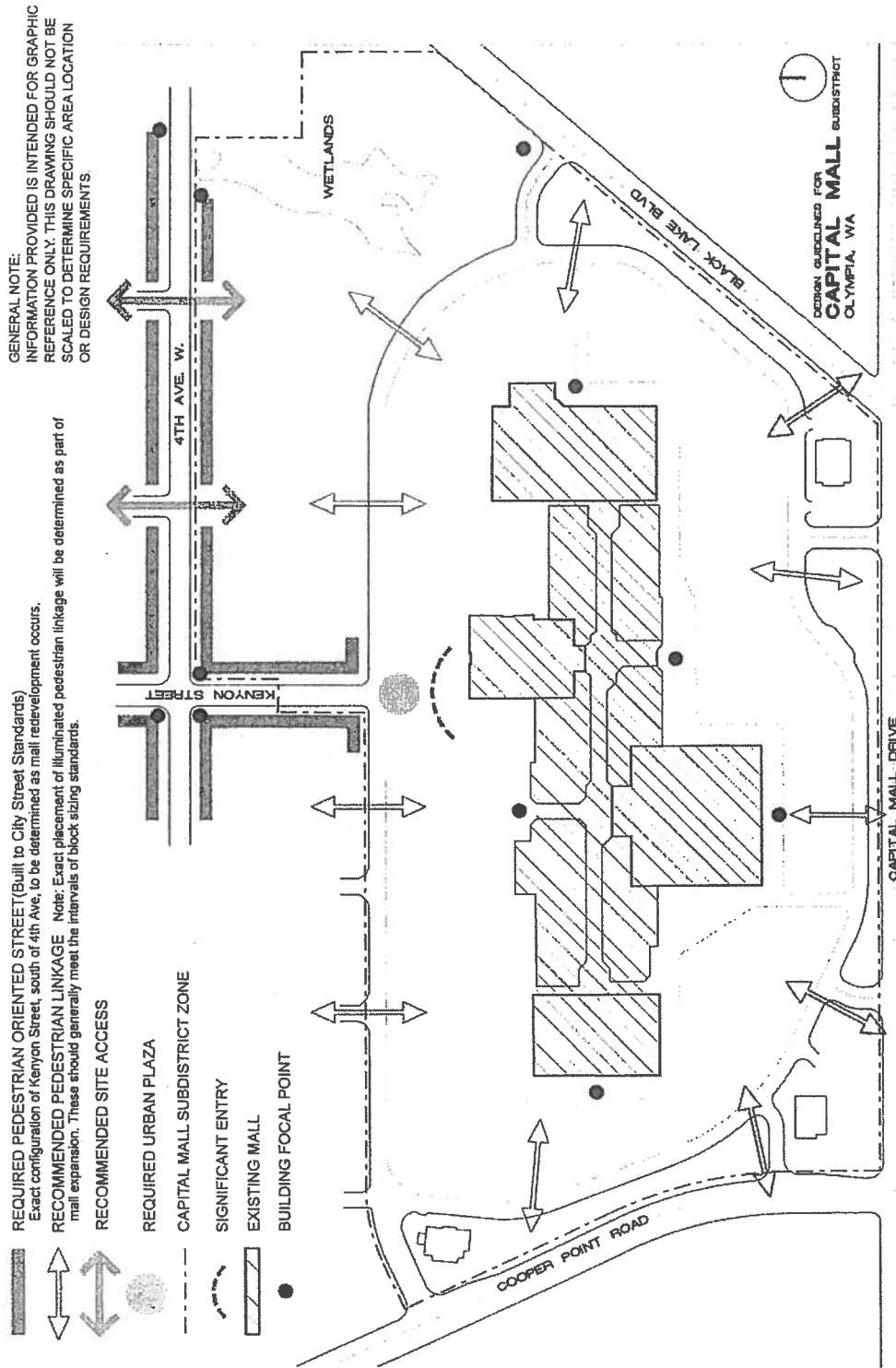
E. Urban Plaza. An urban plaza shall be located in the general area shown on the attached diagram. (Development of this site feature is required when expansion on the north side of the Capital Mall Area meets or exceeds a cumulative total of 100,000 SF of new floor area.) The plaza shall be integrated with a Significant Building Entry.

F. Pedestrian Linkages. Increments of new development, including parking lot expansion, shall include landscaped illuminated walkways or paths that link the new mall development to surrounding commercial development, allowing people to walk or bike through parking areas safely and conveniently. (Pedestrian linkages shall be added and integrated into any parking lot expansion consistent with UDC Chapter 18.36 Landscaping and Screening regulations.) The intent is that pedestrian linkages and parking lot improvements be made incrementally as building improvements are made--not to require the entire mall parking lot to be improved at once but in proportion to the amount

of mall area being developed.

G. Site Access Points. These would create an urban block pattern along 4th Avenue by locating intersecting streets or pedestrian paths between buildings. (The Site Access Point may be connected to parking or internal circulation in the mall, but not impose block pattern to the mall as long as adequate vehicle and illuminated pedestrian connections are maintained to the surrounding High Density Corridor street network.) These shall be developed incrementally when buildings are added in the Capital Mall area and when 4th Avenue street improvements are made.

Capital Mall Redevelopment



Note 1: The location of a transit stop/facility is required and will be determined at each development phase. See 18.06.251-A.3

Note 2: The private road network shown may be altered but must offer comparable road network redundancy in order to supplement the public street network.

FIGURE 18.130.060-A

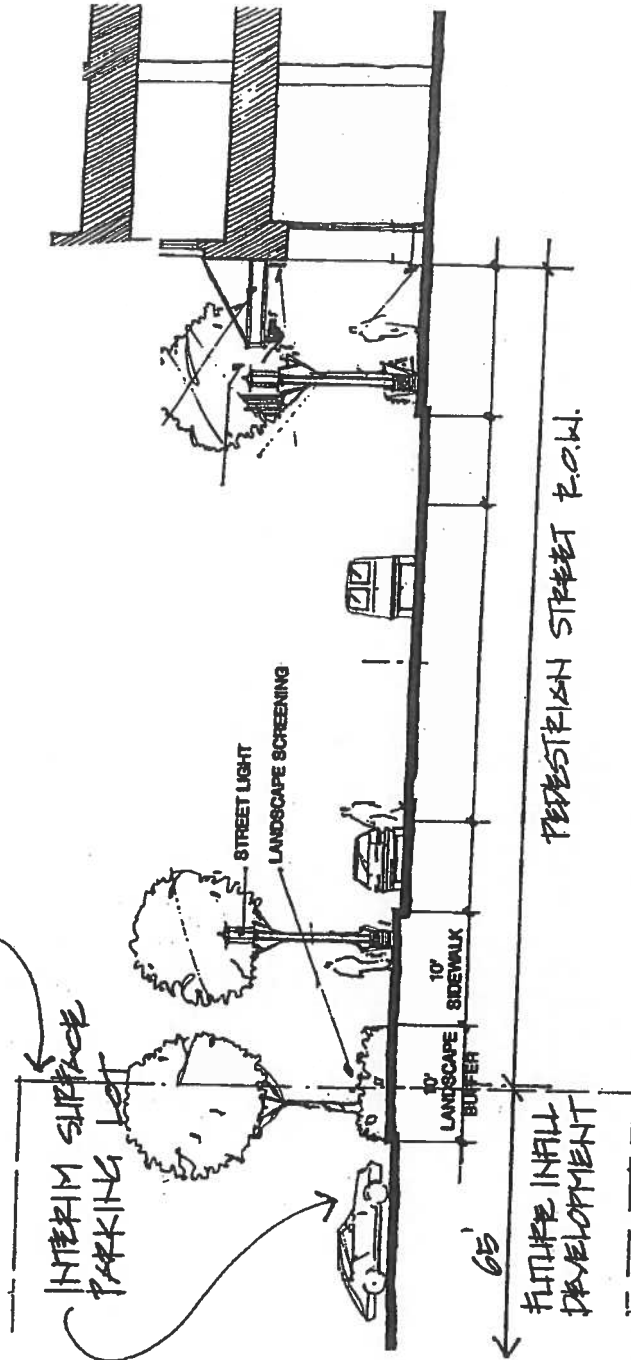
CAPITAL MALL AREA

Possible Interim Development of 4th Avenue

NOTE: STREETSCAPE & STREET ELEVATIONS MAY VARY DUE TO STREET SLOPE CONDITIONS.

FUTURE BUILDING

INTERIM SURFACE PARKING



PEDESTRIAN STREET W/
INTERIM SURFACE PARKING

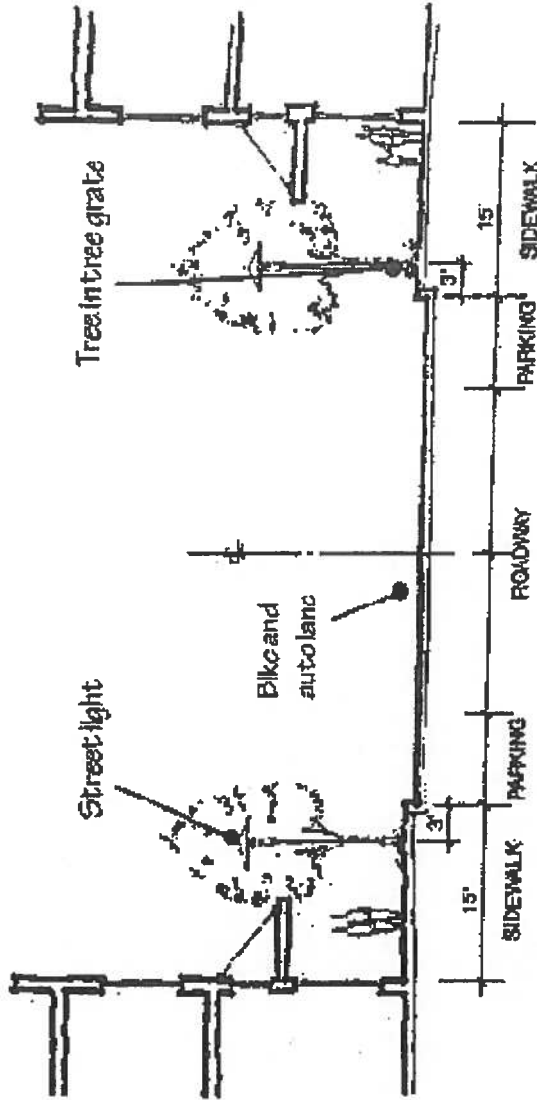
BELOW-GRADE BUILDING

Details of the street cross section will be determined at the time of development.

FIGURE 18.130.060-B

CAPITAL Mall Area

Expected Later Development of 4th Avenue



Pedestrian Street

Details of the street cross section will be determined at the time of development.

FIGURE 18.130.060-C

(Ord. 6417 §3, 2006; 6306 §5, 2004).

18.170

18.170.000 - Chapter Contents

Chapter 18.170

MULTI-FAMILY RESIDENTIAL

Sections:

- 18.170.010 Grading and tree retention.
- 18.170.020 Pedestrian and vehicular circulation.
- 18.170.030 Parking location and design.
- 18.170.040 Usable open space.
- 18.170.050 Fences and walls.
- 18.170.060 Landscape plant selection.
- 18.170.070 Screening mechanical equipment.
- 18.170.080 Site lighting.
- 18.170.090 Screening blank walls and fences.
- 18.170.100 Building orientation and entries.
- 18.170.110 Neighborhood scale and character.
- 18.170.120 Building modulation.
- 18.170.130 Building windows.
- 18.170.140 Materials and colors.

(Ord. 6306 §10, 2004).

18.170.010 - Grading and tree retention

A. REQUIREMENT: Incorporate existing topography and mature trees in the project design to the extent feasible.

B. GUIDELINES:

1. Minimize encroachment into areas of site containing steep slopes.
2. When grading is necessary, minimize impacts to natural topography through use of contour grading.
3. Locate buildings so that rooftops do not extend above the natural bluff.
4. Minimize encroachment into areas of site containing mature tree stands.
5. To facilitate stormwater infiltration, minimize disturbance of natural open space areas.
6. Design buildings with continuous perimeter foundations; avoid cantilevering large portions of the building over slopes.

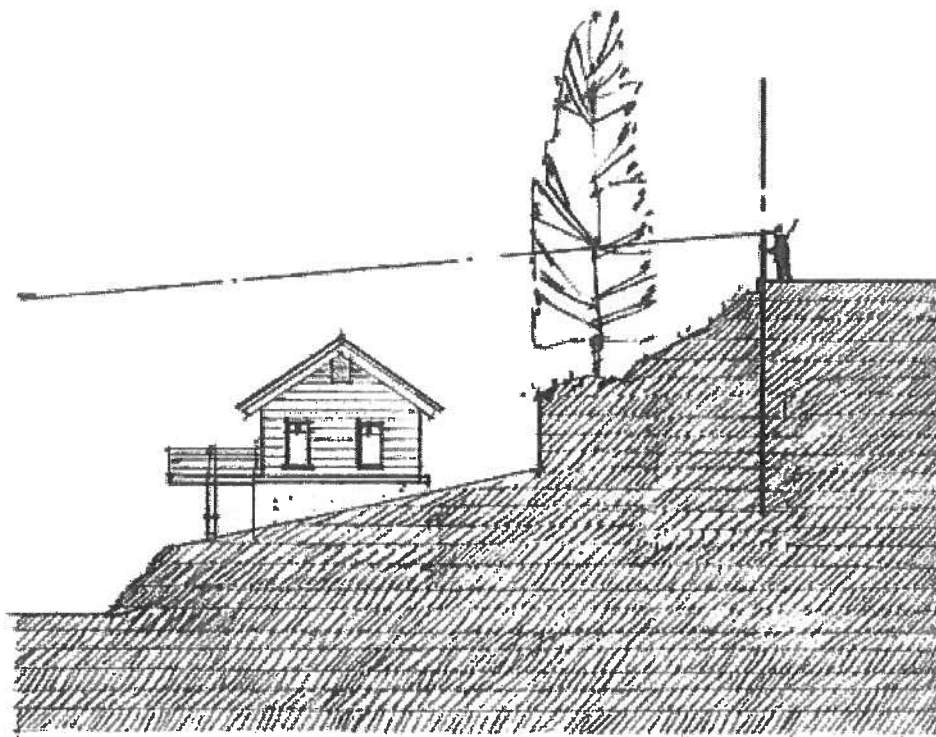


FIGURE 18.170.010

(Ord. 6306 §10, 2004).

18.170.020 - Pedestrian and vehicular circulation

A. REQUIREMENT: Integrate the project with the existing neighborhood through pedestrian and vehicular connections. Provide attractively designed pedestrian and vehicular connections to adjacent public rights-of-way, including any existing or planned bus stops. Provide adequate pedestrian and vehicular access to site features such as mailboxes and other shared facilities.

B. GUIDELINES:

1. Mark pedestrian pathways with vertical plantings.
2. Distinguish pedestrian pathways through use of surface material such as colored concrete or special pavers.
3. Provide internal pedestrian connections (apart from public rights-of-way) between project and adjacent properties.
4. Provide barrier-free pedestrian access to all shared facilities such as mailboxes, recreation centers, and open space areas.
5. Provide parking and bicycle parking at shared facilities.

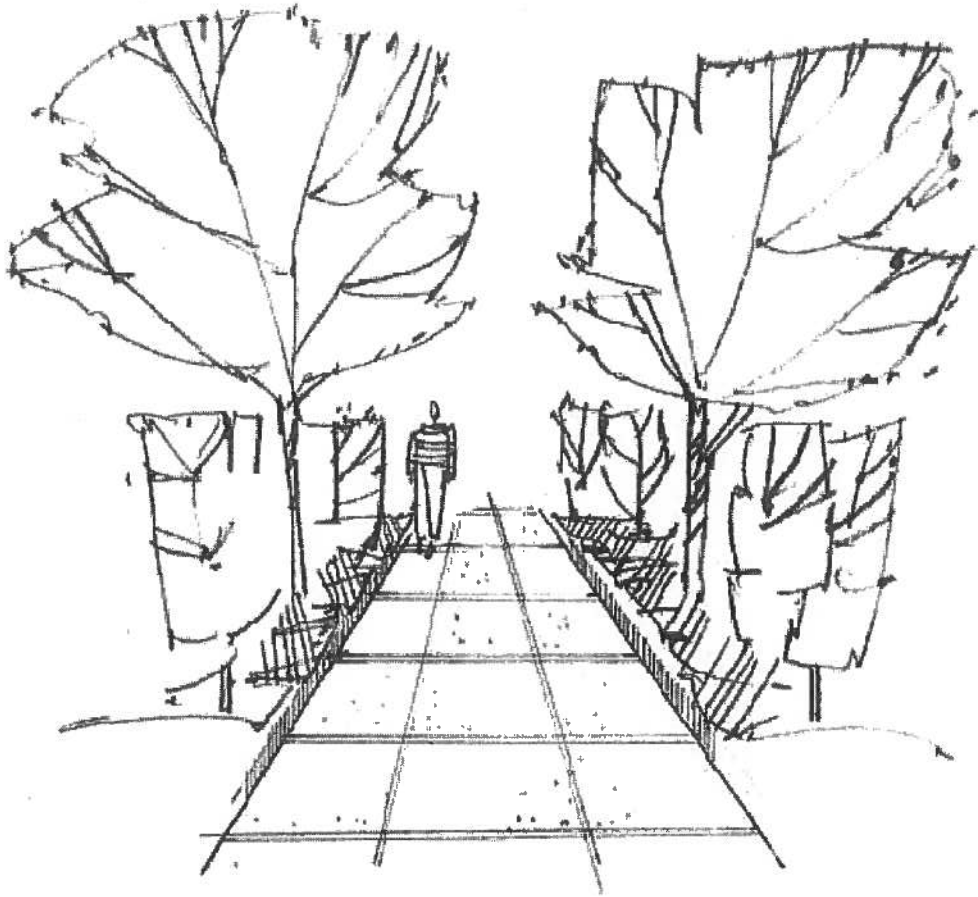


FIGURE 18.170.020

(Ord. 6306 §10, 2004).

18.170.030 - Parking location and design

A. REQUIREMENT: Reduce the visual impacts of driveways and parking lots on pedestrians and neighboring properties by constructing parking facilities with materials that match or complement the building materials.

B. GUIDELINES:

1. Break-up large parking lots by designing significant landscape areas with walkways for pedestrian access.
2. Share driveways with adjacent property owners.
3. Minimize width of driveways linking the project to the public right-of-way.
4. Landscape areas along all driveways and drive aisles that are visible from the street.
5. Limit parking lots on street frontage to thirty (30) percent of the street frontage.
6. Screen parking lots or structures adjacent to residential properties with a landscape area at least ten (10) feet wide.

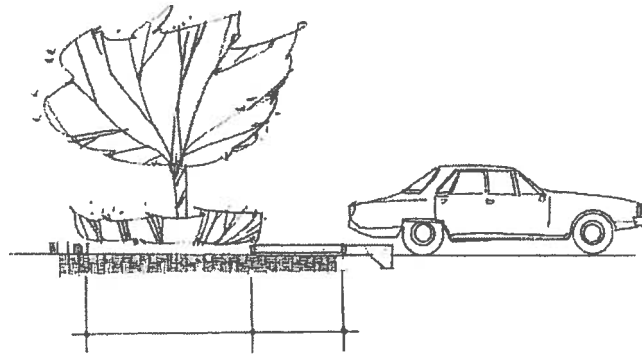


FIGURE 18.170.030-A

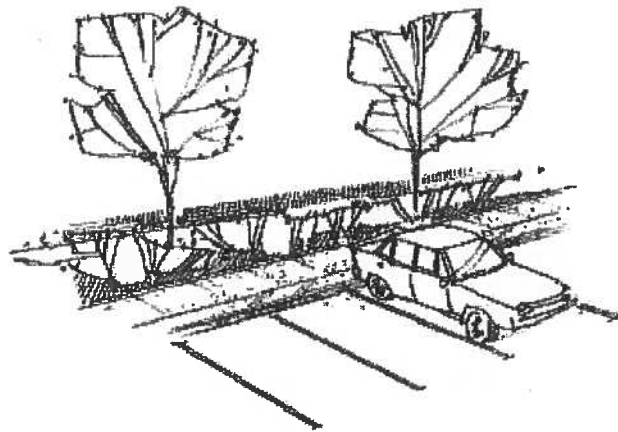


FIGURE 18.170.030-B

(Ord. 6306 §10, 2004).

18.170.040 - Usable open space

A. REQUIREMENT: Provide usable open space for use by residents of the development that is not occupied by buildings, streets, driveways, or parking areas. Usable open space shall include a minimum dimension of ten (10) feet with an overall grade of less than ten percent (refer to each zoning district for specific open space requirement).

B. GUIDELINES:

1. Situate playground areas in locations visible from residential buildings.
2. Provide a mix of passive and active recreation areas. Active recreation areas may include facilities such as sport courts or swimming pools.

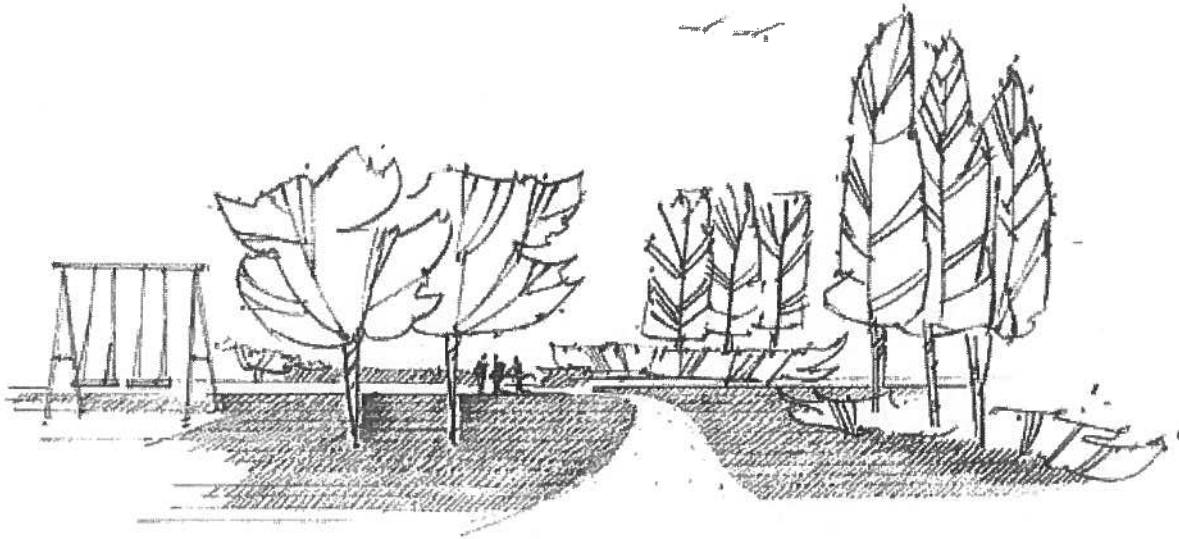


FIGURE 18.170.040

(Ord. 6306 §10, 2004).

18.170.050 - Fences and walls

A. REQUIREMENT: Minimize the use of fences that inhibit pedestrian movement or separate the project from the neighborhood. Front yards shall be visually open to the street. Where fencing is used, provide gates or openings at frequent intervals. Provide variation in fencing to avoid blank walls.

B. GUIDELINES:

1. Provide variation in fencing though use of setbacks, or stepped fence heights.
2. Provide variation in texture, color or materials to add visual interest.
3. Provide landscape screening to break up expanses of fencing.
4. Repeat use of building facade material on fence columns and/or stringers.
5. Provide lighting, canopies, trellises, or other features to add visual interest.

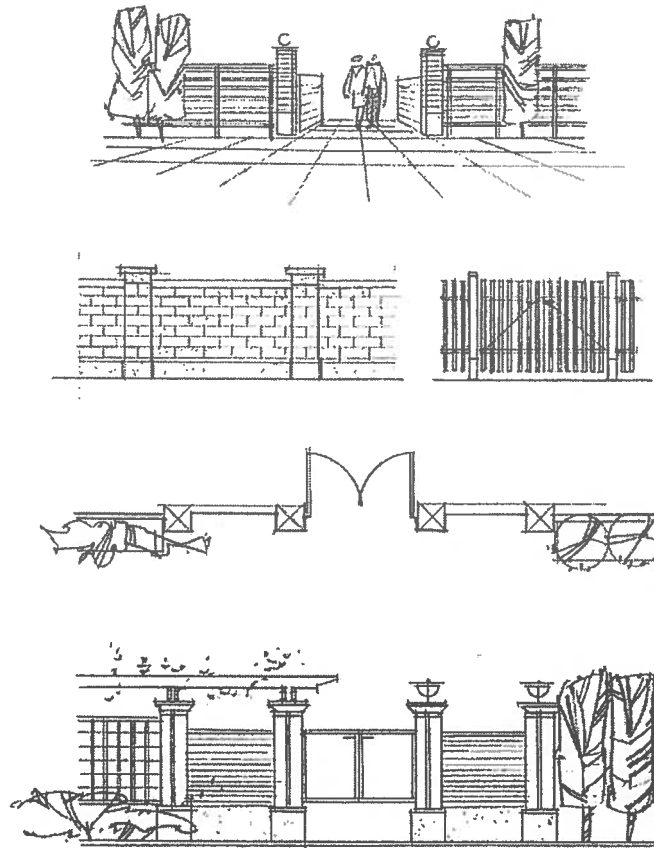


FIGURE 18.170.050

(Ord. 6306 §10, 2004).

18.170.060 - Landscape plant selection

A. REQUIREMENT: Select plants that are compatible with available planting conditions. In particular, ensure that trees will be suited to the planting location at their natural mature size. Avoid use of species that have a high potential to invade or disrupt natural areas.

B. GUIDELINES:

1. Provide visual continuity with the existing streetscape by coordinating tree and shrub species with established, healthy landscaping.
2. When choosing a tree species, consider the size of the tree at maturity in relation to: the dimensions of the planting area, the soil type and water holding capacity of the soil, and the depth of the planting bed.
3. Create a natural appearance by using a limited number of plant species.
4. Follow recommendations from the Thurston County Noxious Weed Control Program in regard to problem and noxious weeds.
5. Choose native plant species for landscaping. When established in the appropriate location,

native plants are drought tolerant and provide food and/or habitat for native birds and other wildlife.

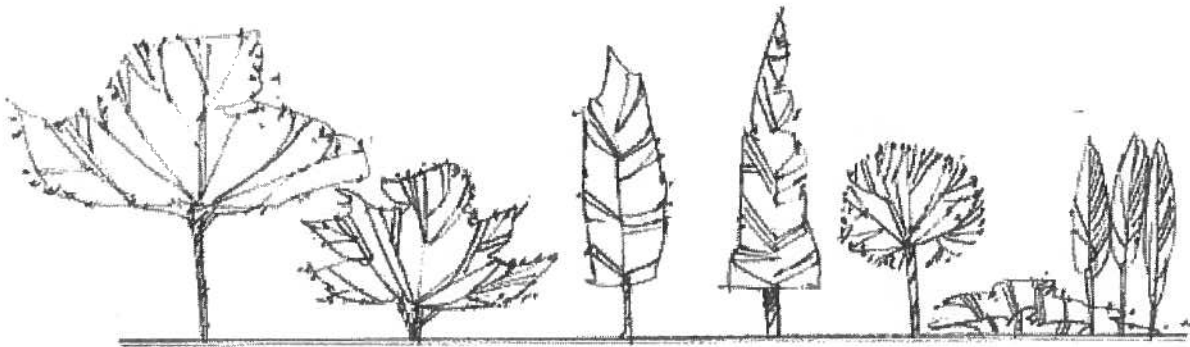


FIGURE 18.170.060

(Ord. 6306 §10, 2004).

18.170.070 - Screening mechanical equipment

A. REQUIREMENT: Screen mechanical equipment and utility vaults so that they are not visible from adjacent public rights-of-way, parks, or adjacent dwelling units. Screen roof-top mechanical equipment on all sides.

B. GUIDELINES:

1. Locate mechanical equipment and utility vaults on the least visible side of the building and/or site.
2. Screen at-grade mechanical equipment utilities with vertical plants such as trees, shrubs or ornamental grasses.
3. Screen or paint wall-mounted mechanical equipment to match the building.

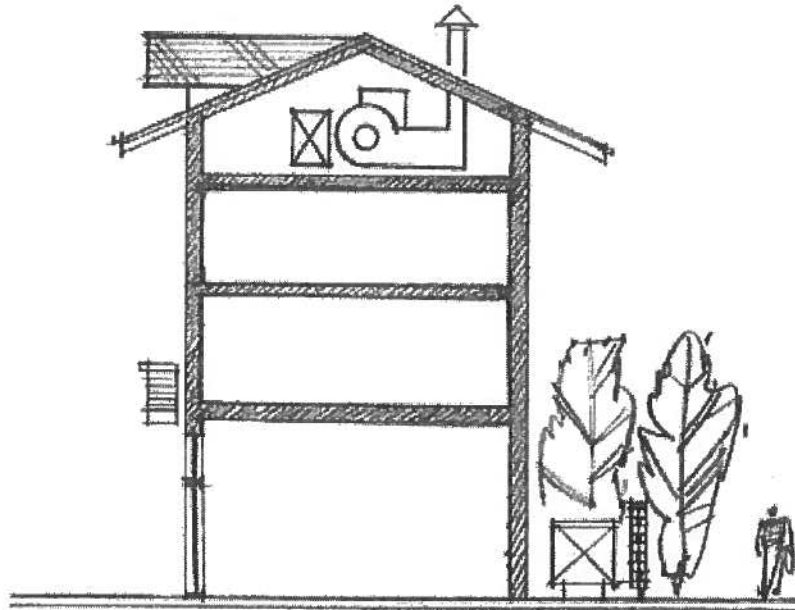


FIGURE 18.170.070

(Ord. 6306 §10, 2004).

18.170.080 - Site lighting

A. REQUIREMENT: Provide adequate lighting along all pedestrian walkways and building entrances. Site lighting shall not unduly illuminate surrounding properties. Direct lighting away from windows of residential units. Locate all light posts away from tree canopies (at least half the width of canopy at maturity).

B. GUIDELINES:

1. Use low-intensity landscape lighting along walkways.
2. Use fixtures with directive shields to prevent lighting spill-over.
3. Use light posts of medium height to avoid spill-over lighting.

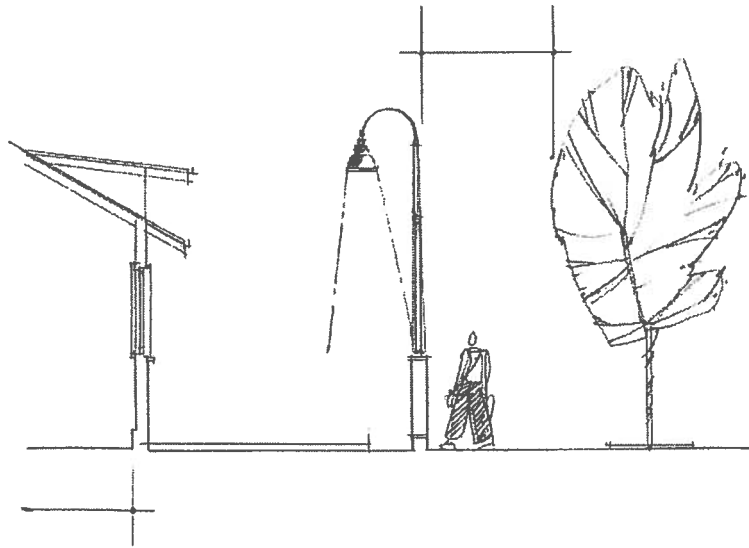


FIGURE 18.170.080-A

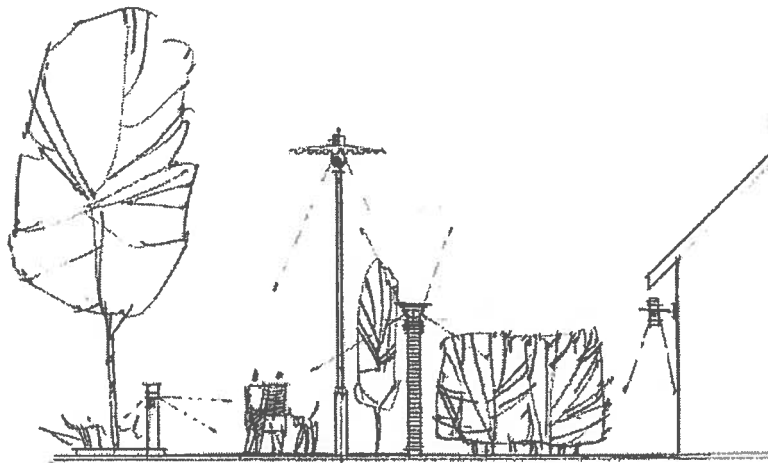


FIGURE 18.170.080-B

(Ord. 6306 §10, 2004).

18.170.090 - Screening blank walls and fences

A. REQUIREMENT: Use vertical landscaping to screen or break-up long expanses of blank building walls or fences.

B. GUIDELINES:

1. Screen walls or fences with a combination of trees, shrubs and vines.
2. Use trees or shrubs planted in raised planter boxes that are irrigated.
3. In narrow planting areas adjacent to walls or fences, use espaliered trees or shrubs and vines.

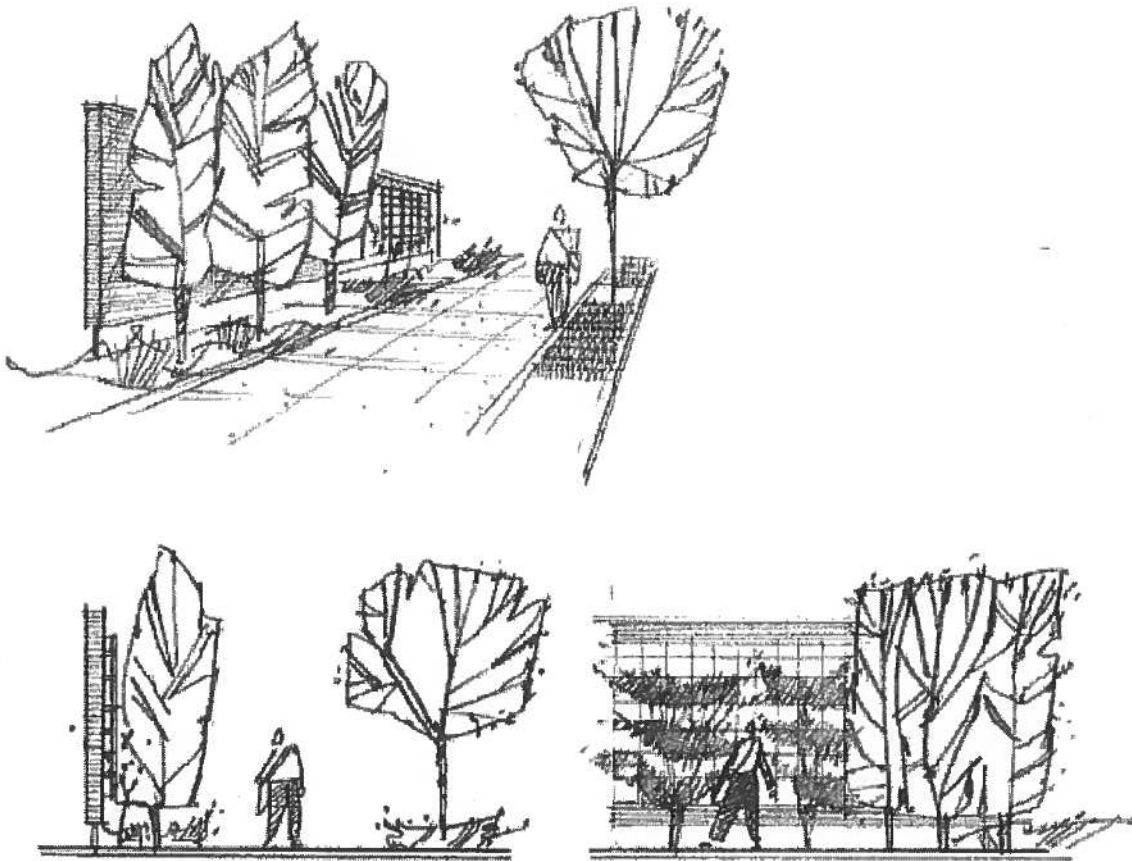


FIGURE 18.170.090

(Ord. 6306 §10, 2004).

18.170.100 - Building orientation and entries

A. REQUIREMENT: Provide a clearly defined building or courtyard entry to the building from the primary street.

B. GUIDELINES:

1. Use distinctive architectural elements and materials to indicate the entry.
2. Define the transition space from the sidewalk to the entry with a terrace, plaza, or landscaped area.
3. Avoid the use of exterior stairways to second stories that are visible from the street.

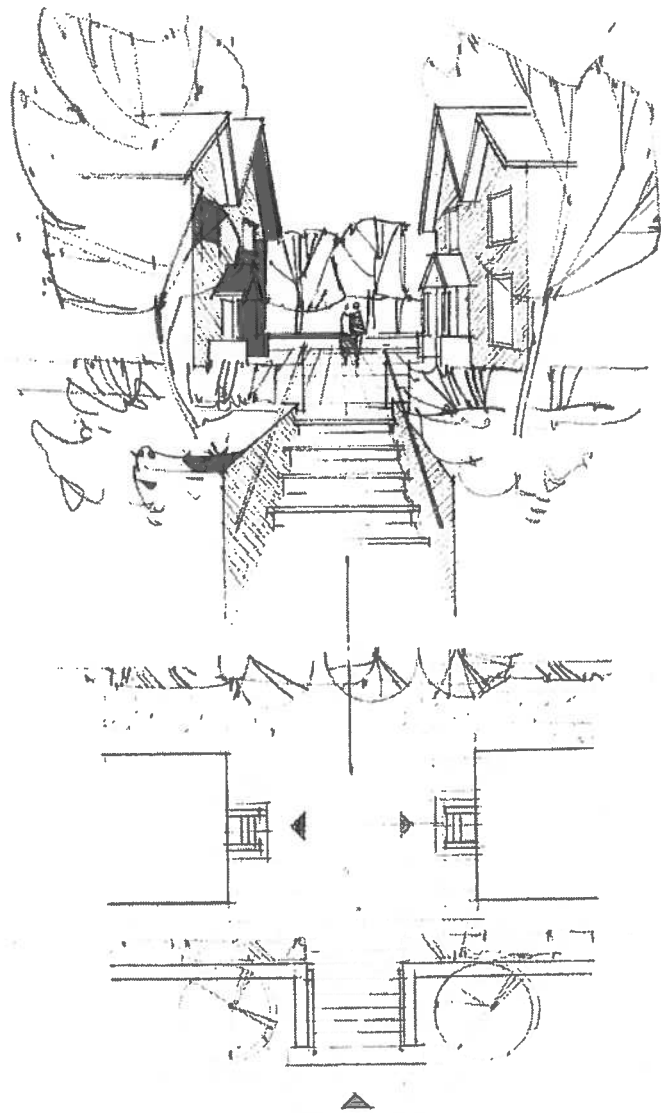


FIGURE 18.170.100-A

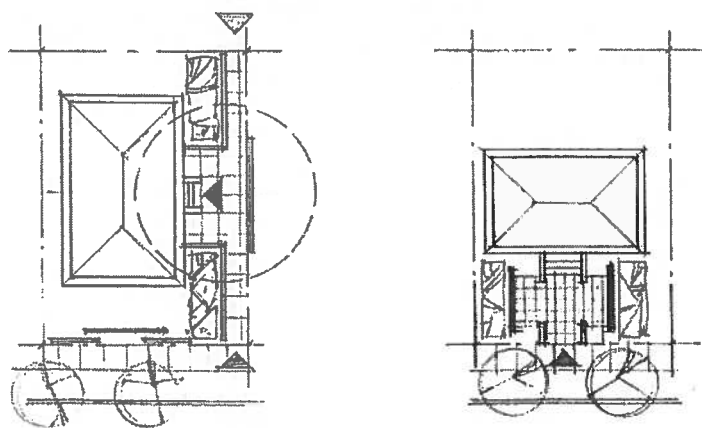


FIGURE 18.170.100-B

(Ord. 6306 §10, 2004).

18.170.110 - Neighborhood scale and character

A. REQUIREMENT: The building scale identified for the district may be larger than the building scale that exists in the neighborhood. Minimize any appearance of scale differences between project building (s) and existing neighborhood buildings by stepping the height of the building mass; and dividing large building facades into smaller segments. Reflect the architectural character of the neighborhood (within 300' on the same street) through use of related building elements. (This requirement does not change the number of stories allowed by the zoning district. See OMC 18.04 for building height limitations).

B. GUIDELINES:

1. Step the roof on the building perimeter segments to transition between a proposed taller building and an existing residential structure.
2. Replicate or approximate roof forms and pitch found on existing residential structures in the neighborhood.
3. Use wall plane modulation to divide the building facade into house-size building segments.
4. Use window patterns and proportions similar to those on existing residential structures in the neighborhood.
5. Use building facade materials similar to those used on existing residential buildings in the neighborhood.
6. Maintain a relationship to the street (i.e., building setbacks and entryways) similar to existing buildings.

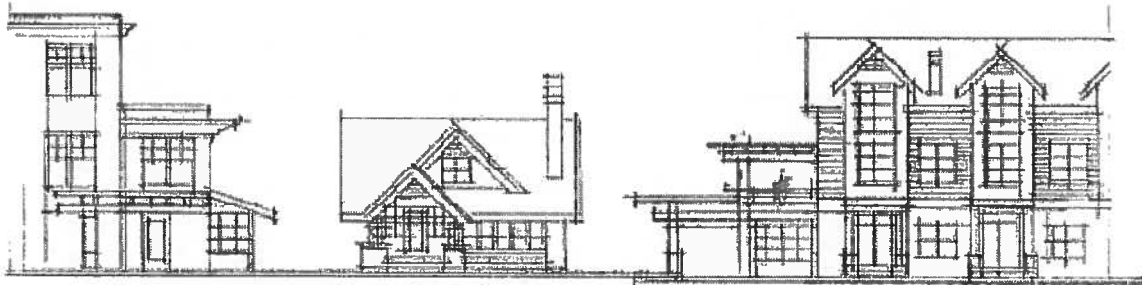


FIGURE 18.170.110-A

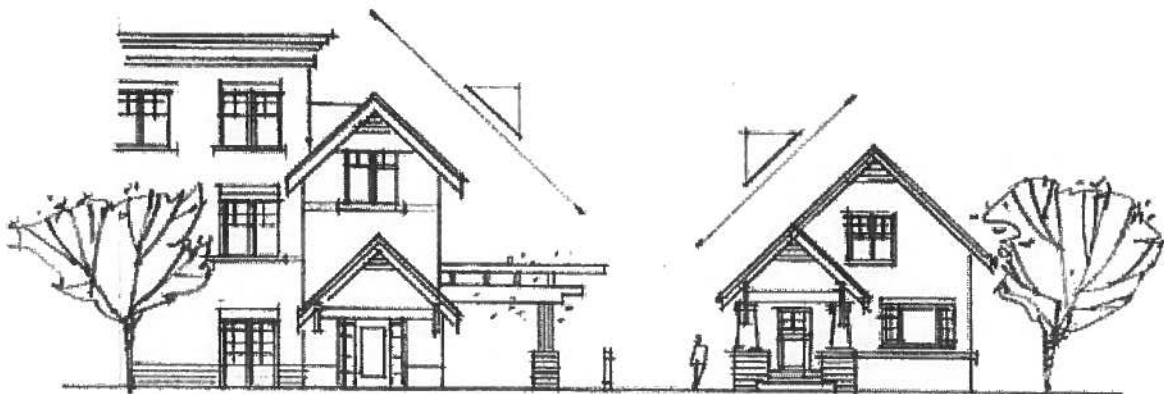


FIGURE 18.170.110-B



**FIGURE 18.170.110-C
(Not Acceptable)**

(Ord. 6306 §10, 2004).

18.170.120 - Building modulation

A. REQUIREMENT: Use building modulation at least every 30 feet to reduce the appearance of large building masses.

B. GUIDELINES:

1. Modulate the building facade at regular intervals.
2. Articulate roofline by stepping the roof and by using dormers and gables.
3. Incorporate prominent cornice, fascia or soffit details that emphasize the top of the building.
4. Use prominent roof overhangs.
5. Provide porches, balconies, and covered entries.
6. Provide deeply recessed or protruding windows.
7. Provide light fixtures, trellises or architectural to accentuate modulation intervals.



FIGURE 18.170.120

(Ord. 6306 §10, 2004).

18.170.130 - Building windows

A. REQUIREMENT: Provide relief, detail, and visual rhythm on the facade with well- proportioned windows. Minimize window locations where residents from one unit may look directly into another unit.

B. GUIDELINES:

1. Use vertically proportioned windows (i.e., windows that have a height of at least one and one-half times their width).
2. Use multiple-pane windows.
3. Provide windows that are designed to create shadows (either recessed or protruding).
4. Use visually significant window elements (i.e., frame dimensions, lintels, sills, casings, and trim).

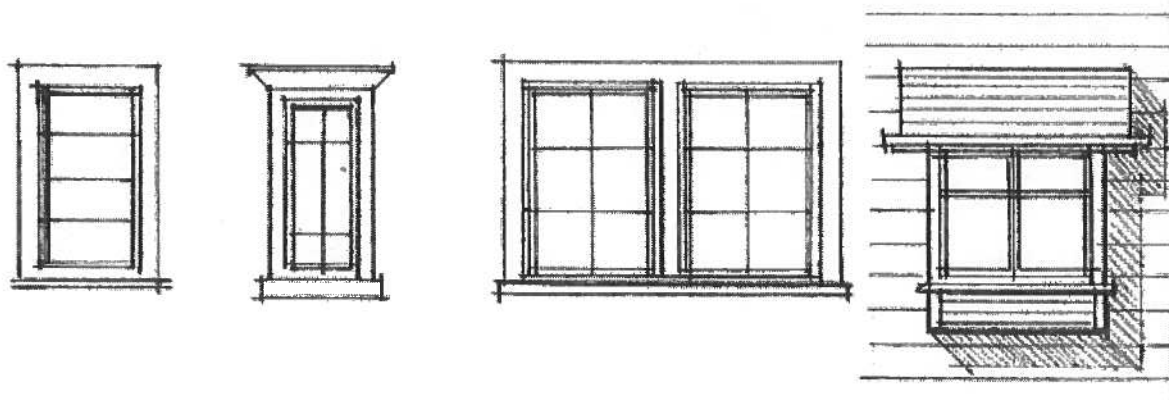


FIGURE 18.170.130-A



FIGURE 18.170.130-B

(Ord. 6306 §10, 2004).

18.170.140 - Materials and colors

A. REQUIREMENT: Use building materials with texture and pattern and a high level of visual and constructed quality and detailing. Reserve brightly saturated colors for trim features.

B. GUIDELINES:

1. Use natural appearing materials such as painted or natural finish horizontal lap siding, brick, stone, stucco, ceramic or terra cotta tile.
2. Coordinate change in materials and color with building modulation.
3. Use changes in colors or building materials to differentiate the ground floor from upper floors of the building.
4. When remodeling or adding to an existing building, use materials and colors that preserve or enhance the character of the original building.
5. In multi-building projects, vary building colors and/or materials on different buildings.



FIGURE 18.170.140

(Ord. 6306 §10, 2004).

EXHIBIT C

REAL ESTATE PURCHASE AND SALE AGREEMENT

REAL ESTATE PURCHASE AND SALE AGREEMENT, dated the last day of execution below (the "Effective Date"), between the Purchaser and Seller identified in Section 2.

Purchaser and Seller agree as follows:

1. Purchase and Sale. Purchaser shall purchase and Seller shall sell the Property under the terms and subject to the conditions set forth in this Agreement.

2. Parties. The name, address and fax number of Purchaser and Seller are:

2.1 Purchaser

Attn: _____
Fax: _____

2.2 Seller

Attn: _____
Fax: _____

2.3 Title Company and Closing Agent

_____ Title Insurance Company

Attn: _____
Fax: _____

3. Property. The Property is that certain parcel of real property consisting of approximately forty-two and three-quarters (42.75) acres, located in the City of Olympia, Thurston County, Washington, as more particularly described on Exhibit A attached hereto (the "Property").



4. Purchase Price. The Purchase Price is _____ Dollars (\$_____).

5. Payment of Purchase Price. The Purchase Price shall be paid all in cash at Closing, via cashier's check, wire transfer, or other immediately available funds. The Earnest Money shall be applied to Purchaser's payment of the Purchase Price.

6. Earnest Money. Concurrently with the execution of this Agreement by Seller, Purchaser is depositing Earnest Money in the amount of _____ and No/100s Dollars (\$_____) with _____ (the "Escrow Officer"), which is one percent (1 %) of the Purchase Price. The Earnest Money shall be in the form of cash. The Earnest Money shall be applicable to the Purchase Price, but nonrefundable to Purchaser, even in the event of failure of Purchaser's conditions to closing under Section 10 or other termination of this Agreement, except in the sole event Seller refuses, without legal excuse, to close the sale of the Property. If Purchaser fails to purchase the Property in accordance with its obligations under this Agreement, Seller's exclusive remedy for such failure shall be to terminate this Agreement and retain the Earnest Money, the parties agreeing that the damages that would be incurred by Seller in such event would be difficult or impossible to determine with precision and that the amount of the Earnest Money is reasonable in light of such difficulty or impossibility, the Purchase Price, and the nature of the Property.

7. Title Matters.

7.1 Conveyance. At Closing, Seller shall deliver a statutory warranty deed conveying title to the Property to Purchaser, subject only to Permitted Exceptions.

7.2 Title Review.

7.2.1 Not later than 15 days following the Effective Date, Purchaser shall be furnished with a preliminary commitment for the Title Policy from the Title Company. The preliminary commitment shall be accompanied by complete copies of any exceptions identified as special exceptions therein.

7.2.2 Purchaser shall have 10 days after its receipt of the preliminary commitment in which to notify Seller of its approval and disapproval of each exception shown in the preliminary commitment. Purchaser's failure to notify Seller shall constitute Purchaser's approval of all exceptions in the preliminary commitment. Exceptions not disapproved by Purchaser shall be Permitted Exceptions.

7.2.3 Seller shall have 15 days after its receipt of Purchaser's notice in which to notify Purchaser of its election to cure or remove any of the disapproved exceptions. Seller's failure to notify Purchaser shall constitute Seller's election not to remove any disapproved exceptions. Seller shall remove the exceptions it elects to remove on or before Closing. Seller shall provide clear title except for easements, restrictions and reservations of record as of the date of Closing.



7.2.4 If Seller does not elect to remove all exceptions disapproved by Purchaser, Purchaser may, within 10 days after Sellers' notice, or within 10 days after the last day for Seller's notice to be delivered, if no such notice was delivered, elect to terminate this Agreement, in which case the Earnest Money shall be returned to Purchaser. If Purchaser does not so elect to terminate this Agreement, disapproved exceptions that Seller has elected not to remove shall become Permitted Exceptions.

7.2.5 The notice and response procedure of this Section 7.2 shall be repeated for any title exceptions first appearing after Purchaser's receipt of the initial preliminary commitment, except that if the time period for delivery of any notice extends beyond the Closing Date, such notice and all subsequent notices shall be delivered on or before such date.

7.3 Policy. At Closing, Seller shall cause the Title Company to issue to Purchaser the Title Policy, which shall be an ALTA standard coverage owner's policy of title insurance, insuring Purchaser in the amount of the Purchase Price against any loss or damage by reason of defects in title to the Property delivered at Closing, other than Permitted Exceptions ("Title Policy"). At Purchaser's option, Purchaser may require that the Title Policy be issued with ALTA extended coverage ("Extended Coverage"); provided that: (i) Seller will not be required to incur any additional expenses in obtaining the Extended Coverage in excess of the cost of "standard coverage", and (ii) Seller's obligation to deliver title at Closing will require Seller only to deliver title sufficient for the issuance of "standard form" coverage. Purchaser will notify Seller within the time period provided in Section 7.2.2 for review of title whether Purchaser requires Extended Coverage. If Purchaser elects to require Extended Coverage, Purchaser will be responsible for any additional out-of-pocket costs of the survey required for such Extended Coverage, whether or not this transaction closes. Timing associated with delivery of such survey shall not delay Closing hereunder.

7.4 Title Not Insurable. If title is not insurable at Closing in accordance with the provisions of this Agreement, Seller shall not be in default under this Agreement, unless Seller has intentionally failed or refused to deliver title or to remove title exceptions as required by Paragraph 7.2.3; and Purchaser may elect to proceed to Closing despite such noninsurability or Purchaser may terminate this Agreement, whereupon this Agreement shall terminate and all obligations of the parties shall cease.

8. Purchaser's Contingency. Purchaser shall have no obligation to purchase the Property unless Purchaser determines in its sole and absolute discretion that its purchase, use and development of the Property in accordance with Purchaser's intentions will be physically, financially and otherwise feasible ("Purchaser's Feasibility Contingency"). Purchaser shall issue its written notice to Seller within sixty (60) days of the Effective Date ("Contingency Period") that Purchaser is satisfied with or waives Purchaser's Feasibility Contingency, whereupon Purchaser's Feasibility Contingency under this Section 8 shall be satisfied. If Purchaser does not so notify Seller within the Contingency Period, then this Agreement shall terminate and the Earnest Money shall be returned to Purchaser.



9. Possession and Right of Entry. Purchaser shall be entitled to possession of the Property upon Closing. Prior to Closing, Purchaser shall have the right for itself and its agents, employees, consultants and others to enter onto the Property and to conduct such inspections and studies as Purchaser may deem necessary and appropriate, at Purchaser's sole cost and expense. Purchaser will defend, indemnify and hold Seller harmless from any claim, loss or liability in connection with any entry on the Property by Purchaser, any claim of lien or damage, or any activities on the Property by Purchaser, its agents, employees and independent contractors, except to the extent such claim, loss or liability is the result of Seller's negligence or willful misconduct. The foregoing indemnification obligation shall survive Closing or any termination of this Agreement. If the transaction fails to close for any reason other than a default by Seller, Purchaser agrees to provide to Seller copies of all written studies, reports and other documents prepared for Purchaser by third parties with respect to the environmental, physical or other condition of the Property. Purchaser will not thereby be warranting, and shall not be responsible for, the accuracy, completeness, fitness or usability of such reports or the conclusions or recommendations stated therein.

10. Closing. Closing of the purchase and sale shall occur when the statutory warranty deed has been delivered and recorded and the Purchase Price has been delivered to Seller or is available to Seller. Closing shall be conducted through escrow at the Seattle offices of the Title Company. The Title Company shall also be the "Closing Agent" for the parties. This Agreement, together with such other instructions as either party may submit that are consistent with this Agreement, shall be the escrow instructions to the Closing Agent.

10.1 Closing Date. Closing shall occur not later than sixty (60) days following the end of the Contingency Period, after which this Agreement shall terminate.

10.2 Deposits and Prorations. The parties shall each timely deposit with the Closing Agent all instruments, documents and moneys necessary to enable the purchase and sale to close in accordance herewith. Real estate taxes for the current year and assessments that are Permitted Exceptions for the current year shall be prorated as of the Closing Date.

10.3 Closing Costs. Seller and Purchaser shall share equally the real estate excise tax, the fees of the Closing Agent, the premium for the Title Policy (up to the amount of the premium that would be charged for owner's standard coverage title insurance), and recording fees. Purchaser shall pay the amount of the Extended Coverage, the cost of any endorsements to the Title Policy requested by Purchaser, and any other closing cost. Each party shall pay its own attorneys' fees.

11. Seller's representations. Seller makes the following representations and warranties to Purchaser, and acknowledges that Purchaser is relying on such representations and warranties in entering into this Agreement. Such representations and warranties are true as of the date of this Agreement, shall be true as of and at the Closing, and shall not be waived or diminished by reason of any investigation made by Purchaser or its agents.



11.1 No conflict. The execution of this Agreement and the carrying out of the transactions contemplated hereby will not conflict with or result in a breach of any agreement or contract to which Seller is a party, or violate any order, judgment or decree of any court or arbiter that is binding on Seller. Except as may have been specifically disclosed in writing by Seller to Purchaser prior to this Agreement, there is no litigation or other proceeding pending or overtly threatened against Seller that could have a material adverse effect on the ability of Seller to perform its obligations under this Agreement.

11.2 Authority. The execution, by the person specified below, the delivery, and the performance of this Agreement by Seller have been duly and validly authorized by resolution of the Bellevue City Council.

11.3 Existence, Power and Authority. Seller is validly in existence, with full power and authority as such entity to own its properties and conduct its business as presently conducted. The execution of this Agreement by the undersigned signatory and performance of the transactions contemplated by this Agreement have been duly authorized by all necessary action on the part of such entity.

12. Purchaser's Representations. Purchaser makes the following representations and warranties to Seller, and acknowledges that Seller is relying on such representations and warranties in entering into this Agreement. Such representations and warranties are true as of the date of this Agreement, shall be true as of and at the Closing, shall survive Closing, and shall not be waived or diminished for any reason.

12.1 No conflict. The execution of this Agreement and the carrying out of the transactions contemplated hereby will not conflict with or result in a breach of any agreement, contract, commitment, undertaking, order, judgment or decree that is binding on Purchaser. Except as may have been specifically disclosed in writing by Purchaser to Seller prior to this Agreement, there is no litigation or other proceeding pending or overtly threatened against Purchaser that could have a material adverse effect on the ability of Purchaser to perform its obligations under this Agreement, or otherwise involving the Property.

12.2 Authority. The person executing this Agreement has the authority to do so and bind the Purchaser and all consents, permissions, and approvals related to entry into this Agreement, its obligations hereunder, and required by any covenant, agreement, encumbrance, law or regulation applicable to Purchaser have been obtained. This Agreement is a valid and binding obligation of Purchaser and is enforceable according to its terms.

12.3 Existence, Power and Authority. Purchaser is validly in existence, with full power and authority to own its properties and conduct its business as presently conducted. The execution of this Agreement by the undersigned signatory and performance of the transactions contemplated by this Agreement have been duly authorized by all necessary action on the part of such entity.



13. Notices. Notices and other communications under this Agreement shall be in writing and shall be effective when received by personal delivery to the other party, or received by certified mail, return receipt requested (which receipt shall be deemed to occur three days after mailing), or upon the date sent by fax with a machine printed or other written confirmation of receipt by the other party, in each case to the address or fax number set forth in Section 2, directed to the attention of the person identified therein.

14. Default; Remedies. If either party fails to perform its obligations when due under this Agreement, such party shall be in default.

14.1 Purchaser's Failure to Close; Purchaser's Default. If Purchaser fails to purchase the Property in accordance with its obligations under this Agreement, Seller's exclusive remedy for such failure shall be to terminate this Agreement and retain the Earnest Money, the parties agreeing that the damages that would be incurred by Seller in such event would be difficult or impossible to determine with precision and that the amount of the Earnest Money is reasonable in light of such difficulty or impossibility, the Purchase Price, and the nature of the Property. The foregoing shall not, however, limit any right of Seller to indemnification or defense provided in this Agreement, or the provisions of this Agreement providing for payment of attorneys' fees in the event of a dispute, or any of Seller's rights under applicable law in the event that Purchaser breaches any covenant or agreement, except for the covenant to close.

14.2 Seller's Failure to Close; Seller's Default. If Seller refuses, without legal excuse, to close the sale of the Property, Purchaser may elect to: (1) receive a refund of the Earnest Money; or (2) maintain an action for specific performance. In the event of any other default by Seller with respect to its obligations under this Agreement, Purchaser's sole remedy shall be to maintain an action for specific performance. Purchaser expressly waives the right to pursue any remedy for actual or consequential damages against Seller as a result of Seller's default.

15. Condemnation. If, prior to the Closing, all or any part of the Property shall be condemned by governmental or other lawful authority, Purchaser shall have the option of (a) completing the purchase as set forth herein, and receiving a credit at Closing for the amount of any such condemnation award attributable to the Property, or (b) canceling this Agreement, in which event this Agreement shall be terminated and except for Purchaser's indemnification obligation under Section 9 above, neither party shall have any further rights against the other.

16. Assignment. Purchaser may not assign or otherwise transfer all or any of its interest under this Agreement without Seller's prior written consent, which consent may be withheld in Seller's sole discretion. Any unpermitted transfer hereunder (including a transfer of controlling interest in the Purchaser entity) shall be void and shall constitute a default by Purchaser under this Agreement. Subject to the foregoing, this Agreement shall inure to the benefit of and shall be binding upon Seller and Purchaser and their respective successors and assigns.



17. General Provisions.

17.1 Attorneys' Fees. In any litigation or other proceeding arising out of this Agreement, the substantially prevailing party shall be entitled to an award of its reasonable attorneys' fees and other costs incurred therein, in the preparation therefor, and on any appeal thereof.

17.2 Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In any action arising under this Agreement, venue shall be in King County, Washington.

17.3 Time. Time is of the essence of this Agreement.

17.4 Commission. Each of Seller and Purchaser represents and warrants to the other that it has not agreed to, entered into, authorized or taken any other action to create an obligation to pay any other finder's fee, commission or other similar compensation in connection with this Agreement, and agrees to indemnify the other party and hold the other party harmless from and against any and all loss, cost, liability, damage or expense (including attorneys' fees) whatsoever that may arise from the untruth of such representation and warranty.

17.5 Counterpart Signatures. This Agreement may be signed in counterpart and by facsimile transmission of signature, each signed counterpart shall be deemed an original, and all counterparts together shall constitute one and the same agreement.

17.6 Date of Performance. If the date for any performance under this Agreement falls on a weekend or a holiday, the time for such performance shall extend to the next business day.

17.7 Entire Agreement. This Agreement is the entire agreement of the parties concerning the subject matter, and may not be modified except in a writing signed by both parties.

17.8 Further Acts. The parties shall execute such further documents and take such other further actions as may reasonably necessary to carry out the intent and provisions of this Agreement.

17.9 Hazardous Substances. During the Contingency Period, Purchaser shall perform, at its sole cost and expense, such environmental assessments, inspections and investigations as Purchaser reasonably deems necessary to satisfy itself as to the environmental condition of the Property. If, prior to the Closing Date, any hazardous substances in amounts or of kinds that pose a threat to human health or the environment or that could give rise to liability under environmental laws, are discovered by Purchaser on, in under or about the Property, Purchaser will notify Seller as to such discovery and will provide Seller a copy of any environmental reports concerning the Property received by Purchaser. In such event, either party may elect in its sole discretion to cancel and terminate this Agreement by written notice to the other, in which case neither party will



have any further obligation to the other hereunder, unless Purchaser within 10 days after receipt of such cancellation notice from Seller elects by written notice to Seller to waive its right of objection to the matter discovered. If Purchaser so waives its right of objection to the matter discovered, the Property will be conveyed to Purchaser AS IS, and Purchaser will have waived any right or remedy under any statute, regulation or ordinance or under any other theory of law or equity or under this Agreement and there will be no reduction, offset or deduction from the Purchase Price for the Property. This Section shall survive Closing. As used in this Agreement, "hazardous substances" means any substance, chemical, waste or other material which is listed, defined or otherwise identified as "hazardous" or "toxic" under any federal, state, local or administrative agency ordinance or law, including without limitation, the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§ 9601 et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq.; the Federal Water Pollution Control Act, U.S.C. §§ 1251 et seq.; the Clean Air Act, 42 U.S.C. §§ 7401 et seq.; the Hazardous Materials Transportation Act, 49 U.S.C. §§ 1571 et seq.; Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq.; Refuse Act, 33 U.S.C. §§ 407 et seq.; Emergency Planning and Community Right-To-Know Act, 42 U.S.C. §§ 11001 et seq.; Occupational Safety and Health Act, 29 U.S.C. §§ 65 et seq., to the extent it includes the emission of any hazardous substances and includes any hazardous substances for which hazard communication standards have been established; or any regulation, order, rule, or requirement adopted thereunder, as well as any formaldehyde, urea, polychlorinated biphenyls, petroleum, petroleum product or by-product, crude oil, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel or mixture thereof, radon, asbestos, and "source," "special nuclear" and "by-product" material as defined in the Atomic Energy Act of 1985, 42 U.S.C. §§ 3011 et seq.

17.10 Representations; Condition of Property. Purchaser acknowledges that prior to Closing, Purchaser shall have inspected the Property, and as of Closing, Purchaser will have satisfied itself in all respects therewith, including, but not limited to, all matters related to Hazardous Substances, and that Purchaser will be purchasing the Property on an AS IS, WHERE IS basis. Purchaser agrees that, other than the express warranties contained in Section 11 herein or in the statutory warranty deed, Seller has made no representations, warranties or agreements of any kind or nature regarding the Property, express or implied and Seller expressly disclaims any warranties or representations, whether express or implied, including any warranty of habitability, merchantability, or fitness for a particular purpose, including without limitation any of the following matters in any way related to or arising from: (1) the stability or suitability of the soil on the Property; (2) the presence or absence of any hazardous substances in, on, under or about the Property; and (3) building, zoning, sensitive area, concurrency and all similar State and local laws, or other law, rule, ordinance or regulation restricting the use, development, improvement, or occupancy of the Property for any purpose.

17.11 Confidentiality. Except as specifically provided herein, Purchaser and Seller shall not disclose any of the terms or provisions of this Agreement prior to the Close of Escrow to any person or entity not a party to this Agreement; provided that such disclosure shall be permitted to Purchaser's employees, consultants, architects, engineers, attorneys and lenders, or to any party to whom disclosure is



required by applicable law, regulation, court or administrative order.

EXECUTED as of the dates indicated below.

PURCHASER:

_____ Date By: _____
Name: _____
Title: _____

SELLER:

_____ Date By: _____
Name: _____
Title: _____

EXHIBIT A TO
REAL ESTATE PURCHASE AND SALE AGREEMENT

LEGAL DESCRIPTION OF PROPERTY

A-1

4124876

12/04/2009 09:32 AM Agreement
Thurston County Washington
CITY OF OLYMPIA, P W RECORDS (OLY1)

Page 24 of 24

