



# Meeting Agenda

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, September 12, 2017**

**7:00 PM**

**Council Chambers**

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**1. ROLL CALL**

**1.A ANNOUNCEMENTS**

**1.B APPROVAL OF AGENDA**

**2. SPECIAL RECOGNITION**

**2.A** [17-0921](#) Special Recognition - Presentation of Gift from Mayor Yasuda of Kato, Olympia's Sister City

**2.B** [17-0925](#) Special Recognition - Stephanie Johnson, Arts Program Manager

**3. PUBLIC COMMUNICATION**

*(Estimated Time: 0-30 Minutes) (Sign-up Sheets are provided in the Foyer.)*

*During this portion of the meeting, citizens may address the City Council regarding items related to City business, including items on the Agenda. In order for the City Council to maintain impartiality and the appearance of fairness in upcoming matters and to comply with Public Disclosure Law for political campaigns, speakers will not be permitted to make public comments before the Council in these three areas: (1) on agenda items for which the City Council either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days, or (2) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity, or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure.*

*Individual comments are limited to three (3) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.*

**COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)**

**4. CONSENT CALENDAR**

*(Items of a Routine Nature)*

**4.A** [17-0892](#) Approval of August 22, 2017 Study Session Meeting Minutes

Attachments: [Minutes](#)

**4.B** [17-0894](#) Approval of August 22, 2017 Council Meeting Minutes

**Attachments:** [Minutes](#)

- 4.C**     [17-0859](#)     Approval of a Resolution Declaring Surplus Property for Evergreen Village Apartments

**Attachments:**   [Resolution](#)  
                         [Agreement](#)  
                         [Parcel Sketch/Vicinity](#)

#### **4. SECOND READINGS - None**

#### **4. FIRST READINGS**

- 4.D**     [17-0935](#)     Approval of an Ordinance Authorizing Acceptance of a Donation of the Sculpture "Philosopher" as a Gift of Art from Artist, Kevin Au

**Attachments:**   [Ordinance](#)  
                         [Agreement](#)

- 4.E**     [17-0887](#)     Approval of an Ordinance Amending Municipal Code Related to Mixed-Use Building Construction and Building Code Height Limitations for Consistency with Other Provisions in Municipal Code and International Building Code

**Attachments:**   [Ordinance](#)

- 4.F**     [17-0893](#)     Approval of an Ordinance for Minor Corrections to Municipal Code Related to Low Impact Development and Other Zoning Standards

**Attachments:**   [Ordinance](#)

#### **5. PUBLIC HEARING**

- 5.A**     [17-0801](#)     Public Hearing on Storm Utility Easement at Henderson Commercial Park

**Attachments:**   [Resolution](#)  
                         [Easement Release](#)  
                         [Vicinity Map](#)

- 5.B**     [17-0923](#)     Public Hearing on Community Development Block Grant (CDBG) Action Plan Amendment to Include Section 108 Loan for the Avalon Project

**Attachments:**   [Loan Application](#)

#### **6. OTHER BUSINESS**

- 6.A**     [17-0920](#)     Approval of Arts Commission Recommendations for the 2017 Percival Plinth Project Purchase and Music Out Loud Mosaic Designs

**Attachments:**   [Music Out Loud Design Recommendation](#)  
                         [Plinth People's Choice Recommendation](#)

**7. CONTINUED PUBLIC COMMUNICATION**

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

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

- 9.A**     [17-0933](#)     Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1)(c) - Real Estate Matter and RCW 42.30.110(1)(i); Litigation and Potential Litigation

**9. ADJOURNMENT**

*The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Executive Assistant at 360.753.8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.*



## City Council

### Special Recognition - Presentation of Gift from Mayor Yasuda of Kato, Olympia's Sister City

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 2.A  
**File Number:** 17-0921

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**Type:** recognition **Version:** 1 **Status:** Recognition

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**Title**

Special Recognition - Presentation of Gift from Mayor Yasuda of Kato, Olympia's Sister City

**Recommended Action**

**Committee Recommendation:**

Not referred to a Committee

**City Manager Recommendation:**

Accept the presentation of a gift from Mayor Yasuda of Kato, Olympia's Sister City, by Olympia students who visited Kato over the summer.

**Report**

**Issue:**

Whether to accept the presentation of a gift from Mayor Yasuda of Kato, Olympia's Sister City, by Olympia students who visited Kato over the summer.

**Staff Contact:**

Susan Grisham, Executive Assistant, 360-753-8244

**Presenter(s):**

Allen Miller, Board President, Olympia Kato Sister City Association

**Background and Analysis:**

Kato Japan Sister City to Olympia Washington. The Olympia Kato Sister City Association sponsors Olympia students to participate in a cultural exchange visit to Kato. Students who went to Kato this summer will present the City Council with a gift from Mayor Yasuda of Kato.

**Neighborhood/Community Interests (if known):**

None

**Options:**

1. Allow students to present gift from Mayor Yasuda to the City Council.
2. Do not allow students to present gift form Mayor Yasuda to the City Council.
3. Reschedule presentation for another time.



4.

**Financial Impact:**

None

**Attachments:**

None



## City Council

### Special Recognition - Stephanie Johnson, Arts Program Manager

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 2.B  
**File Number:** 17-0925

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**Type:** recognition **Version:** 2 **Status:** Recognition

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**Title**

Special Recognition - Stephanie Johnson, Arts Program Manager

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Recognize Stephanie Johnson, Arts Program Manager, who was the recent recipient of two recent regional awards.

**Report**

**Issue:**

Recognize Stephanie Johnson, Arts Program Manager, who is the recent recipient of two recent regional awards.

**Staff Contact:**

Paul Simmons, Director, Parks, Arts and Recreation, 360.753.8462

**Presenter(s):**

Paul Simmons, Director, Parks, Arts and Recreation, 360.753.8462

**Background and Analysis:**

Stephanie Johnson is the Arts Program Manager for Olympia Parks, Arts and Recreation.

Recently Stephanie received two awards in recognition for her contributions to arts in the region: The South Sound Exceptional Woman Award from Soroptimist International of Olympia's and the Commitment to the Arts Award from the Washington Center Awards for Excellence in the Arts.

**Neighborhood/Community Interests (if known):**

N/A

**Options:**

N/A

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**Type:** recognition **Version:** 2 **Status:** Recognition

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**Financial Impact:**

None

**Attachments:**

None



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## City Council

### Approval of August 22, 2017 Study Session Meeting Minutes

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 4.A  
**File Number:** 17-0892

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**Type:** minutes   **Version:** 1   **Status:** Consent Calendar

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**Title**

Approval of August 22, 2017 Study Session Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, August 22, 2017**

**5:30 PM**

**Council Chambers**

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### Study Session

#### 1. ROLL CALL

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

#### 2. BUSINESS ITEM

- 2.A** [17-0871](#) Presentation Regarding the Olympia Downtown Association Strategic Plan

Olympia Downtown Association (ODA) Board President Dave Wasson and Executive Director Todd Cutts gave a presentation on the ODA. They provided background about the organization and highlighted ongoing work efforts.

Councilmembers commented and asked clarifying questions.

**The study session was completed.**

#### 3. ADJOURNMENT

The meeting adjourned at 6:11 p.m.



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## City Council

### Approval of August 22, 2017 Council Meeting Minutes

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 4.B  
**File Number:** 17-0894

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**Type:** minutes   **Version:** 1   **Status:** Consent Calendar

---

**Title**

Approval of August 22, 2017 Council Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, August 22, 2017**

**7:00 PM**

**Council Chambers**

---

### 1. ROLL CALL

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

### 1.A ANNOUNCEMENTS

Mayor Selby announced the Council met in Study Session at 5:30 p.m. She asked for a moment of silence to honor families of the sailors who lost their lives on the USS McCain.

Community Planning & Development Economic Development Director Renee Sunde announced she has accepted a new position and briefly spoke about it. Councilmembers thanked her for her City service.

### 1.B APPROVAL OF AGENDA

**The agenda was approved.**

### 2. SPECIAL RECOGNITION

#### 2.A [17-0867](#) Special Recognition - Puget Sound Energy's Northeast Olympia Home Energy Assessment Recap

Puget Sound Energy Government Affairs Liaison Kelsey Hulse introduced Thurston County Outreach Coordinator Christine Hoffmann. Ms. Hoffmann provided a recap of the 2017 Home Energy Assessment door-to-door in Olympia.

**The recognition was received.**

### 3. PUBLIC COMMUNICATION

The following people spoke: Gurinder Sodhi, Miriam Ball, Jody Alfiere, Dean Jolu Gillis, Tom Crawford, Kim Danke, Ryan Dewitt, Kathleen Saul, Rosalinda Noriega, Chris Hawkins, Nora Edge, Boudicca Walsh, and Tye Gundel.

### COUNCIL RESPONSE TO PUBLIC COMMUNICATION

City Manager Steve Hall provided details about the recent arrest of a citizen camping on public property.

Mayor Selby called a 5-minute recess due to public disruption of the meeting.

Ad Hoc Committee on Housing Affordability Chair Hankins discussed upcoming topics for the next Committee meeting in September.

#### **4. CONSENT CALENDAR**

- 4.A**     [17-0873](#)            Approval of August 15, 2017 City Council Meeting Minutes

**The minutes were adopted.**

- 4.B**     [17-0877](#)            Bills and Payroll Certification

Payroll check numbers 90464 through 90491 and Direct Deposit transmissions:  
Total: \$4,621,335.30; Claim check numbers 3689697 through 3690611: Total:  
\$5,204,079.36.

**The decision was adopted.**

- 4.C**     [17-0793](#)            Approval of Bid Award for Yauger Park Ballfield Lights

**The contract was adopted.**

- 4.D**     [17-0795](#)            Approval of Resolution Authorizing an Interagency Agreement  
between the Washington Department of Ecology and the City for  
Washington Conservation Corp (WCC) Services

**The resolution was adopted.**

- 4.E**     [17-0848](#)            Approval of a Resolution Authorizing an Interlocal Agreement with  
Lacey Fire District 3 for Special Training at the Mark Noble Regional  
Fire Training Center

**The resolution was adopted.**

- 4.F**     [17-0770](#)            Approval of Downtown Ambassador and Clean Team Services  
Request for Proposal

**The decision was adopted.**

- 4.G**     [17-0846](#)            Approval of Antenna Leases with New Cingular Wireless PSC, LLC

**The contract was adopted.**

- 4.H**     [17-0862](#)            Approval of a Resolution Regarding the Water Project Promissory  
Note

**The resolution was adopted.**

- 4.I**     [17-0870](#)            Approval of a Resolution Affirming Olympia's Commitment to a Clean



Energy Future and Support for Retirement of the Colstrip Coal Plant in Montana by 2025

**The resolution was adopted.**

#### **4. SECOND READINGS**

- 4.J**     [17-0803](#)     Approval of Ordinance Amending Olympia Municipal Code Regarding the Naming of Olympia Parks and Park Facilities

**The ordinance was adopted on second reading.**

#### **Approval of the Consent Agenda**

**Councilmember Hankins moved, seconded by Councilmember Roe, to adopt the Consent Calendar. The motion carried by the following vote:**

**Aye:**         7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

#### **4. FIRST READINGS - None**

#### **5. PUBLIC HEARING - None**

#### **6. OTHER BUSINESS**

- 6.A**     [17-0794](#)     Update on Parks Americans with Disabilities Act (ADA) Assessment

Mayor Selby announced this item is pulled and will come back to a future meeting.

**The information was postponed.**

- 6.B**     [17-0868](#)     Briefing on Community Development Block Grant (CDBG) Action Plan Amendment to Include Section 108 Loan

Community Planning & Development Deputy Director Leonard Bauer provided a briefing on the Section 108 loan and the Avalon project funding.

**Mayor Pro Tem Jones moved, seconded by Councilmember Roe, to direct staff to hold a public hearing to amend the City's Community Development Block Grant (CDBG) Action Plan for Program Year (PY) 2017 to include Section 108 loan funds for the Avalon project on the former Griswold's property, and forward the amended plan to U.S. Department of Housing and Urban Development (HUD) for approval. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

**7. CONTINUED PUBLIC COMMUNICATION - None**

**8. REPORTS AND REFERRALS**

**8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

Councilmembers reported on meetings attended.

Councilmember Roe requested a referral to General Government regarding Sustainable South Sound/Chris Hawkins' request for a resolution to establish, manage, and preserve community gardens so that every City resident lives within a half mile of one. The City Manager agreed to help her write the referral for formal action at the next Council meeting September 12.

**8.B CITY MANAGER'S REPORT AND REFERRALS**

Mr. Hall reported:

- Olympia fire crews have been and are still working on a Rochester grass fire near I-5.
- Highlights on passage of Item 4D tonight.
- The next Council meeting will be September 12, 2017.

**9. ADJOURNMENT**

The meeting adjourned at 8:24 p.m.



## City Council

### Approval of a Resolution Declaring Surplus Property for Evergreen Village Apartments

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 4.C  
**File Number:** 17-0859

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**Type:** resolution   **Version:** 1   **Status:** Consent Calendar

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#### **Title**

Approval of a Resolution Declaring Surplus Property for Evergreen Village Apartments

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to adopt a Resolution declaring the parcel, known as the 500 Block of Bing Street, as surplus real property, and to dispose of said property by the City Manager or his designee in accord with the City's *Procedures for the Evaluation of City Real Property for Reuse and Disposal*.

#### **Report**

##### **Issue:**

Whether to declare the City's real property parcel known as the 500 Block of Bing Street, as surplus, and for the City Manager or his designee to dispose of said property in accord with the City's adopted procedures.

##### **Staff Contact:**

Ladd Cluff, PLS, City Surveyor, Public Works, 360.753.8389

##### **Presenter(s):**

None.

#### **Background and Analysis:**

The adjacent property owner conveyed the parcel, known as the 500 Block of Bing Street, to the City with a Warranty Deed on August 26, 1967. The Warranty Deed conveyed fee ownership to the City and stated that the conveyance is for roadway purposes. The parcel has not been, nor is it planned to be used, for that purpose. The disposition of fee ownership requires a surplus action rather than street vacation.

AFE-Evergreen L.P. (AFE) the owner of the adjacent property entered into a Right-of-Way Maintenance Agreement with the City of Olympia in December 2000. The agreement authorizes AFE to use the City owned parcel, known as the 500 Block of Bing Street, for a period of twenty (20) years

for parking, trash enclosure, shed placement and an ingress/egress driveway.

AFE recently requested that the City extend the agreement. Upon further review of the agreement and City needs, staff determined that it is in the City's and AFE's best interest to convey the parcel to AFE and relinquish all City rights and liability to the City's parcel.

Staff is proposing that Council declare this parcel as surplus and to authorize the City Manager or his designee to dispose of this property in accord with the City's established *Procedures for the Evaluation of City Real Property for Reuse and Disposal*.

**Neighborhood/Community Interests (if known):**

N/A

**Options:**

1. Adopt a Resolution declaring the real property parcel, known as the 500 Block of Bing Street, as surplus and authorizing the City Manager or his designee to dispose of said property in accord with the City's established *Procedures for the Evaluation of City Real Property for Reuse and Disposal*.
2. Do not declare the parcel as surplus and provide direction to staff on next steps.

**Financial Impact:**

The disposition of this parcel does not require expenditure of City funds. Staff's opinion is that disposition of the parcel will not generate or be a source of revenue to the City. The adjacent owner deeded the property to the City without compensation. Conveying the property back to the adjacent owner relieves the City of costs for maintenance and legal liability.

**Attachments:**

Resolution  
RW Agreement  
Parcel Sketch/Vicinity

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON  
DECLARING CERTAIN REAL PROPERTY SURPLUS TO THE NEEDS OF THE CITY OF OLYMPIA.**

**WHEREAS**, the City of Olympia owns a thirty (30) foot wide by three hundred (300) foot long parcel, more or less, known as Bing Street, located in the W.C. Bobbins DLC No. 37, which is an asset of the City; and

**WHEREAS**, the parcel was conveyed to the City on August 26, 1967 in fee simple for roadway purposes; and

**WHEREAS**, the parcel has remained unused since conveyance and is no longer needed or used by the City; and

**WHEREAS**, the adjacent property owner desires that the City release its rights and ownership to the parcel; and

**WHEREAS**, the City would like to relieve itself of the long-term maintenance obligations and legal liabilities associated with the parcel; and

**WHEREAS**, City staff have informed the community and surrounding property owners that the parcel is deemed excess and surplus to the needs of the City and of the real property's potential availability in accordance with the *Procedures for the Evaluation of City Real Property for Reuse and Disposal*; and

**WHEREAS**, any disposition of this parcel may occur only after a legislative determination that the parcel at issue is surplus to the needs of the City;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** that:

Section 1. The parcel referenced above, specifically identified on the attached Exhibit "A" is surplus to the needs of the City.

Section 2. The City Manager or his designee is authorized to dispose of said property in accord with the City's *Procedures for the Evaluation of City Real Property for Reuse and Disposal*.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

## EXHIBIT A

### LEGAL DESCRIPTION

That parcel described in Warranty Deed recorded under Thurston County Auditor's File Number 808819, as:

A strip of land thirty (30) feet in width lying within the W.C. Dobbins D. L. C. No. 37, and more particularly described as follows:

Beginning at a point on the North line of C. H. Hale's Western Addition to the City of Olympia as recorded in Volume 2 on Page 3, Plat Records of Thurston County, Washington, which point is N. 89° 37' E. 30 feet from the northeast corner of Block 4 in said Addition and is also the northern terminus of the East line of the existing 30-foot right-of-way for Bing Street; thence southerly along said East right-of-way line 300 feet more or less to the South line of the north one-half of a portion of the C. H. Hale's Western Addition which was vacated by the Thurston County Commissioners on July 20, 1914; thence easterly along said South line 30 feet; thence northerly and parallel with the East line of Bing Street 300 feet more or less to a point which is N. 89° 37' E. 30 feet from the point of beginning; thence S. 89° 37' W. 30 feet to the point of beginning.





# Bing Street

## 500 Block

Evergreen Village Apartments

Sunrise Park

Bing St

Bush Ave

Bing St

Bush Ave

City of Olympia, TComm911

0 50 100 Feet 1 inch = 100 feet

Map printed 8/7/2017

For more information, please contact:

Name, Title

Email

(360) Phone.

### Legend

 Bing Street Surplus Parcel

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



City of Olympia  
Records & Information Services  
Public Works Department  
P.O. Box 1967  
Olympia, WA 98507-1967

<b>Document Title(s)</b>  1. RIGHT-OF-WAY MAINTENANCE AGREEMENT (CD#00-2527)
<b>Reference Number(s) of Document</b> (Auditor's number of previously recorded document, if applicable) – on page of attached document
<b>Grantor(s)</b> (last name first, then first name and initials)  1. AFE-EVERGREEN LP, by Charmaine Curtis, its General Partner  Additional names are on page of attached document
<b>Grantee(s)</b> (last name first, then first name and initials)  1. OLYMPIA, CITY OF  Additional names are on page of attached document
<b>Legal Description</b> (e.g., lot, block, plat or section, township, range)  RIGHT-OF-WAY ADJACENT TO THAT PART OF THE W.C. DOBBINS DLC #37 LYING W OF DIVISION ST NW AND N AND E OF A LINE BEG AT NW COR CH HALES WESTERN ADD; 16-18-2W IN THURSTON COUNTY, WA  Additional legal is on page 5 of attached document
<b>Assessor's Property Tax Parcel Number</b>  09300011000, 09300007001

3888514

12/18/2006 09:34 AM Agreement  
Thurston County Washington  
CITY OF OLYMPIA, P W RECORDS (OLY1)

Page 1 of 6





## RIGHT-OF-WAY MAINTENANCE AGREEMENT

THIS AGREEMENT is made and entered into this 12<sup>th</sup> day of December, 2000, by and between the City of Olympia, hereinafter referred to as "the City," and A F E -  
EVERGREEN L.P., a Washington <sup>limited partnership</sup> ~~for-profit corporation~~, hereinafter referred to as "Owner" doing business as EVERGREEN VILLAGES.

WHEREAS, A F E - EVERGREEN L.P. is the owner of certain real property improved as a(n) 180 UNIT APARTMENT PROJECT located at 505 NW DIVISION ST., City of Olympia, Thurston County, Washington, more particularly described as: \_\_\_\_\_  
EXHIBIT "A", as recorded in records of Thurston County, Washington, hereinafter referred to as "the Property," and

WHEREAS, Owner desires to maintain existing parking lot, dumpster, shed, and ingress/egress driveways at the location described above within an area previously dedicated to the City as public right-of-way. Said right-of-way is not currently, as of the date of this Agreement, needed for public use but may be needed for public use in the future.

THEREFORE, in consideration of the mutual covenants contained herein, the parties mutually agree as follows:

1. The City grants permission for said improvements to be used and maintained by Owner and the City agrees not to require any alteration or moving of said improvements subject to the condition of this Agreement and applicable law for a period of twenty (20) years from the date of this Agreement. Permission to build said improvements shall be subject to the City's normal permitting process and all applicable laws.
2. Owner has the right to maintain and perform minor modifications to the improvements subject to the City's normal permitting process.



3. Owner may transfer the Property and this Agreement shall apply to the new owner.

This Agreement shall be binding on the heirs, purchasers, and assigns of the parties and shall run with the land.

4. A copy of "Exhibit A" showing the approximate location and extent of improvements on the City's right-of-way is hereby made a part of this Agreement.

5. Owner shall defend, indemnify, and hold harmless the City, its officers, agents, and employees from any and all liability, including attorney fees, arising from the use permitted by this Agreement. Owner understands that such liability may arise from motor vehicle accidents, pedestrian accidents, as well as other causes. This duty shall not expire with this Agreement and shall cover any claims or causes of action arising during the term of this Agreement.

During this Agreement, Owner shall maintain at its expense a commercial general liability insurance policy in full force and effect with the City of Olympia, its officers, agents, and employees as additional named insured. Said policy shall be on an occurrence basis with limits no less than \$1 million personal injury and \$100,000 property damage.

6. Should the City need to maintain, modify, or repair any utilities located within the subject right-of-way in the event of an emergency, it may do so without notice to the Owner and without liability. For any work within the subject right-of-way other than an emergency, the City shall give ninety (90) days written notice to Owner. In the latter event, Owner shall have the right to hire a licensed, bonded, City-approved contractor to do the mentioned work. Owner shall be reimbursed by the City for the reasonable cost of the utility work proposed by the City, and the City shall bear the additional expenses as to the cost of maintaining the improvements. In no event shall the City be liable to Owner for any damages caused as a result of such work to the area described in Exhibit A, including but not limited to loss of business.

3888514

12/18/2006 09:34 AM Agreement  
Thurston County Washington  
CITY OF OLYMPIA, P W RECORDS (OLY1)

Page 3 of 6



7. Should the City, at its sole discretion, desire to develop the right-of-way upon which Owner's improvements are located as a street, sidewalk, or related uses at any time, it shall give the Owner a minimum of twelve (12) months written notice. Owner shall be responsible for the removal of all of its improvements at its sole expense within the twelve (12) month period. In no event shall the City be liable for the cost of removal or any damages whatsoever as a result of such action.

8. Owner shall pay reasonable attorney fees to the City in the event the City commences litigation to enforce this Agreement.

9. This Agreement shall remain in full force and effect for twenty (20) years after its execution.

10. Owner shall record this Agreement at its own expense within thirty (30) days of this execution.

WHEREFORE, the parties have executed this document as of the date and year first written above.

OWNER  
Charmaide  
\_\_\_\_\_  
\_\_\_\_\_

By: Charmaide Curtis V.P.  
Its: General Partner A.F. Evans Co., Inc.

California  
STATE OF ~~WASHINGTON~~  
San Francisco) ss.  
COUNTY OF ~~THURSTON~~ )

On the 12th day of December, 2000, before me, a Notary Public in and for the State of California, duly commissioned and sworn, personally appeared Charmaide Curtis to me known to be the individual described in and who executed the within instrument and acknowledged to me that he/she signed and sealed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned.



WITNESS MY HAND AND OFFICIAL SEAL the day and year first above written.



Meriam Kim  
Notary Public in and for the State of  
*California* Washington, residing at Contra Costa County, CA  
My commission expires April 14, 2004

CITY OF OLYMPIA:

By: D. Michael Muck  
Its: Director of Public Works

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

On this day and year above, personally appeared before me, D. Michael Mucha, to me known to be the Public Works Director of City of Olympia, a Municipal Corporation, who executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said Municipal Corporation for the uses and purposes therein mentioned and on oath states he is authorized to execute the said instrument.

Given under my hand and seal this 15th day of June, 2000.



Julie Pinney  
Notary Public in and for the State of  
Washington, residing at Lacey, WA  
My commission expires 11/09/09

Approved as to form:

Dan Nish  
CITY ATTORNEY  
CITY OF OLYMPIA



**Exhibit A**  
**Evergreen Villages**  
**Property description**

**PARCEL A:**

THAT PART OF THE W.C. DOBBINS DONATION LAND CLAIM NO. 37, TOWNSHIP 18 NORTH, RANGE 2 WEST W.M., LYING WEST OF COUNTY ROAD KNOWN AS NORTH DIVISION STREET AND NORTHERLY AND EASTERLY OF A LINE DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF C.H. HALE'S WESTERN ADDITION TO OLYMPIA AS RECORDED IN VOLUME 2 OF PLATS, PAGE 2, AND THENCE EASTERLY ALONG SAID NORTH LINE A DISTANCE OF 1060 FEET, MORE OR LESS, TO THE EAST LINE OF COUNTY ROAD KNOWN AS BING STREET; THENCE SOUTHERLY ALONG SAID EAST LINE OF STREET 293 FEET, MORE OR LESS, TO THE EXTENDED NORTH LINE OF A TRACT CONVEYED TO L. SHULAR BY DEED DATED APRIL 17, 1921, AND RECORDED IN VOLUME 134 OF DEEDS, PAGE 195; THENCE EASTERLY ALONG SAID NORTH LINE OF SHULAR TRACT AND SAID EXTENSION TO SAID WEST LINE OF NORTH DIVISION STREET; EXCEPTING THEREFROM THE NORTH 268.87 FEET, A 10 FOOT WIDE TRACT FOR NORTH DIVISION STREET, AND A 30 FOOT WIDE TRACT FOR BING STREET, AS DESCRIBED UNDER AUDITOR'S FILE NUMBERS 808820 AND 808819, RESPECTIVELY.

**PARCEL B:**

THAT PART OF THE W.C. DOBBINS DONATION LAND CLAIM NO. 37, TOWNSHIP 18 NORTH, RANGE 2 WEST., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID DONATION LAND CLAIM; THENCE SOUTH 0° 26' 54" EAST ALONG THE WEST LINE OF SAID DONATION LAND CLAIM 60.00 FEET; THENCE NORTH 88° 52' 20" EAST PARALLEL TO THE NORTH LINE OF SAID DONATION LAND CLAIM 1142.80 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 88° 52' 20" EAST 60.00 FEET; THENCE SOUTH 0° 26' 54" EAST 208.89 FEET; THENCE SOUTH 88° 52' 20" WEST 60.00 FEET; THENCE NORTH 0° 26' 54" WEST 208.89 FEET TO THE TRUE POINT OF BEGINNING.

IN THURSTON COUNTY, WASHINGTON







# Bing Street

500 Block

Evergreen Village Apartments

Sunrise Park

Bing St

Bush Ave

Bing St

Bush Ave

City of Olympia, TComm911

0 50 100 Feet 1 inch = 100 feet

Map printed 8/7/2017

For more information, please contact:

Name, Title

Email

(360) Phone.

## Legend



Bing Street Surplus Parcel

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





## City Council

### Approval of an Ordinance Authorizing Acceptance of a Donation of the Sculpture “Philosopher” as a Gift of Art from Artist, Kevin Au

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 4.D  
**File Number:** 17-0935

---

**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

---

#### **Title**

Approval of an Ordinance Authorizing Acceptance of a Donation of the Sculpture “Philosopher” as a Gift of Art from Artist, Kevin Au

#### **Recommended Action**

##### **Committee Recommendation:**

The Olympia Arts Commission recommends the City Council accept the donation of the sculpture “Philosopher.”

##### **City Manager Recommendation:**

Move to approve on first reading and pass onto second reading an ordinance accepting the donation of the sculpture “Philosopher” as a gift of art from artist, Kevin Au, and authorizing the City Manager or his designee to execute all documents necessary to effect acceptance and transfer of the gift of art.

#### **Report**

##### **Issue:**

Whether to accept a donation of a gift of art for the benefit of the public.

##### **Staff Contact:**

Stephanie Johnson, Program Manager, Olympia Parks, Arts and Recreation, 360.709.2678

##### **Presenter(s):**

None - Consent Calendar Item

##### **Background and Analysis:**

Olympia Parks, Arts and Recreation Department (OPARD) received a donation offer from artist, Kevin Au, for the gift of art of “Philosopher,” a 72” x 17” x 16” steel sculpture.

The Olympia Arts Commission reviewed the proposed gift of art and unanimously recommended the gift and donation for approval by the City Council.

There are no terms, conditions or restrictions attached to this donation.

**Neighborhood/Community Interests (if known):**

None known

**Options:**

1. Approve on first reading and pass onto second reading the ordinance accepting the Kevin Au donation of the sculpture "Philosopher" and authorizing the City Manager or his designee to execute all documents necessary to effect acceptance and transfer of the gift of art.
2. Do not accept the gift of art donation.

**Financial Impact:**

Although the sculpture will be donated, there may be future costs associated with maintenance and the ownership of the sculpture, including legal liabilities. If the gift of art donation is approved by Council, the City of Olympia would receive the donation by agreement, transferring ownership to the City without terms, conditions or restrictions.

**Attachments:**

Ordinance



Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ACCEPTING A DONATION OF THE STEEL SCULPTURE "PHILOSOPHER" AS A GIFT OF ART BY ARTIST KEVIN AU WITHOUT TERMS, CONDITIONS OR RESTRICTIONS.**

**WHEREAS**, artist Kevin Au has offered to donate and convey to the City of Olympia a gift of art titled "Philosopher," which is a steel sculpture measuring 72" x 17" x 16"; and

**WHEREAS**, the Olympia Arts Commission reviewed the proposed gift of art and unanimously recommended the gift and donation of "Philosopher" for approval and acceptance by the Olympia City Council; and

**WHEREAS**, pursuant to RCW 35.21.100, every city and town by ordinance may accept any property donated if within its powers granted by law; and

**WHEREAS**, the Olympia City Council has considered the recommendation of the Olympia Arts Commission (OAC), in addition to the recommendation of the Olympia Parks Arts and Recreation Department (OPARD), to accept the donation of "Philosopher" from Kevin Au; and

**WHEREAS**, the Olympia City Council finds this gift and donation of the steel sculpture "Philosopher" is in the public interest and serves the public welfare;

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

**Section 1. Acceptance of Donation.** As recommended by the OAC and OPARD and under the terms and conditions contained in the Agreement attached hereto as Exhibit "A," the Olympia City Council, pursuant to RCW 35.21.100, hereby accepts the gift and donation from Kevin Au of "Philosopher" as herein described.

**Section 2. Authorization.** The City Manager is authorized to execute all documents necessary to effect the transfer of the gift and donation of "Philosopher" to the City of Olympia, and to make any modifications or to correct any scrivener's errors in said documents that are consistent with the acceptance of the gift and donation by Kevin Au to the City of Olympia.

**Section 3. Terms, Conditions and Restrictions.** The gift and donation of "Philosopher" is without terms, conditions or restrictions attached to it, and the City of Olympia may expend or use said gift and donation for any municipal purpose as stated in RCW 35.21.100.

**Section 4. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary technical corrections to this Ordinance to include the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 5. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 6. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 7. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**

**CITY OF OLYMPIA ART PROGRAM**  
*Gift of Artwork Agreement*

**THIS AGREEMENT**, dated and effective as of the last signature affixed below, is between the **CITY OF OLYMPIA**, with a business address of 601 4<sup>th</sup> Ave E, Olympia, WA 98501, hereinafter referred to as the "CITY" and **KEVIN AU**, with an address of 9202 SE 33rd Place, Mercer Island WA 98040-3200, hereinafter referred to as the "ARTIST".

**WHEREAS**, the ARTIST proposed to donate to the CITY a sculpture titled "Philosopher," a picture of which is attached as **Exhibit "A,"** which is a steel sculpture measuring 72" x 17" x 16" and hereinafter called the ARTWORK; and

**WHEREAS**, the proposal has been approved through the Olympia Arts Commission gift policy; and

**WHEREAS**, the Olympia City Council wishes to accept the ARTIST'S donation pursuant to the terms and conditions of this Agreement;

**NOW, THEREFORE**, the CITY and the ARTIST, for sufficient, good, and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. The ARTIST represents and warrants to the CITY that it is free to enter into this Agreement and that the ARTWORK is a unique and original work that is clear of any claims or encumbrances and does not infringe on the rights, including but not limited to the copyright, of any third parties. The ARTIST agrees to defend, indemnify, and hold the CITY, its officers, directors, agents, and employees, harmless against all costs, expenses, and losses (including reasonable attorney fees and costs) incurred through claims of third parties against the CITY based on a breach by the ARTIST of any representation and warranty made in this Agreement. The ARTIST agrees to fully cooperate with the CITY in the prosecution of any such suit.
2. The ARTIST hereby assigns and transfers to the CITY the entire right, title, and interest in and to the ARTWORK and to all U.S. and foreign copyrights therefor, with no terms, conditions or restrictions on its use or display by the CITY.
3. The CITY agrees that the ARTIST may graphically reproduce the ARTWORK for the limited purposes of inclusion in the ARTIST's portfolio of works solely for the purposes of documenting the ARTIST's work in a factual manner. The CITY also agrees that the ARTIST has a limited, revocable license to reproduce the ARTWORK for the ARTIST's own commercial purposes so long as such uses do not compete with the CITY's efforts or use of the ARTWORK. The ARTIST shall use his or her best effort to provide a credit to the CITY in any reproduction of the ARTWORK, with such credit reading "The subject of this photograph [or other graphic or electronic reproduction] is an original work of art owned by the City of Olympia, Washington."
4. The CITY agrees to use its best effort to provide proper credit including the ARTIST'S name, the title of the ARTWORK, and the date acquired by the CITY in any of the CITY's graphic reproductions.

5. The CITY has the right to display or not display the ARTWORK and to move or rearrange individual pieces of multiple piece ARTWORK.
6. Should the ARTWORK be intentionally or accidentally destroyed, altered, modified or changed subsequent to its transfer to the CITY, the CITY is under the obligation to make only reasonable effort to restore the artwork to its original form.
7. This Agreement shall be binding upon the parties, their heirs, successors, assigns, and personal representatives. This Agreement constitutes the entire understanding of the parties. Its terms can be modified only by an instrument in writing signed by both parties. A waiver or a breach of any provisions of this Agreement shall not be construed as a continuing waiver of other breaches of the same or other provisions. If any provision in this Agreement is found to be illegal, invalid, or unenforceable in any jurisdiction for any reason, then, to the full extent permitted by law all other provisions will remain in full force and effect and will be liberally construed in order to carry out the intent of the parties. A party will not be liable to the other should its performance or display of the ARTWORK be prevented, restricted, or interfered with by circumstances or events beyond its reasonable control ("Force Majeure Event").
8. Any notice or demand to be given under this Agreement shall be in writing and will be effective upon receipt if delivered in person or if sent by electronic mail, or one day after deposit prepaid with a national overnight express delivery service, or three days after deposit in the United States mail (registered or certified mail, postage prepaid, return receipt requested), if sent to the parties at the addresses noted above. Either party may change its address for receipt of notices by written notice to the other party.
9. This Agreement shall be governed by the laws of the State of Washington and courts of such state shall have exclusive jurisdiction and venue. The parties will negotiate in good faith to resolve expeditiously on a mutually acceptable negotiated basis between appropriate management personnel for each party any dispute between them that may arise. The parties may, by mutual consent, retain a mediator to aid in their attempt to informally negotiate resolution of any dispute, although any opinion expressed by a mediator will be strictly advisory and will not be binding on the parties, nor will any opinion, statement or proposed resolution expressed by the mediator or the parties be admissible in any proceeding. Costs of the mediation will be borne equally by the parties, except that each party will be responsible for its own expenses. Should any dispute not be resolved pursuant to this paragraph of this Agreement, the parties hereby irrevocably submit themselves to the non-exclusive jurisdiction of the Thurston County Superior Court and the federal court sitting in Tacoma, Washington.
10. This Agreement constitutes the entire Agreement between the parties with respect to the subject matter hereof, and all prior or contemporaneous oral or written communications understanding or agreements between the parties with respect to such subject matter are hereby superseded in their entirety. This Agreement may not be amended, supplemented or modified except by a written agreement which identifies this Agreement and is signed by an authorized representative of each party.
11. This Agreement may be executed by the parties in any number of separate counterparts, each of which counterparts, when executed and delivered, shall be deemed to be an original, and all of which taken together shall constitute a single instrument.

IN WITNESS thereof, the parties hereto executed this Agreement on the day and year first written above.

**ARTIST**

\_\_\_\_\_  
Kevin Au  
9202 SE 33<sup>rd</sup> Place  
Mercer Island WA 98040-3200  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF OLYMPIA**

\_\_\_\_\_  
Steven R. Hall, City Manager  
601 – 4<sup>th</sup> Avenue E.  
PO Box 1967  
Olympia WA 98507-1967  
Telephone: 360.753.8447

Date: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

## Exhibit A



**CITY OF OLYMPIA ART PROGRAM**  
*Gift of Artwork Agreement*

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**WHEREAS**, the ARTIST proposed to donate to the CITY a sculpture titled "Philosopher," a picture of which is attached as **Exhibit "A,"** which is a steel sculpture measuring 72" x 17" x 16" and hereinafter called the **ARTWORK**; and

**WHEREAS**, the proposal has been approved through the Olympia Arts Commission gift policy; and

**WHEREAS**, the Olympia City Council wishes to accept the ARTIST'S donation pursuant to the terms and conditions of this Agreement;

**NOW, THEREFORE**, the CITY and the ARTIST, for sufficient, good, and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

1. The ARTIST represents and warrants to the CITY that it is free to enter into this Agreement and that the **ARTWORK** is a unique and original work that is clear of any claims or encumbrances and does not infringe on the rights, including but not limited to the copyright, of any third parties. The ARTIST agrees to defend, indemnify, and hold the CITY, its officers, directors, agents, and employees, harmless against all costs, expenses, and losses (including reasonable attorney fees and costs) incurred through claims of third parties against the CITY based on a breach by the ARTIST of any representation and warranty made in this Agreement. The ARTIST agrees to fully cooperate with the CITY in the prosecution of any such suit.
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3. The CITY agrees that the ARTIST may graphically reproduce the **ARTWORK** for the limited purposes of inclusion in the ARTIST's portfolio of works solely for the purposes of documenting the ARTIST's work in a factual manner. The CITY also agrees that the ARTIST has a limited, revocable license to reproduce the **ARTWORK** for the ARTIST's own commercial purposes so long as such uses do not compete with the CITY's efforts or use of the **ARTWORK**. The ARTIST shall use his or her best effort to provide a credit to the CITY in any reproduction of the **ARTWORK**, with such credit reading "The subject of this photograph [or other graphic or electronic reproduction] is an original work of art owned by the City of Olympia, Washington."
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5. The CITY has the right to display or not display the ARTWORK and to move or rearrange individual pieces of multiple piece ARTWORK.
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9. This Agreement shall be governed by the laws of the State of Washington and courts of such state shall have exclusive jurisdiction and venue. The parties will negotiate in good faith to resolve expeditiously on a mutually acceptable negotiated basis between appropriate management personnel for each party any dispute between them that may arise. The parties may, by mutual consent, retain a mediator to aid in their attempt to informally negotiate resolution of any dispute, although any opinion expressed by a mediator will be strictly advisory and will not be binding on the parties, nor will any opinion, statement or proposed resolution expressed by the mediator or the parties be admissible in any proceeding. Costs of the mediation will be borne equally by the parties, except that each party will be responsible for its own expenses. Should any dispute not be resolved pursuant to this paragraph of this Agreement, the parties hereby irrevocably submit themselves to the non-exclusive jurisdiction of the Thurston County Superior Court and the federal court sitting in Tacoma, Washington.
10. This Agreement constitutes the entire Agreement between the parties with respect to the subject matter hereof, and all prior or contemporaneous oral or written communications understanding or agreements between the parties with respect to such subject matter are hereby superseded in their entirety. This Agreement may not be amended, supplemented or modified except by a written agreement which identifies this Agreement and is signed by an authorized representative of each party.
11. This Agreement may be executed by the parties in any number of separate counterparts, each of which counterparts, when executed and delivered, shall be deemed to be an original, and all of which taken together shall constitute a single instrument.



IN WITNESS thereof, the parties hereto executed this Agreement on the day and year first written above.

**ARTIST**

**CITY OF OLYMPIA**

\_\_\_\_\_  
Kevin Au  
9202 SE 33<sup>rd</sup> Place  
Mercer Island WA 98040-3200  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Steven R. Hall, City Manager  
601 – 4<sup>th</sup> Avenue E.  
PO Box 1967  
Olympia WA 98507-1967  
Telephone: 360.753.8447

Date: \_\_\_\_\_

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Deputy City Attorney

## Exhibit A





## City Council

# Approval of an Ordinance Amending Municipal Code Related to Mixed-Use Building Construction and Building Code Height Limitations for Consistency with Other Provisions in Municipal Code and International Building Code

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 4.E  
**File Number:** 17-0887

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**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

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### Title

Approval of an Ordinance Amending Municipal Code Related to Mixed-Use Building Construction and Building Code Height Limitations for Consistency with Other Provisions in Municipal Code and International Building Code

### Recommended Action:

#### Committee Recommendation:

The Land Use and Environment Committee was briefed on the proposal to amend OMC 16.05.020 & .050 for consistency with the International Building Code.

#### City Manager Recommendation:

Move to approve the ordinance amending OMC 16.05.020 & .050 regarding alternate methods for mixed-use construction, building heights and type of construction for certain building types in downtown Olympia on first reading and forward to second reading.

### Body

#### Issue:

Whether to approve an ordinance to amend the Municipal Code provisions related to mixed-use building construction type and Building Code height limitations to correct inconsistencies with other provisions of the Municipal Code and International Building Code.

#### Staff Contacts:

Todd Cunningham, Building Official, Community Planning & Development 360.753.8486  
Robert Bradley, Assistant Fire Chief/Fire Marshal, Fire Department 360.753.8458

#### Presenters:

None - Consent Calendar item.

#### Background and Analysis:

Buildings may be constructed using the alternate methods allowed in Olympia Municipal Code (OMC) 16.05 for mixed-use construction buildings in the downtown. Staff has identified provisions that require better alignment between our adopted OMC provisions and the International Building Code (IBC), related to type of construction and building heights for mixed-use residential buildings.

The alternate means and methods in OMC 16.05 currently includes a specific type of construction method and number of stories for mixed-use structures. IBC provisions do not specify number of allowable stories. Staff recommends that these inconsistencies be clarified by amending the provisions of OMC 16.05.020 and 050 to more closely align with the IBC. The revised wording will allow the Fire Marshal and Building Official to have authority to allow mixed construction buildings up to 75 feet in height to the highest occupied floor while ensuring the height is in line with fire apparatus setup criteria. Buildings over 75 feet to the highest occupied floor will continue to be governed by other sections of the International Building Code (OMC Chapter 16 is not applicable to buildings over 75 feet to the highest occupied floor as related to mix-use occupancies under OMC 16.05).

This text amendment does not allow for increased building height in any zone; maximum building heights will continue to be governed by the adopted zoning provisions in OMC Title 18, with consideration for fire protection per OMC 16.05.

The revisions allow for the Fire Marshal and Building Official to evaluate each building individually for height, within zoning restrictions, based on apparatus setup points and type of construction provisions in the IBC. Additionally, the revisions help to coordinate construction types based on the IBC.

The Fire Marshall and Building Official have both reviewed this amendment and support it. Given the special construction provisions required by OMC Chapter 16.05 related to fire access and fire construction, buildings constructed in accordance with this section will continue to be safe and will not present an unacceptable hazard while encouraging continued mixed use construction in downtown.

**Neighborhood/Community Interests:**

Unknown, however, there is general support for code amendments that promote internal consistency within the existing codes and with the approach implemented by many municipalities within the Puget Sound region.

**Options:**

1. Approve the ordinance amending OMC 16.05.020 & 050 with the adoption of the consent calendar.
2. Do not approve the ordinance amending OMC 16.05.020 & 050 with the adoption of the consent calendar
3. Refer the ordinance back to staff and provide further direction.

**Financial Impact:**

None.

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**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

---

**Attachment:**  
Ordinance

Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO  
ALTERNATE METHODS FOR MIXED USE BUILDING CONSTRUCTION AND  
AMENDING OLYMPIA MUNICIPAL CODE SECTIONS 16.05.020 AND 16.05.050**

**WHEREAS**, Community Planning and Development staff have identified and proposed changes to Olympia Municipal Code Sections 16.050.020 and 16.05.050 that would clarify language regarding alternate methods for mixed use building construction; and

**WHEREAS**, the City Council wishes to ensure clarity with applicable OMC provisions for alternate methods for mixed use building construction by amending the OMC as proposed;

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

**Section 1. Amendment of OMC 16.05.020. Olympia Municipal Code Section 16.05.020 is hereby amended to read as follows:**

**16.05.020 Construction**

A. Mixed Construction. ~~Six~~Multi-story, mixed use buildings complying with this chapter may be designed and constructed so that stories below allowed residential construction are the first story and / or the first and second story of a structure is constructed of Type IA Construction, and the remaining top four or five stories of Type VA construction stories are constructed using the type of construction in accordance with the current edition of the International Building Code, as modified by this chapter. The Type IA Construction shall be separated from the ~~Type VA construction~~ above with a three-hour occupancy separation; the upper stories of residential construction under this application are limited to the height specified in OMC 16.05.050.

B. Construction Types. ~~Type IA and Type VA construction~~ Construction Types shall be as specified in the International Building Code.

C. Shaft, Stairway, Ramp, and Escalator Enclosures. Shaft, stairway, ramp, and escalator enclosures shall meet provisions of the International Building Code Section ~~508.25~~10.2.

**Section 2. Amendment of OMC 16.05.050. Olympia Municipal Code Section 16.05.050 is hereby amended to read as follows:**

**16.05.050 Height**

The maximum height ~~from the finished grade~~ of any building constructed under this Chapter shall be as determined by the Fire Marshal and the Building Official to meet or demonstrably exceed applicable Fire and Building codes. The height of buildings shall be measured from the apparatus set up point to the highest point of coping of a flat roof, the deck of a mansard roof, or the average height of the highest

gable of a pitched or hipped roof associated with the building facade. The height of building sections with no fire apparatus access shall not exceed the height of adjacent sections. In no case shall the height of any building regulated by this Chapter be constructed higher than 75 feet to the highest occupied floor unless the building being constructed complies with the currently adopted edition of the International Building Code for such buildings and appurtenances attached thereto.

**Section 3. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 4. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain 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:**



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DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

### Approval of an Ordinance for Minor Corrections to Municipal Code Related to Low Impact Development and Other Zoning Standards

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 4.F  
**File Number:** 17-0893

---

**Type:** ordinance **Version:** 1 **Status:** 1st Reading-Consent

---

#### **Title**

Approval of an Ordinance for Minor Corrections to Municipal Code Related to Low Impact Development and Other Zoning Standards

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the ordinance making minor corrections to low impact development and other zoning standards in Title 18 of the Olympia Municipal Code on first reading and forward to second reading.

#### **Report**

##### **Issue:**

Whether to approve the ordinance that corrects cross references and minor errors in Title 18 (Unified Development Code).

##### **Staff Contact:**

Tim Smith, Principal Planner, Community Planning & Development, 360.570.3915

##### **Presenter(s):**

None - Consent Calendar Item

##### **Background and Analysis:**

This ordinance addresses minor errors by correcting code references that are no longer valid. A standard in Table 4.04 is amended to correct and clarify a maximum hard surface low impact development standard in the Residential Low Impact zoning district.

##### **Neighborhood/Community Interests (if known):**

The ordinance will provide further clarity to the code which is of interest to the community



**Options:**

1. Approve the ordinance making minor corrections to low impact development and other zoning standards in Title 18 of the Olympia Municipal Code on first reading and forward to second reading.
2. Do not approve the ordinance making minor corrections to low impact development and other zoning standards.
3. Refer the ordinance back to staff for further consideration

**Financial Impact:**

No known funding impacts are associated with this ordinance

**Attachments:**

Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OLYMPIA MUNICIPAL CODE SECTIONS 18.04.040, 18.04.080, 18.06.120, 18.36.040, 18.38.100, 18.38.160, 18.30.200, 18.38.240, 18.42.120, 18.42.140, AND SUBSECTIONS 18.04.060.A, 18.04.060.F, 18.04.060.EE, 18.04.080.C, 18.04.080.H, AND 18.04.100.C TO CORRECT CROSS REERENCES AND MINOR SCRIVENOR'S ERRORS**

WHEREAS, the City wishes to ensure accuracy in its Municipal Code; and

WHEREAS, the amendments contained in this Ordinance are administrative in nature and are therefore not subject to the State Environmental Policy Act (SEPA) or review by the Planning Commission; and

WHEREAS, this Ordinance meets the goals and requirements of the Washington State Growth Management Act; and

WHEREAS, Chapters 35A.63 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, along with other documents on file with the City of Olympia; and

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

**Section 1. Amendment of OMC 18.04.060.A. Olympia Municipal Code Subsection 18.04.060(A) is hereby amended to read as follows:**

**18.04.060 Residential districts' use standards**

**A. ACCESSORY DWELLING UNITS (ADU).**

Accessory dwelling units (ADU) are permitted in all residential districts subject to the following requirements:

1. Number. One (1) ADU shall be allowed per residential lot in conjunction with any detached single-family structure. (See Section 18.04.080(A)(3) regarding ADUs in new subdivisions.)
2. Location. The ADU shall be permitted as a second dwelling unit added to, created within, or detached from the original dwelling. The ADU shall be oriented in a way that maintains, to the extent practical, the privacy of residents in adjoining dwellings. (See Chapters ~~18.04A~~ 18.100, Residential Design Guidelines Review and 18.175, Infill and Other Residential.)
3. Size. The ADU shall have a gross floor area of no more than eight hundred (800) square feet, and no more than the following equivalent ratios:
  - a. forty percent (40%) of the gross floor area of the primary residence and accessory dwelling unit combined, or

- b. sixty-six and two-thirds percent (66 2/3%) of the gross floor area of the primary residence alone; excluding any garage area, except as authorized by Section 18.04.060(A)(7).

[NOTE: Section 18.04.060(O)(1) requires that manufactured homes placed on a lot outside a manufactured housing park must be at least eight hundred sixty-four square feet in floor area. Consequently, a manufactured home can be used as a primary residence, but not as an ADU.]

4. Ownership. The property owner (i.e., title holder and/or contract purchaser) must live on the site as his/her principal residence. Owners shall sign a notarized affidavit attesting to their principal residency upon permit application. Owners shall provide evidence thereof through such means as voter registration, driver's license, or the like. This requirement does not apply to ADUs built prior to the initial sale of the primary unit on the lot. Purchasers of such ADUs shall meet these requirements within sixty (60) days of purchase. (See Section 18.04.080(A)(3).)

A covenant or deed restriction, approved by the Olympia City Attorney, shall be signed and recorded with the Thurston County Auditor which specifies the requirement that the property owner must live on the site as his/her principal residence.

5. Occupancy. No more than one (1) family (as defined in Chapter 18.02, Definitions) shall be allowed to occupy an ADU.

6. Existing ADUs. Accessory dwellings created prior to the enactment of these regulations, June 19, 1995, may be approved subject to applicable requirements. Existing ADUs located on lots which cannot accommodate an additional off street parking space required by Chapter 18.38, Parking, may receive a waiver from the parking requirement.

If the owner of an existing unauthorized ADU applies to make the unit legal, but cannot meet all of the standards, he/she will be allowed a "grace period" of six months from date of application to comply with applicable standards. However, where health and safety is an issue, the Building Official will determine when the necessary modifications must be made. If the owner cannot meet the standards, the unauthorized accessory unit must be removed or its use as a dwelling must be suspended.

7. Deviation From Requirements. The Director or the Director's designee may allow deviation from the requirements of this section (18.04.060(A)) as follows:

- a. To allow use of the entirety of a single floor in a dwelling constructed two (2) or more years prior to the date of application in order to efficiently use all floor area; and
- b. To enable ADUs to be established in structures constructed prior to June 19, 1995, which are located in rear or side setbacks, provided that Uniform Building Code requirements and the Development Standards contained in Section 18.04.080 are met. [NOTE: See Chapters

~~18.04A~~18.100, Residential Design Guidelines Review and 18.175, Infill and Other Residential for applicable design guidelines.]

**Section 2. Amendment of OMC 18.04.060.F. Olympia Municipal Code Subsection 18.04.060.F is hereby amended to read as follows:**

**F. CO-HOUSING.**

Co-housing developments are allowed in the districts specified in Table 4.01 and 6.01 subject to the following requirements:

**1. Common Structure.** The following provisions apply to co-housing developments in the residential districts listed in OMC 18.04.

a. Quantity, size, and use. Co-housing projects may contain any number of common structures, however, no more than two (2) common structures shall exceed eight hundred (800) square feet in size and none shall exceed five thousand (5,000) square feet in size. At least one (1) common structure shall contain a dining room and kitchen large enough to serve at least fifty percent (50%) of the development's residents at a time (based upon occupancy of one (1) person per bedroom, and at least one (1) of the following: a children's day care center, mail boxes for a majority of the residents, recreational facilities (such as pool tables or exercise equipment), laundry facilities, or a meeting room available for the use of all residents.

b. Location. Common structures may be located in all developable portions of the site (e.g., excluding critical areas and their associated buffers and required building setback areas). However, within forty (40) feet of the site's perimeter or a public street extending through the site, no more than two (2) common or accessory structures may be contiguous to one another (i.e., uninterrupted by a dwelling or a landscaped open space with no dimension less than forty (40) feet). This requirement does not apply to structures which would not be visible from the site's perimeter or through streets (e.g., due to topography or vegetation) or which adjoin undevelopable property (e.g., critical areas) which will separate proposed structures by at least forty (40) feet from existing and potential dwelling sites. In no case shall more than fifty (50) % of any street frontage be occupied by common and/or accessory structures.

**2. Business Uses.** Co-housing developments may contain business uses allowed as home occupations (see Section 18.04.060(L)) in structures other than residential dwellings, subject to the conditions below:

a. The total building square footage devoted to business uses in the entire development shall not exceed the rate of five hundred (500) square feet per dwelling unit.

- b. Business uses shall not occupy more than fifty (50) percent of a common building. The proportion of dwellings devoted to business uses shall comply with Section 18.04.060(L), Home Occupations.
  - c. Structures containing a business which are visible from public rights-of-way adjoining the development shall give no outward appearance of a commercial use, other than one (1) sign mounted flush to the building in which the business is located. (See Chapter 18.42.120, Signs.) No outdoor storage related to a business may be visible from public rights-of-way bordering the development.
  - d. Each business located in a co-housing development may employ a maximum of two (2) people who do not reside in the development. This limitation does not apply to seasonal agricultural employees.
  - e. Business uses shall not emit noise, pollutants, waste products, or create impacts which would pose a nuisance or health risk for the occupants of abutting properties.
3. Dwelling Units. Dwelling units in co-housing developments shall only be required to contain minimal kitchen facilities (e.g., a sink and stove or hot plate), consistent with the Uniform Building Code, provided that a common structure provides a fully equipped kitchen (e.g., containing a stove, refrigerator, and sink) and dining area available to all residents of the development.
4. Approval Process. Applications for co-housing projects shall be processed pursuant to Chapter 18.56.
5. Common Areas. A note shall be added to the plat or site plan, as applicable, which establishes common areas and precludes their conversion to another use. (See ~~Section Chapter 18.04A.250~~18.100, ~~Residential-Design Guidelines~~Review, for applicable design guidelines.)
6. Platting.
- a. Dwellings in co-housing developments (as allowed in Table 4.01 or 6.01 for the applicable district) are not required to be located on individual lots.
  - b. Perimeter setbacks. The minimum building setbacks for unplatted co-housing developments in the R-4, R 4-8, and R 6-12 districts are as follows:
    - i. Five (5) feet from the side property line of an adjoining parcel.
    - ii. Twenty (20) feet from public rights-of-way and the rear property lines of adjoining parcels.

The setbacks required in a. and b. above may be reduced per OMC Sections 18.04.080 (H)(2) and (5).

c. Dwelling separation. Residential structures (i.e., houses, duplexes, and townhouse structures with up to four (4) units) in co-housing developments in an R-4, R 4-8, or R 6-12 district, which are not on individual lots, shall be separated by at least ten (10) feet along the site's perimeter and six (6) feet elsewhere. Dwellings on individual lots are subject to the applicable setback standards specified in Table 4.04 or 6.01.

(See ~~Sections 18.04A.180-230 and 18.04A.250~~Chapter 18.100, Residential-Design ~~Guidelines~~Review, for applicable design guidelines.)

**Section 3. Amendment of OMC 18.04.060.EE. Olympia Municipal Code Subsection 18.04.060.EE is hereby amended to read as follows:**

EE. GARAGE PLACEMENT AND WIDTH.

(Also see ~~Section 18.04A.210~~Chapters 18.100, Residential-Design ~~Guidelines~~Review and 18.175, Infill and Other Residential.)

1. Applicability. The standards listed in Section c. below apply only to:
  - a. Single-family dwellings on lots of five thousand (5,000) square feet or less in size located in subdivisions for which a complete preliminary plat application is submitted after April 22, 1996;
  - b. Single-family dwellings on lots within the areas depicted by Figure 4-2a, where at least fifty (50) percent of the lots within three hundred (300) feet on the same block face and the block face directly across the street are vacant or occupied by dwellings with flush or recessed garages;
  - c. Duplexes;
  - d. Triplexes; and
  - e. Fourplexes.
2. Exceptions. The dwellings listed in a. above are exempt when located on one of the following types of lots:
  - a. Lots fronting on private access lanes (see the Olympia Development Guidelines and Public Work Standards) where the garage would not face a public street;
  - b. Flag lots (see Section 18.02.180, Definitions, Lots);

- c. Wedge-shaped lots (see Section 18.02.180, Definitions, Lots); and
- d. Lots with trees or topography which preclude compliance with the provisions of this Section, as determined by the approval authority.

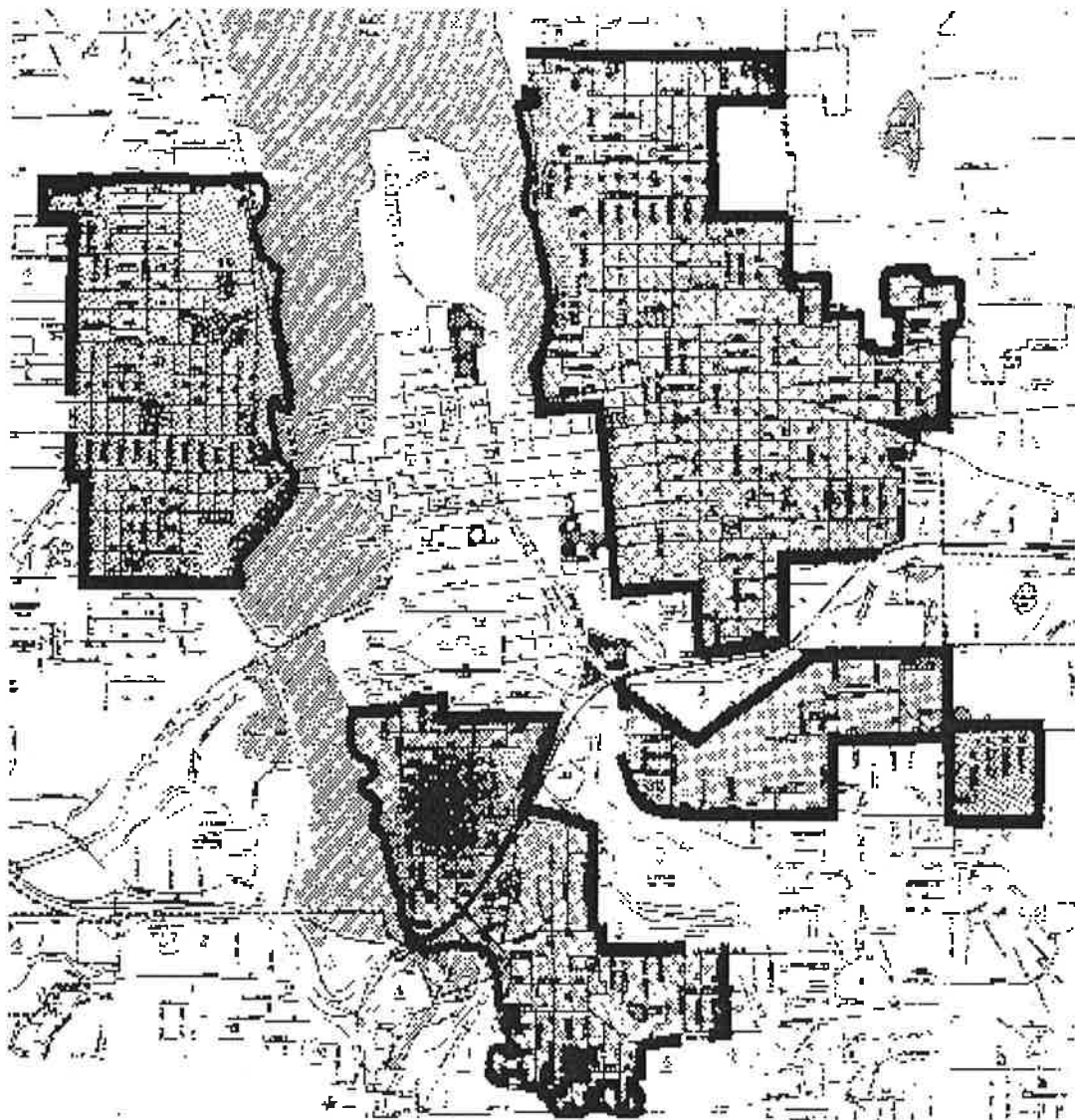
3. Garage Standards.

- a. Garages shall not protrude ahead of the dwelling's ground floor front façade more than:
  - i. Eight (8) feet on two (2) story dwellings (i.e., dwellings with habitable space above the ground floor); or
  - ii. Four (4) feet on single-story dwellings.

These requirements above (i. and ii.) do not apply to garages with doors which do not face the street (see Section 18.04A.210, Residential Design Guidelines - Garage Design), or garages flush with the supporting posts of covered porches which span the remainder of the dwelling's front facade.

- b. Garage width shall not exceed the following percentage of the dwelling's front facade.
  - i. Two-story dwellings (containing habitable space above the ground floor): sixty (60) percent.
  - ii. Single-story dwellings: fifty (50) percent.

For purposes of the above measurements, garage width shall include the garage doors facing the street plus any required supporting panel. The dwelling's facade shall be measured in a straight line, parallel to the building face, between the outermost ends of the facade facing the street. See Figure 4-2b.

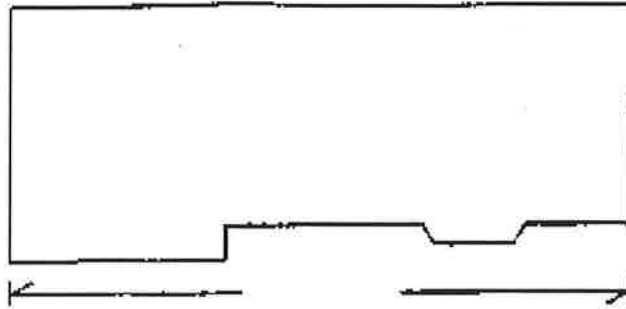


**Areas Subject to Infill Regulations**

**Where the boundary coincides with a street, lots on both sides of the street are subject to the applicable regulations and design guidelines.**

**FIGURE 4-2a**





**Measurement of Front Facade**

**FIGURE 4-2b**

**Section 4. Amendment of OMC 18.04.080. Olympia Municipal Code 18.04.080, Table 4.04 is hereby amended to read as follows:**

TABLE 4.04

RESIDENTIAL DEVELOPMENT STANDARDS

DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
MAXIMUM HOUSING DENSITY (in units per acre)	1/5	4	4	4	8	12	24	30	24	30	---	---	12	---	18.04.080(A)
MAXIMUM AVERAGE HOUSING DENSITY (in units per acre)	---	4	4	4	8	12	13	18	18	24	---	---	12	---	18.04.080(A)(2)
MINIMUM AVERAGE HOUSING DENSITY (in units per acre)	---	---	---	2	4	6	7	10	8 Manufactured Housing Parks = 5	18 Manufactured Housing Parks = 5	---	---	5	---	18.04.080(B)
MINIMUM LOT SIZE	4 acres for residential use; 5 acres for non-residential use	2,000 SF minimum 3,000 SF average = townhouse 5,000 SF = other	One acre; reduced to 12,000 SF if associated with a drainage dispersal tract of at least 65% in the same subdivision plat.	2,000 SF minimum 3,000 SF average = townhouse 4,000 SF = other 6,000 SF = duplex 7,200 SF = multi-family	2,500 SF = cottage 2,000 SF minimum, 3,000 SF average = townhouse 4,000 SF = other	2,000 SF = cottage 1,600 SF minimum, 2,400 SF average = townhouse 7,200 SF = duplex, triplex 3,500 SF = other	1,600 SF = cottage 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 9,000 SF = fourplex 3,000 SF = other	1,600 SF = cottage 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 3,000 SF = other	1,600 SF = cottage 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 3,000 SF = other	1,600 SF minimum, 2,400 SF average = townhouse 2,500 SF = mobile home park	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	2,000 SF = cottage 1,600 SF minimum, 2,400 SF average = townhouse 7,200 SF = duplex 2,500 SF = mobile home park 3,500 SF = other	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	18.04.080(C) 18.04.080(D) 18.04.080(E) 18.04.080(F) Chapter 18.64 (townhouses) 18.04.060(P) (mobile home parks)

TABLE 4.04															
RESIDENTIAL DEVELOPMENT STANDARDS															
DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
MINIMUM LOT WIDTH	30' except: 16' = townhouse	50' except: 18' = townhouse	100'	30' except: 16' = townhouse; 60' = duplex 80' = multi-family	45' except: 35' = cottage 18' = townhouse	40' except: 30' = cottage 16' = townhouse	40' except: 30' = cottage 16' = townhouse	40' except: 30' = cottage 40' = zero lot townhouse	30' = mobile home park	30' = mobile home park	---	---	40' except: 30' = cottage 16' = townhouse 80' = duplex 30' = mobile home park	---	18.04.80(D)(1) 18.04.080(F) 18.04.080(G) 18.04.060(P) (mobile home parks)
MINIMUM FRONT YARD SETBACKS	20' except: 5' for agricultural buildings with farm animals	20'	20'	20' except: 10' with side or rear parking; 10' for flag lots 5' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots 5' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots 5' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots 5' for agricultural buildings with farm animals	15' except: 10' with side or rear parking; 10' for flag lots 5' for agricultural buildings with farm animals	10'	5'	5' except: 10' for structures 35' or taller	10' except: 20' along Legion Way	20' except: 10' with side or rear parking; 5' for agricultural buildings with farm animals	0-10' except: 10' on Capitol House Block	18.04.080(H) 18.04.080(I)
MINIMUM REAR YARD SETBACKS	10' except: 5' for agricultural buildings with farm animals	25'	50'	10' except: 5' for agricultural buildings with farm animals.	20' except: 5' for agricultural buildings with farm animals; 10' for cottages, and wedge shaped lots	20' except: 5' for agricultural buildings with farm animals; 10' for cottages, and wedge shaped lots	20' except: 15' for multifamily; cottages, and wedge shaped lots, 20' with alley access	15' except: 10' for cottages, and wedge shaped lots, 20' with alley access	10' except: 15' for multifamily	10' except: 20' next to an R 4-8 or R-12 district	5' except: 20' for structures 35' or higher	5'	20' except: 5' for agricultural buildings with farm animals; 10' for cottages	5' except: 10' for structures over 42'	18.04.080(D) 18.04.080(F) 18.04.080(H) 18.04.080(I)
MINIMUM SIDE YARD SETBACKS	5' except: 10' along flanking streets; provided	5' except: 10' along flanking street; except	10' minimum each side, and minimum	5' except: 10' along flanking streets; except	5' except: 10' along flanking streets; except	5' except: 10' along for triplex, fourplex 10' flanking	5' except: 10' along flanking streets; except	5' except: 10' along flanking streets; except	5' except: 10' along flanking streets; except	5' except: 10' along flanking streets; except	5' except: 10' along flanking streets; 6' on one	---	5' except: 10' along flanking streets; 6' on one side of	No minimum 10' on Capitol House	18.04.080(H)

TABLE 4.04

RESIDENTIAL DEVELOPMENT STANDARDS

DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
	garages are set back 20' 5' for agricultural buildings with farm animals	garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 5' for agricultural building with farm animals	total of 60' for both side yards. Minimum Front Yard Setbacks 6' on one side of zero lot; 5' for agricultural buildings with farm animals	garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 5' for agricultural buildings with farm animals	garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages; 5' for agricultural buildings with farm animals	streets; except garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages; 5' for agricultural buildings with farm animals	garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages; 5' for agricultural buildings with farm animals	garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages; 5' for agricultural buildings with farm animals	garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages; 10' for multifamily; 20' next to R 4-8, or R 6-12 district 10' - mobile home park	garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 20' next to R 4-8, R 6-12 district. 10' - mobile home park	side of zero lot;		zero lot; 3' for cottages; 5' for agricultural buildings with farm animals; 10' - mobile home park	Block	
MAXIMUM BUILDING HEIGHT	35'	35', except: 16' for accessory buildings	40' except: 16' for accessory buildings	40' except: 16' for accessory buildings	35', except: 16' for accessory buildings; 25' for cottage 35' on sites 1 acre or more, if setbacks equal or exceed building height	35', except: 16' for accessory buildings; 25' for cottages	45', except: 25' for cottage; 16' for accessory buildings	45', except: 25' for cottage; 16' for accessory buildings	35, except: 16' for accessory buildings; 25' for cottage	42'	60'	See 18.04.080 (I)	2 stories or 35' whichever is less, except: 16' for accessory buildings; 25' for cottages	42' or as shown on Figure 4-5A & 18.04.080 (3)	18.04.080(I)
MAXIMUM BUILDING COVERAGE	45% = lots of 10,000 SF; 25%=lots of 10,001	35% 60% = townhouses	6%; increased to 18% if associated with	Refer to Maximum Coverage below	45% = .25 acre or less 40% = .26 acres or more 60% =	55% = .25 acre or less 40% = .26 acres or more 60% =	45%	50%	50%	55%	85%	85%	45% = .25 acres or less 30% = .26 to 1 acre 25% = 1.01 to 3	85% except for stoops, porches or balconies	

TABLE 4.04															
RESIDENTIAL DEVELOPMENT STANDARDS															
DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
	SF to 1 acre; 6%=1.01 acre or more		drainage dispersal tract of at least 65% in the same subdivision plat.		townhouses	townhouses							acres 20% = 3.01 acres or more		
MAXIMUM ABOVE-GRADE STORIES		2 stories	3 stories	3 stories	2 stories	2 stories, 3 stories = triplex, fourplex	4 stories	4 stories	3 stories	3 stories	5 stories			5 stories	
MAXIMUM IMPERVIOUS SURFACE COVERAGE	45% or 10,000sf (whichever is greater) = lots greater than 4 acres; 6%=4.1 acre or more	35% 60% = Townhouses	6%; increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	2,500 SF or 6% coverage whichever is greater.	45% = .25 acre or less 40% = .26 acre or more 60% = Townhouses	55% = .25 acre or less 40% = .26 acres or more 60% = Townhouses	65%	65%	65%	75%	85%	85%	65% = .25 acre or less 40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01 + acres 70% = townhouses	85% except for stoops, porches or balconies	
MAXIMUM HARD SURFACE	45% or 10,000sf (whichever is greater) = lots less than 4 acres;	45% 70% = Townhouses	6%; increased to 18% if associated with drainage dispersal	2,500 SF provided that up to 6% coverage may be granted by	55% = .25 acre or less 50% = .26 acre or more 70% = Townhouses	65% = .25 acre or less 50% = .26 acre or more 70% = Townhouses	70%	70%	70%	75%	85%	85%	65% = .25 acre or less 40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01+	85% except for stoops, porches or balconies	

TABLE 4.04															
RESIDENTIAL DEVELOPMENT STANDARDS															
DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
	6%=4.1 acre or more		tract of at least 65% in the same subdivision plat.	<del>conditional</del> use <del>permit</del> 6% coverage, whichever is greater									acres 70% = townhouses		
MINIMUM OPEN SPACE	220 tree units per acre required		65% drainage dispersal area required; may double as tree tract or critical areas buffer.		450 SF/unit for cottage developments	450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% for multifamily 450 SF/unit for cottage developments	30% 500 SF/space for mobile home park	25% 500 SF/space for mobile home park	15%	15% 500 SF/space for mobile home park	450 SF/unit for cottage developments 500 SF/space for mobile home park	15% may include stoops, porches or balcony areas	18.04.080(J)
LEGEND															
SF = Square Feet						Zero Lot = A Lot with Only One Side Yard				--- = No Regulation					
RL1 = Residential Low Impact										R 6-12 = Residential 6-12					
R-4 = Residential - 4						R 4-8 = Residential 4-8				RM 18 = Residential Multifamily - 18					
MR 7-13 = Mixed Residential 7-13						MR 10-18 = Mixed Residential 10-18				RMU = Residential Mixed Use					
MR 7-13 = Mixed Residential 7-13						RMH = Residential Multifamily High Rise				UR - Urban Residential					

**Section 5. Amendment of OMC 18.04.080.C. Olympia Municipal Code Subsection 18.04.080.C is hereby amended to read as follows:**

**C. Minimum Lot Size.**

1. Nonresidential Uses. The minimum lot size for non-residential uses (e.g., places of worship and schools) is larger than the minimum lot size identified in Table 4.04. Refer to Table 4.01 and Section 18.04.060 for regulations pertaining to non-residential uses. Also see Section 18.04.060(K) for the lot size requirements for group homes.
2. Undersized Lots. Undersized lots shall qualify as a building site if such lots were recorded prior to June 19, 1995 or they were approved as part of a Planned Residential Development, Master Planned Development (See Chapter 18.56) or clustered housing development, consistent with Section 18.04.080(F); provided, however, that any lot of record which does not comply with the width requirements of this code shall not be constructed upon unless (1) it is legally combined with undeveloped contiguous land in the same ownership which in combination create a lot of the size specified in Table 4.04 (or as modified by other provisions of this Article); or (2) it is approved by Design Review Board Staff, who shall perform an architectural review of the proposal for compliance with the criteria specified in Chapter ~~18.04A~~ 18.100, Residential Design Guidelines Review.
3. Clustered Lots. Lot sizes may be reduced by up to twenty (20) percent consistent with Section 18.04.080(F), Clustered Housing.
4. That portion of any 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, unless such area conforms with the minimum lot width, e.g., townhouse lot.

**Section 6. Amendment of OMC 18.04.080.H. Olympia Municipal Code Subsection 18.04.080.H is hereby amended to read as follows:**

**H. Setbacks**

1. Measurement. The required setback area shall be measured from the outermost edge of the building foundation to the closest point on the applicable lot line.
2. Reduced Front Yard Setbacks. Front yard setbacks in the R-4, R 4-8, R 6-12, MR 7-13 and MR 10-18 districts may be reduced to a minimum of ten (10) feet under the following conditions:
  - a. When garage or parking lot access is from the rear of the lot;
  - b. When the garage is located at least ten (10) feet behind the front facade of the primary structure on the lot; or

c. When the driveway will be aligned to provide at least a twenty (20) foot long parking space between the sidewalk edge (closest to lot) and the garage. (See Residential Design Guidelines—Garage Design, Chapter 18.04A Chapter 18.100 Design Review and Chapter 18.175 Infill and Other Residential.)

d. Such setback reductions shall not be allowed where they would result in a setback of fifty (50) percent or less than the setback of an existing dwelling on an abutting lot fronting on the same



street.

**FIGURE 4-3**

3. Rear Yard Setbacks. See Section 18.04.080(H)(5), Encroachments into Setbacks, Section 18.04.080(D)(2), Transitional Lots, and Table 4.04.

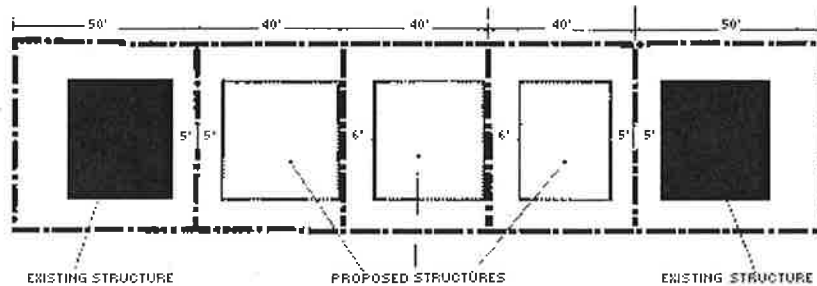
4. Side Yard Setbacks.

a. Reduced side yard setbacks. Except for the R-4CB district, a side yard building setback shall not be required for a lot served by an alley (such alley must be open, improved and accessible, not solely a right-of-way) provided it meets the following conditions:

i. Provision for reduced or zero setbacks shall specifically appear upon the face of a final short or long plat. Such plat shall provide that the minimum distance between residences will be six (6) feet. If the distance between a proposed dwelling and a property line is less than three (3) feet, the applicant shall provide evidence of a maintenance easement, at least three (3) feet in width, which provides sufficient access for the owner of the dwelling to maintain the applicable exterior wall and roof of the dwelling. (Except as expressly provided, any reduced side yard provision appearing on a final plat shall withstand later amendments of this Title and shall be considered conforming.)



- ii. Side yard setbacks shall not be less than five (5) feet along a property line adjoining a lot which is not developed or approved for reduced setbacks (e.g., a conventional lot with two (2) five (5) foot wide side yard setbacks). Side yard setbacks shall not be less than ten (10) feet along property lines which abut a public rights-of-way.

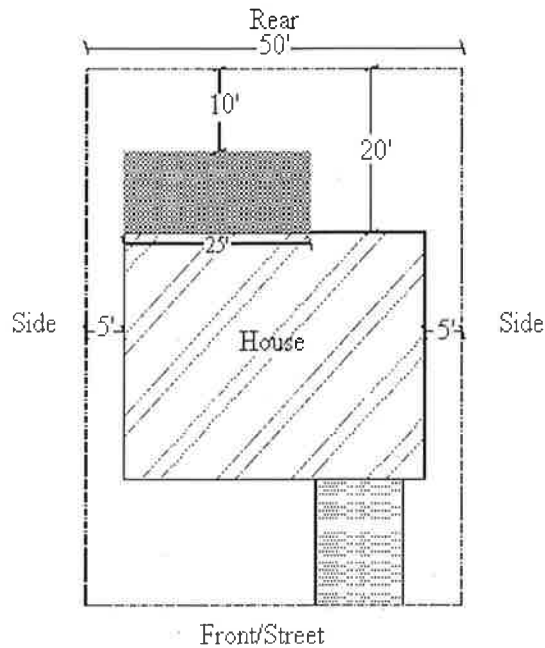


**ZERO LOT LINE**

**FIGURE 4-4**

- b. The minimum side yard setback from bikepaths and walkways shall comply with the side yard setback from the lot line as specified for the district in Table 4.04.
5. Encroachment Into Setbacks. The buildings and projections listed below shall be allowed outside of utility, access or other easements. See 18.04.080(H)(5) for additional exceptions.
    - a. Except for Accessory Dwelling Units, any accessory structures may be located in a required rear yard and/or in the rear twenty (20) feet of a required interior side yard; however, if a garage entrance faces a rear or side property line, it shall be setback at least ten (10) feet from that property line. Accessory dwelling units may not encroach into required side yard setbacks. Accessory dwelling units may encroach into rear yards however, if the rear yard does not abut an alley, the accessory unit must be set back ten (10) feet from the rear property line. Further, any garage attached to any accessory dwelling unit shall conform with this Section.
    - b. Up to fifty (50) percent of a rear yards width may be occupied by a dwelling (primary residence or ADU) provided that the structure (foundation) is located at least ten (10) feet from the rear property line. For purposes of this section the rear yards width shall be measured in a

straight line between the side property lines at the point of intersection with the rear property line.



**Figure 4-4a**

- c. Townhouse garages may share a common rear property line provided that access for interior lots is from a single common driveway to not more than one public street entrance.

**Section 7. Amendment of OMC 18.04.080. Olympia Municipal Code 18.04.080, Table 6.02, is hereby amended to read as follows:**

**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. = 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 of record.
FRONT YARD SETBACK	See City Wide Design Guideline: "Building Design— Orientation &	10' maximum, if located in a High Density Corridor; 10' minimum	5' minimum for residential otherwise none.	0-10' See <del>18.06A.18018.130</del>	0-10' See <del>18.06A.18018.130</del>	0-10' See <del>18.06A.18018.130</del>	0-10' See <del>18.06A.18018.130</del>	1. 50' minimum from property line for agriculture buildings (or structures) which house animals

**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
	Form of Commercial & Public Buildings," <del>18.20.090. See</del> Chapter <u>18.110, Basic Commercial Design Criteria</u>	otherwise.						other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. Must comply with site design standards, Chapter <del>18.06A.180</del> <u>18.100.</u>
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	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	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	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	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-	10' minimum; Except: 1. Next to single-family use or an RLI, 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	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

**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
		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.	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.	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.	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.	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.	single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	<del>18.06A.180</del> 18.100.
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	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	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for	No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories.	No Minimum; Except: 1. Next to RLI, 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'	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight

**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
		district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6'	stories. 2. Next to MR 7-13, MR 10-18, 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.	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.	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.	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.	minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one size of zero lot.	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 <del>18.06A.180</del> 18.100.

**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
		on one side of zero lot.						
MAXIMUM BUILDING HEIGHT	Up to 35', whichever is less.	Up to 35', if any portion of the building is within 100' of R 4, R 4- 8, or R 6-12 district; Up to 60' otherwise.	Up to 35', 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.	The portion of a building within 100' of land zoned for maximum density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district. Up to 60' otherwise.	The portion of a building within 100' of land zoned for maximum density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district. Up to 60' otherwise.	The portion of a building within 100' of land zoned for maximum density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district. Up to 60' otherwise; or up	The portion of a building within 100' of land zoned for maximum density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting 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 <del>18.06A.251(4)</del> 18.130.060 Significant Building Entry	1. Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for properties near the State Capitol Campus. 2. Must comply with site design standards, Chapter <del>18.06A.180</del> 18.100. 3. HDC-1 and HDC-2 additional story must comply with OMC 18.06.100.A.6.

**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
				Provided that one additional story may be built for residential development only.	Provided that one additional story may be built for residential development only.	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.	tower exemption (allows an additional 30' for a tower element at Capital Mall). 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.	
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	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	For projects in the GC and HDC-4 zones west of Yauger Way, limitations of building size per



**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
			building.				50% of new required parking is under the building or in a structured parking form. 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.	18.06.100(C) and 18.130.020 apply.
MAXIMUM IMPERVIOUS SURFACE COVERAGE	50%	70%	85%	85% for all structures	85% for all structures	85% for all structures	85% for all structures	See OMC 18.06.100(D).
MAXIMUM HARD	60%	85%, except 75% for						See Chapter <del>18.06A.180.</del>

**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
SURFACE		residential structures						
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(B) 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(B)).	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(B)).	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(B)).	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(B)).	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(B)).	For properties in the vicinity of the Downtown or Kaiser Road and Harrison Ave NE, 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. if bldg. height is over 35'.	No minimum.	
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).

**TABLE 6.02  
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
							3. See Design Guidelines, Chapter 18.100.
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.	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).

**TABLE 6.02  
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
							3. See Design Guidelines, Chapter 18.100.
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.
MAXIMUM	50%	60% for properties between	100%	No requirement.	No requirement.	85%	

**TABLE 6.02  
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
BUILDING COVERAGE		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.					
MAXIMUM IMPERVIOUS SURFACE COVERAGE	60%	100% development coverage.	100%	100%	100%	85%	See OMC 18.06.100(D).
MAXIMUM HARD SURFACE	65%						<del>See Chapter 18.06A.180.</del>
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of	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	Street ends abutting the water shall be preserved to provide views of and public access to the		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	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16. For retail uses over

**TABLE 6.02  
COMMERCIAL DEVELOPMENT STANDARDS**

<b>STANDARD</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>CS-H</b>	<b>AS</b>	<b>ADDITIONAL REGULATIONS</b>
	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.	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 guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for Pedestrian Connections and	water, pursuant to OMC Section 12.16.050(D).			boundaries. See Olympia Park Replat covenants for access, and other standards applicable to replat lots.	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.

**TABLE 6.02  
COMMERCIAL DEVELOPMENT STANDARDS**

<b>STANDARD</b>	<b>MS</b>	<b>UW</b>	<b>UW-H</b>	<b>DB</b>	<b>CS-H</b>	<b>AS</b>	<b>ADDITIONAL REGULATIONS</b>
		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



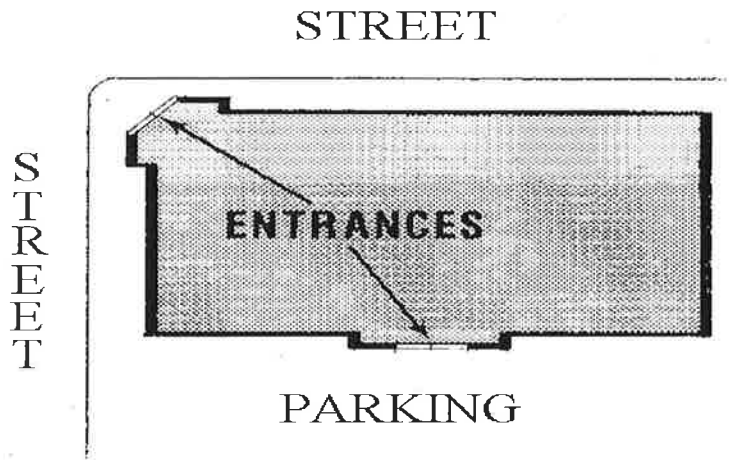
**Section 8. Amendment of OMC 18.04.100.C. Olympia Municipal Code Subsection 18.04.100.C is hereby amended to read as follows:**

**18.06.100 Commercial districts' development standards--Specific**

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.

In General Commercial and HDC-4 zones west of Yauger Way, single story or single use commercial retail space shall not occupy more than 60,000 square feet of enclosed building space on the ground floor, unless a development agreement is approved. These buildings shall be designed and oriented to provide for pedestrian and bicycle circulation throughout the site and to adjacent buildings and properties. A building larger than 60,000 square feet can be allowed when it is not directly adjacent to a street designated as an "A" street in the Pedestrian Street Overlay and if a development agreement is approved that at a minimum addresses:

- 1) Building orientation, massing, and use of high quality materials
  - 2) Parking is located to the rear or side of the building, or is separated from the street by additional retail buildings
  - 3) Pedestrian, bicycle, and vehicular circulation on site and connections to adjacent properties
  - 4) Community assets, such as the multi-use trail identified in the Kaiser Harrison Opportunity Area Plan
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.

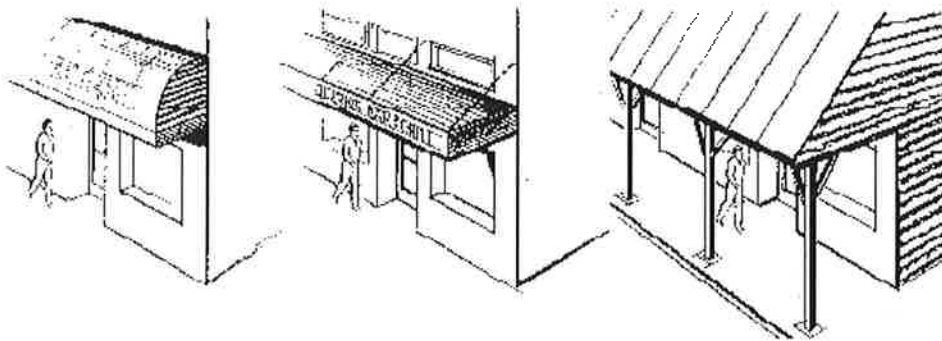


**Customer Entrances must be provided on facades facing abutting streets and parking. Example shows corner entrance serving two street facades, plus entrance serving parking.**

**FIGURE 6-4**

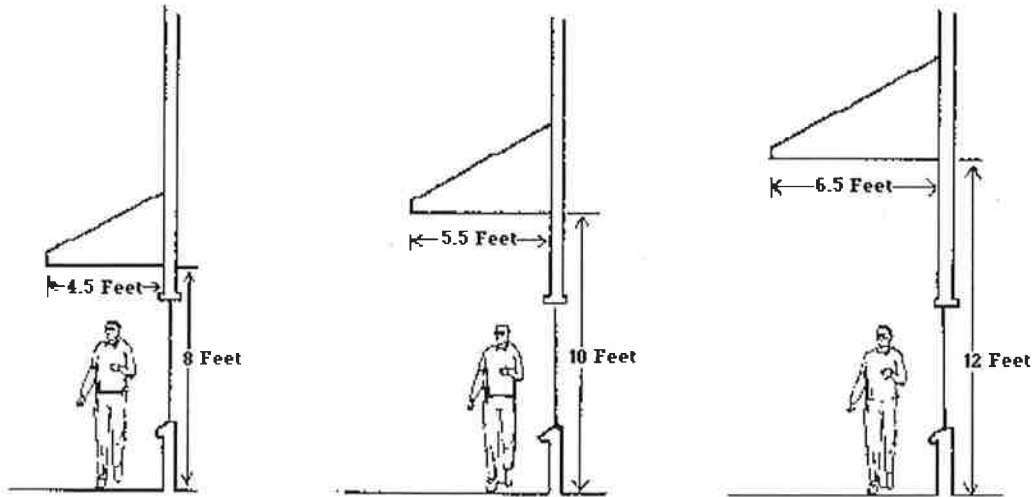
2. Rain protection. Awnings, canopies, marquees, arcades, building overhangs or similar forms of pedestrian weather protection, at least four and one half (4 1/2) feet wide, shall be provided over a pedestrian walkway along at least eighty (80) percent of any facade with a customer entrance. See Figure 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 18.130.050 HDC 4-Capital Mall.



**Rain Protection (L to R): Awning, Marquee, Arcade**

**FIGURE 6-5**



**Width of Rain Protection is determined by height above walkway.**

**FIGURE 6-6**

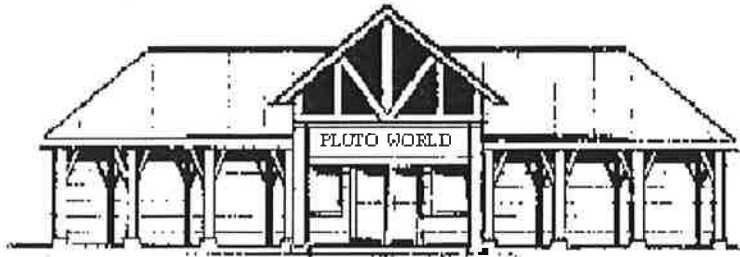
3. Wall articulation. Facades greater than fifty (50) feet in length shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending in the aggregate at least twenty percent (20%) of the length of the facade. No uninterrupted 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~~ 18.130.050 HDC 4-Capital Mall.

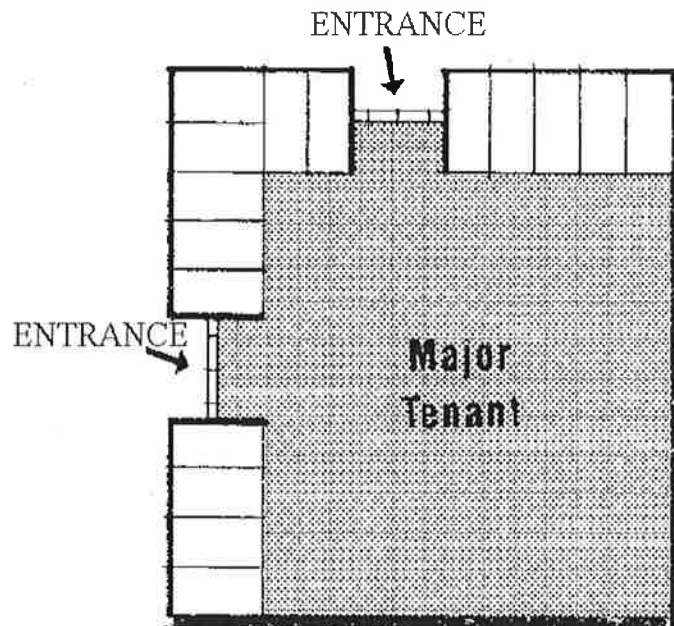
4. Frontage limit. The frontage per business occupancy shall be limited to one hundred (100) feet along any facade facing an abutting street, unless sixty percent (60%) or more of the facade between two (2) and eight (8) feet above the sidewalk is in transparent glazing; i.e., transparent windows, display 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 18.130.050 HDC 4- Capital Mall.



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



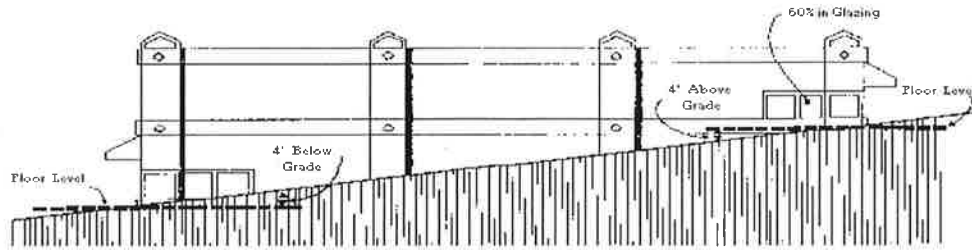
25,000 square foot 1-story building with 150 feet of frontage

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 facade, all potential tenancies shall be designed for access from the front facade.

(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

<b>District</b>	<b>Size (gross floor area)</b>
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

**Section 9. Amendment of OMC 18.06.120. Olympia Municipal Code Section 18.06.120 is hereby amended to read as follows:**

**18.06.120 Additional regulations**

Refer to the following Chapters for additional related regulations.

Chapter	Design Guidelines
<del>18.06A</del> <u>100-145</u>	
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

**Section 10. Amendment of OMC 18.36.040. Olympia Municipal Code Section 18.36.040 is hereby amended to read as follows:**

**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~~Review, ~~Section 18.04A.150~~Chapter 18.100, and Individual Commercial Landscape Design District Requirements.

**Section 11. Amendment of OMC 18.38.100.C. Olympia Municipal Code Subsection 18.38.100.C is hereby amended to read as follows:**

C. Residential Exceptions.

1. New residential land uses in the Downtown Exempt Parking Area do not require motor vehicle parking. See OMC 18.38.160.
2. Residential land uses in the, CSH, RMH, RMU, and UR Districts require only one (1) vehicle parking space per unit.
3. Table ~~18.01~~ 38.01 notwithstanding, senior (age 55 or 62 and over) multi-family housing requires three (3) motor vehicle parking spaces per four (4) units. This exception is at the discretion of the applicant and only applicable if an appropriate age-restriction covenant is recorded.

**Section 12. Amendment of OMC 18.38.160. Olympia Municipal Code Section 18.38.160 is hereby amended to read as follows:**

**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 Director.

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.

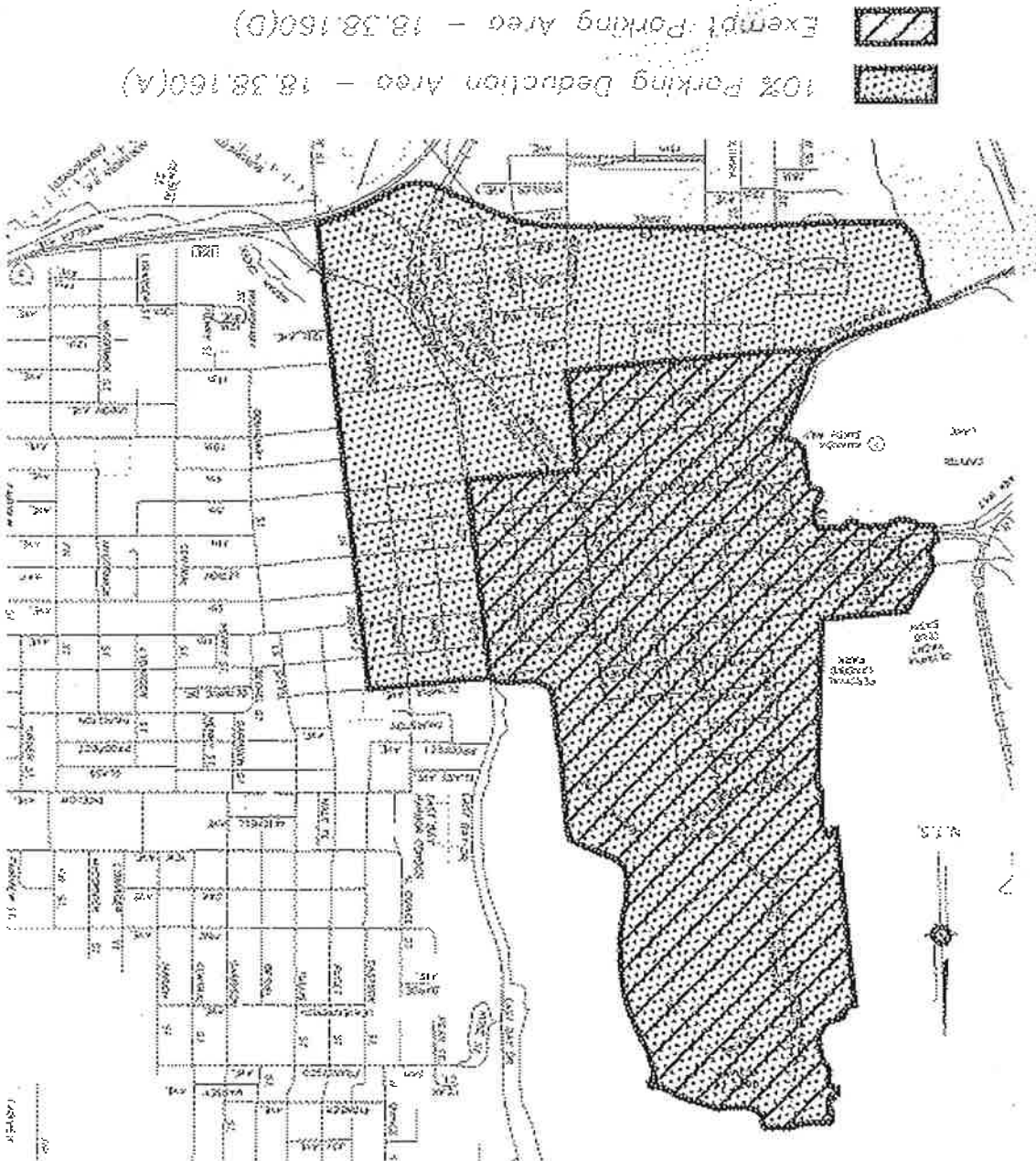
A. Parking facilities may be provided either on the same premises with the parking generator or in any parking facility, the property line of which is located within seven hundred (700) feet of the parking generator.

#### 18.38.200 Parking facility location

hereby amended to read as follows:

### Section 13. Amendment of OMC 18.38.200. Olympia Municipal Code Section 18.38.200 is

FIGURE 38-2



Parking facilities may be provided further than seven hundred (700) feet from the parking generator or building if:

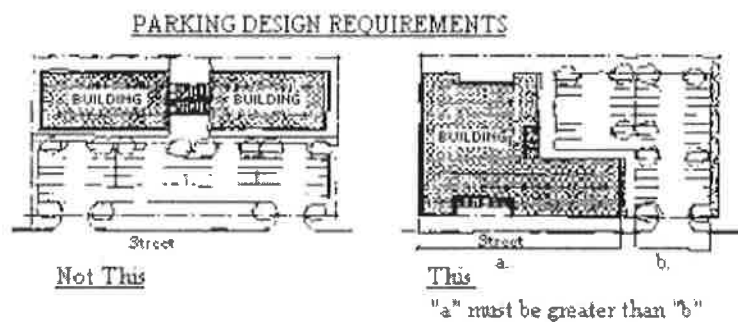
1. Regular shuttle service is provided;
2. A shared parking agreement is approved by the City; or
3. The parking generator is in the Downtown Business or Urban Waterfront zone and the parking facility is within 1,400 feet.

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;

1. 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).
2. The Hearing Examiner may approve the location of surface parking lots in the front and/or along the side of buildings, pursuant to Conditional Use Permit Hearing Examiner Approval (OMC 18.48.020(A)), when all of the following are met:
  - a. The building is over 5,000 square feet; located in a residential zone; requires Design Review and a Conditional Use Permit; and
  - b. The site is bounded on two or more street frontages; and
  - c. The building is oriented to have the least impact on the neighborhood; and
  - d. Parking lot landscape and screening clearly exceed the provisions set out in OMC 18.36.180 to effectively screen it from the street (See also Alternative Landscape Plans OMC 18.36.100(A) & (B)); and
  - e. Bicycle/pedestrian facilities provide safety, convenience, security and clear connections for pedestrians and bicycles between all rights-of-way adjoining the parking area and the front door; and
  - f. Outdoor lighting is designed with regard to placement, intensity, shielding, timing and color to avoid offsite spillover; and

- g. Site design provides landscape or other features to screen vehicular headlights from residences.

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) Shared Parking Facilities, Section 18.38.180. 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.

**Section 14. Amendment of OMC 18.38.240. Olympia Municipal Code 18.38.240 is hereby amended to read as follows:**

**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 Review, Sections 18.06A.030 and 18.06A.180(E) Chapter 18.100.

**A. ARTERIAL COMMERCIAL:**

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

**BA. 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).

**EB. DOWNTOWN BUSINESS ZONE (DB).**

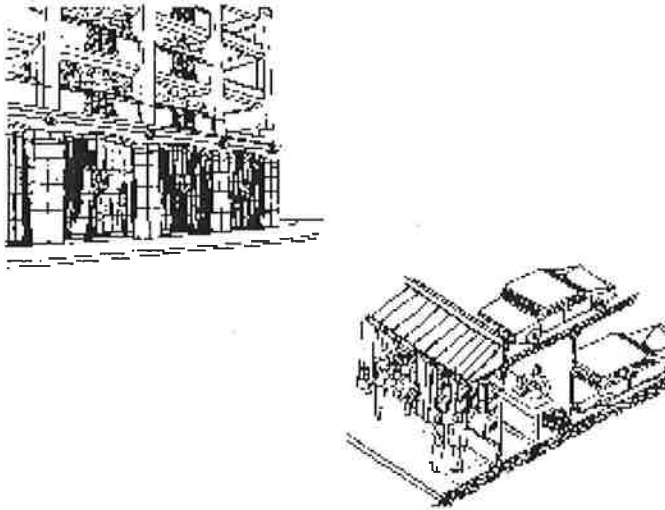
1. Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).

**EC. 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).

**ED. 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**

**Section 15. Amendment of OMC 18.42.120. Olympia Municipal Code Section 18.42.120 is hereby amended to read as follows:**

**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.

**Section 16. Amendment of OMC 18.42.140. Olympia Municipal Code Section 18.42.140 is hereby amended to read as follows:**

**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 1/2) 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.

**Section 17. Corrections.** The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 18. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 19. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 20. Effective Date.** This Ordinance shall take effect thirty (30) days after publication, as provided by law.

\_\_\_\_\_  
MAYOR

**ATTEST:**

\_\_\_\_\_  
CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

### Public Hearing on Storm Utility Easement at Henderson Commercial Park

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 5.A  
**File Number:** 17-0801

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**Type:** public hearing **Version:** 1 **Status:** Public Hearing

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#### **Title**

Public Hearing on a Storm Utility Easement at Henderson Commercial Park

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Conduct the Public Hearing. After the hearing is closed, if Council finds sufficient information to take action, move to approve the release of the abandoned City Storm & Surface Water Utility Easement and pipe, and adopt a Resolution authorizing the City Manager to execute all necessary documents to effect such release.

#### **Report**

##### **Issue:**

Whether the City Council should release the abandoned City Storm & Surface Water Utility Easement and pipe that encumbers a portion of Lot 1, Henderson Commercial Park Binding Site Plan and adopt a Resolution to that effect.

##### **Staff Contact:**

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

##### **Presenter(s):**

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

##### **Background and Analysis:**

The property owner (SPS Lands, LLC) of Lot 1, Henderson Commercial Park Binding Site Plan, requested that the City release its rights to the abandoned utility easement and storm water pipe that diagonally crosses Lot 1, as shown on Exhibit "A".

The Henderson Commercial Park Binding Site Plan (BSP) approval and creation date is February 2008. At that time, the developer routed the City's storm sewer pipe to the exterior Lot boundary and the City abandoned the existing diagonal storm sewer pipe in place. The BSP granted an easement to the City Storm & Surface Water Utility for the new storm sewer pipe location.

Typically, the City releases its rights to the abandoned storm pipe and easement at the same time new easements are granted. This process creates an exchange of rights and does not require additional payment to the City for the release of easements. That formal exchange did not happen with this BSP in 2008.

The proposed development requires the release of the City's abandoned utility easement and pipe to clear land title and receive building permit approval.

Staff recommends approval of the abandoned utility easement and pipe, upon payment of consideration in the sum of \$1,000.00. The City's requested payment is not for the easement rights, it is for reimbursement of staff time to process the release request.

**Neighborhood/Community Interests (if known):**

The public hearing will provide an opportunity for Council to hear from the community on the requested release of the abandoned Storm & Surface Water Utility easement and pipe located upon property owned by SPS Lands, LLC.

**Options:**

- Option 1:     Conduct the Public Hearing. If, after closing the Hearing, Council finds sufficient information to take action, move to approve the release of the abandoned City Storm & Surface Water Utility Easement and pipe and adopt a Resolution authorizing the City Manager to execute all necessary documents consistent with said release.
- Option 2:     Hold the Public Hearing, and continue to receive written testimony to a date certain. This option would delay the decision until Council has enough information to make its decision.
- Option 3:     Hold the Public Hearing, reject the easement release.  
This option would leave the abandoned easement and storm water pipe as is. The City's Storm & Surface Water Utility may continue to have liabilities for the abandoned storm water pipe and easement. The development of the site may also require revision, slowing the development process for the property owner.

**Financial Impact:**

None

**Attachments:**

Resolution  
Easement Release with Exhibits "A" and "B"  
Vicinity Map

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING  
THE RELEASE OF RIGHTS TO AN ABANDONED STORM & SURFACE WATER UTILITY EASEMENT  
AND PIPE.**

**WHEREAS**, SPS Lands, LLC, owner of Lot 1, Henderson Commercial Park Binding Site Plan (the BSP), has requested the City release its rights to the abandoned utility easement and storm water pipe that diagonally crosses Lot 1, as shown on Exhibit A attached hereto; and

**WHEREAS**, when the BSP was approved and created in February 2008, the developer routed the City's storm water pipe to the exterior lot boundary, and the City abandoned the existing diagonal storm water pipe in place; and

**WHEREAS**, the BSP granted an easement to the City's Storm & Surface Water Utility for the new storm water pipe location; and

**WHEREAS**, the rights to the abandoned easement were not released at the time the new easement was granted as is typical practice; and

**WHEREAS**, the proposed development requires release of the City's abandoned utility easement and storm water pipe to clear land title and receive building permit approval; and

**WHEREAS**, staff recommends releasing the abandoned utility easement and storm water pipe upon payment of \$1,000 for processing the release request;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** as follows:

1. The Olympia City Council hereby approves release of the City's rights to the abandoned City Storm & Surface Water Utility Easement and pipe diagonally crossing Lot 1, Henderson Commercial Binding Site Plan, as shown on Exhibit A attached hereto.
2. The City Manager or his designee is authorized and directed to execute on behalf of the City of Olympia all necessary documents consistent with the release, including receipt of payment of \$1,000 for processing the owner's release request, and to make any minor modifications as may be required and are consistent with the intent of the release, or to correct any scrivener's errors.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

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

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<b>Document Title:</b>	<b>RELEASE OF UTILITY EASEMENT</b>
<b>Grantor(s):</b>	<b>City of Olympia</b>
<b>Grantee(s):</b>	<b>SPS Lands, LLC</b>
<b>Legal Description:</b>	<b>Section 23 Township 18 Range 2W Quarter W2 SE Binding Site Plan HENDERSON COMMERCIAL PARK BSP000029OL LT 1 Document 3986666</b>
<b>Assessor's Tax Parcel Number:</b>	<b>53210000100</b>

**RELEASE OF UTILITY EASEMENT**

**THIS RELEASE OF UTILITY EASEMENT** is executed by the City of Olympia, a municipal corporation, organized and existing under the laws of the State of Washington (hereafter the "City"), as GRANTOR;

**WHEREAS**, that certain Utility Easement was granted to the City of Olympia on July 10, 1985, and recorded under Auditor's File Number 850710048, records of Thurston County, Washington;

**WHEREAS**, it is the purpose and intent of the City to release any and all utility easement rights within the Easement Area as described in Exhibit "A" and shown on Exhibit "B" which exhibits are attached hereto and made a part hereof;

**NOW THEREFORE**, the City of Olympia as GRANTOR does as follows:

1. Hereby releases, terminates and quitclaims any and all right, title and interest in and to the hereinabove described Easement Area and the Utility Easement to GRANTEE; and
2. Hereby relinquishes any and all rights to the stormwater pipe buried within said Easement Area and Utility Easement to GRANTEE, who hereby accepts all liability and responsibility for said pipe in consideration for said release of the above described Easement Area and Utility Easement.



IN WITNESS WHEREOF, the City of Olympia hereby executes this release of utility easement.

Accepted and approved:

Approved as to form:

CITY OF OLYMPIA

By: \_\_\_\_\_  
Steven R. Hall, City Manager

  
Mark Barber, City Attorney

Accepted by:

SPS LANDS, LLC

\_\_\_\_\_  
Signature  
Print Name \_\_\_\_\_

STATE OF WASHINGTON )  
County of \_\_\_\_\_ ) ss

On this \_\_\_\_\_ day of \_\_\_\_\_ 2017, before me personally appeared \_\_\_\_\_ to me known to be the Managing Member of SPS Lands, L.L.C., a Washington Limited Liability Company, who executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_  
Notary Public in and for the State of  
Washington, residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

**EXHIBIT 'A'**  
**UTILITY EASEMENT VACATION PETITION TO**  
**THE HONORABLE CITY COUNCIL OF THE CITY OF OLYMPIA**

**Parcel to Be Vacated by Grantee:**

THAT PORTION OF LOT 1 OF HENDERSON COMMERCIAL PARK BINDING SITE PLAN, AS RECORDED FEBRUARY 1, 2008 UNDER RECORDING NUMBER 3986666, RECORDS OF THURSTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

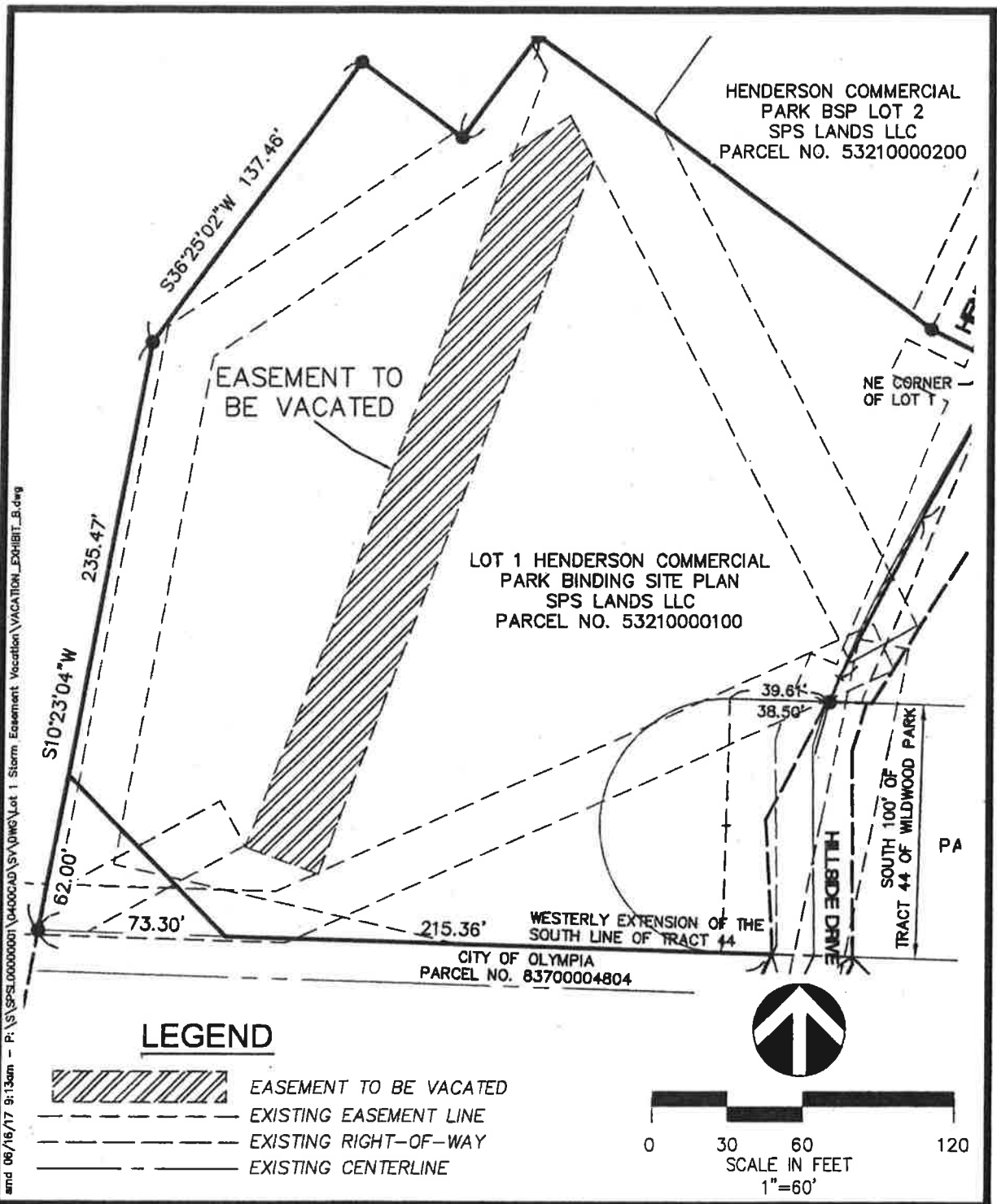
AN EASEMENT 30 FEET WIDE, LYING 15 FEET EACH SIDE OF THE CENTERLINE DESCRIBED BY COMMENCING AT THE INTERSECTION OF THE EXTENDED NORTH LINE OF THE SOUTH 100 FEET OF TRACT 44 IN THE PLAT OF WILDWOOD PARK AS RECORDED IN VOLUME 9, PAGE 39, RECORDS OF THURSTON COUNTY, WASHINGTON, AND THE SEWER LINE AS EXISTING WITHIN THE LIMITS DESCRIBED IN AUDITOR'S FILE NUMBER 813546 AND RUNNING THENCE NORTHERLY ALONG SAID SEWER LINE 30 FEET, MORE OR LESS, TO THE MANHOLE AS EXISTING ON OCTOBER 31, 1969 AND THENCE NORTH 29°25'37" WEST FOR 237.48 FEET TO A POINT AT WHICH THE LEFT SIDELINE OF SAID EASEMENT IS COMMON WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF PRIMARY STATE HIGHWAY NUMBER 1; THENCE SOUTH 89°07'36" WEST FOR 17.08 FEET TO AN EXISTING 24 INCH CONCRETE STORM SEWER AND THE POINT OF BEGINNING OF SAID CENTERLINE DESCRIPTION; THENCE SOUTHERLY ALONG SAID SEWER TO THE MOSS LAKE DRAINAGE EASEMENT AS RECORDED UNDER AUDITOR'S NUMBER 544351 AND END OF SAID DESCRIPTION; EXCEPTING THEREFROM ANY PORTION LYING WITHIN PRIMARY STATE HIGHWAY NUMBER 1 RIGHT OF WAY;

THE EASTERLY SIDELINE OF SAID EASEMENT TO BE SHORTENED TO INTERSECT AT THE LEFT SIDELINE OF SAID EASEMENT, AS RECORDED FEBRUARY 1, 2008 UNDER RECORDING NUMBER 3986666, RECORDS OF THURSTON COUNTY, WASHINGTON AND THE WESTERLY SIDELINE OF SAID EASEMENT TO BE SHORTENED TO INTERSECT AT THE SOUTHEASTERLY SIDELINE OF THE 20 FOOT WIDE STORM EASEMENT GRANTED TO THE CITY OF OLYMPIA PER BINDING SITE PLAN 00-0092-01, RECORDED UNDER AUDITOR'S FILE NUMBER 3986666.

CONTAINING 9,163 SQUARE FEET OR 0.21 ACRES, MORE OR LESS.



and 06/16/17 9:13am - P:\SP\SL\00000001\0400CAD\SY\DWG\Lot 1 Storm Easement Vacation\Vacation\_EXHIBIT\_B.dwg



**EXHIBIT B**

VACATED EASEMENT AREA: 9,163 SF

OWNER: CITY OF OLYMPIA

OLYMPIA, WASHINGTON



**DAVID EVANS  
AND ASSOCIATES INC.**

2106 Pacific Avenue Suite 400  
Tacoma Washington 98402  
Phone: 253.922.9780

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

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Steven R. Hall, City Manager

  
Mark Barber, City Attorney

Accepted by:

SPS LANDS, LLC

\_\_\_\_\_  
Signature  
Print Name \_\_\_\_\_

STATE OF WASHINGTON )  
County of \_\_\_\_\_ ) ss

On this \_\_\_\_ day of \_\_\_\_\_ 2017, before me personally appeared \_\_\_\_\_ to me known to be the Managing Member of SPS Lands, L.L.C., a Washington Limited Liability Company, who executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Limited Liability Company, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)

\_\_\_\_\_  
Signature  
Print Name: \_\_\_\_\_  
Notary Public in and for the State of  
Washington, residing at: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

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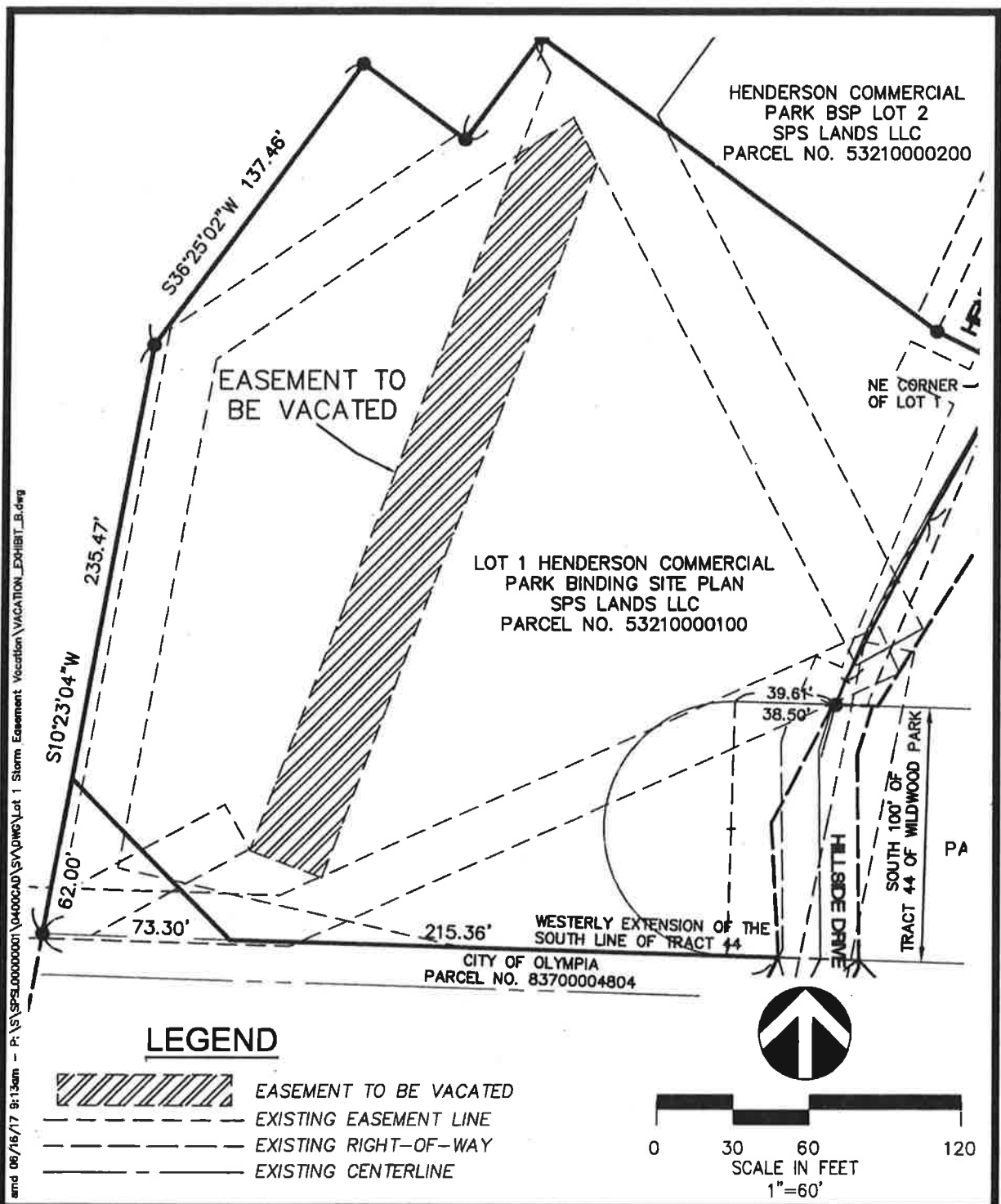
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CONTAINING 9,163 SQUARE FEET OR 0.21 ACRES, MORE OR LESS.





## EXHIBIT B

VACATED EASEMENT AREA: 9,163 SF

OWNER: CITY OF OLYMPIA  
 OLYMPIA, WASHINGTON



**DAVID EVANS  
 AND ASSOCIATES INC.**  
 2106 Pacific Avenue Suite 400  
 Tacoma Washington 98402  
 Phone: 253.922.9780



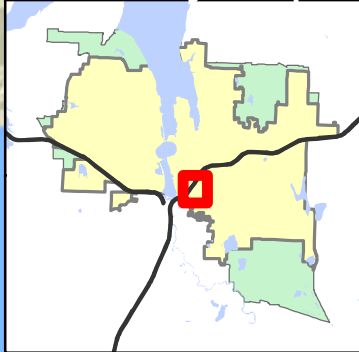


# Easement Release Lot 1- Henderson Commercial Park BSP

## Vicinity Map



## Vicinity Map



0 220 440 Feet 1 inch = 400 feet

Map printed 8/4/2017

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







## City Council

### Community Development Block Grant (CDBG) Action Plan Amendment to Include Section 108 Loan for the Avalon Project

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 5.B  
**File Number:** 17-0923

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**Type:** public hearing **Version:** 1 **Status:** Public Hearing

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#### **Title**

Community Development Block Grant (CDBG) Action Plan Amendment to Include Section 108 Loan for the Avalon Project

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Hold a public hearing to amend the City's CDBG Action Plan for Program Year (PY) 2017 to include Section 108 loan funds for the Avalon project on the former Griswold's property.

#### **Report**

##### **Issue:**

Whether to hold a public hearing on amending the City's CDBG PY 2017 Action Plan to include Section 108 loan funds for the Avalon project?

##### **Staff Contact:**

Leonard Bauer, Deputy Director, Community Planning and Development, 360.753.8206

##### **Presenter(s):**

Keith Stahley, Director, Community Planning and Development, 360.753.8227

#### **Background and Analysis:**

In 2013, the U.S. Housing and Urban Development Department (HUD) approved Olympia's Section 108 Loan Guarantee Fund in the amount of \$1,756,000. This pledge facilitates the city's access to the Section 108 Loan Guarantee Program to fund eligible activities pursuant to 24 CFR 570.703 that may include acquisition, clearance, demolition, removal, site preparation, eligible housing rehabilitation, economic-development activities, or public facilities. Section 108 loan funds may be awarded to an outside entity, or to the City for a public project. Olympia's first loan was completed in 2014, for downtown safety improvements that provided accessibility improvements at State Avenue and Columbia Street, and alley lighting installation throughout downtown.

As Olympia identifies project-specific Section 108 loan proposals to be funded, each project undergoes a full financial underwriting analysis. The City has contracted with the National Development Council to perform underwriting analyses for its Section 108 loan program. Section 108 loan projects must also be included in the City's CDBG Action Plan, after public review in accordance with the city's Citizen Participation Plan. The Plan requires a 30-day public comment period, which is September 1 - October 1, 2017, for the proposed \$500,000 Avalon project loan and includes tonight's public hearing.

Following the public comment period, the City Council may direct the Section 108 loan application be submitted to HUD for review and approval. A draft Section 108 loan application to HUD is attached. If the \$500,000 loan is approved for the Avalon project, the remainder of the City of Olympia's Section 108 Loan Guarantee Fund will continue to be available through September 30, 2018, or until all funds are expended.

### The Avalon Project

The Avalon project will redevelop the blighted building formerly occupied by Griswold's at 308-310 4<sup>th</sup> Avenue East. The site is the first that was designated as a public-private partnership under the City's Community Renewal Area (CRA), which was adopted in 2015. The state's Community Renewal Law provides the City with tools to eliminate blight, and to use those tools to encourage private sector participation in downtown renewal in partnership with the City.

Through a Request for Proposals process, the City selected Big Rock Capital Partners as its development partner for the Avalon project. As part of the financing for the project, Big Rock is requesting a Section 108 loan of \$500,000. This represents approximately 8% of the total financing for the \$6.2 million project. The Section 108 loan will be subordinate to a private loan of \$4.38 million. Developer and investor equity will be approximately \$1.26 million.

The proposed Avalon building will include approximately 5,900 square feet of leasable commercial space on the first floor. Current plans include a lease for a co-working space that would be managed through a partnership between the Thurston Economic Development Council and The Evergreen State College. Floors 2-4 of the building will include 30 multi-family housing units - 27 studios and 3 1-bedroom units. To maintain eligibility for the Section 108 loan program, at least 51 percent of the housing units are required to be rented at or below 80 percent of area median income (AMI) for the 20-year term of the loan. Current rent projections for the project show that all 30 units will meet the standard of affordability at 80% AMI.

### **Neighborhood/Community Interests (if known):**

There is strong interest city-wide in downtown redevelopment projects and in the CRA process. There is also significant interest city-wide in the Avalon project due to its inclusion of affordable housing units (at or below 80% AMI) and proposed co-working space.

### **Options:**

1. Hold a public hearing to consider amending the CDBG PY 2017 Action Plan to include Section 108 loan funds for the Avalon project.
2. Decline to hold a public hearing to consider amending the CDBG PY 2017 Action Plan

to include Section 108 loan funds for the Avalon project.

**Financial Impact:**

The proposed Section 108 loan is \$500,000. Repayment of the loan would be backed by payments from the City's future CDBG entitlement grants.

**Attachments:**

Loan Application

**CITY OF OLYMPIA, WA  
APPLICATION FOR SECTION 108 LOAN GUARANTEE**

**FROM**

**U.S. DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT APPROVED**

**ECONOMIC DEVELOPMENT LOAN FUND  
APPROVED – \$1,765,000**

**AVALON REDEVELOPMENT PROJECT  
308 – 310 4<sup>th</sup> Avenue East, Olympia, WA 98501**

**REQUESTED LOAN - \$500,000**

**August 31, 2017**

## **A. Introduction**

The City of Olympia, WA established a Section 108 Economic Development Loan Fund to provide gap financing to facilitate key economic and community development projects located within the City of Olympia with a particular emphasis on the Downtown or neighborhood center areas that have experienced particular economic distress or blight in their commercial areas. The U.S. Department of Housing and Urban Development (HUD) approved the \$1,765,000 108 Economic Development Loan Fund in 2012. Olympia used \$325,000 in an initial project. This application represents Olympia's 2<sup>nd</sup> 108 loan from the Fund.

### **Avalon Development Project**

The City of Olympia acquired the Griswold's site through a negotiated purchase on or about June 1, 2016. A Request for Proposal (RFP) was issued on July 25, 2016 as part of the City's continuing efforts to revitalize its downtown pursuant to and in accordance with Washington State Community Renewal Law. Big Rock Capital Partners responded to the RFP and was chosen by the City to enter into exclusive negotiations for the sale of the property as a mixed-use development project. That agreement was executed on December 6, 2017 and both parties have continued pre-development feasibility work.

Big Rock Capital Partners is seeking to redevelop the Griswold's site currently owned by the City of Olympia. The planned 28,000 square foot redevelopment will contain 30 residential units along with 5,900 square feet of ground floor commercial space. 27 of the residential units are studios with the remaining 3 as 1 bedroom – 1 bath apartments. 51% of the studios and 1- BR units will be set-aside and rented to households with incomes at or below 80% of area median income (AMI). (\$48,880 annually for a 2-person household) Currently the projected rent roll has 100% of the residential units with rents targeted to households at 80% of AMI. Affordability for 51% of the units will be maintained for the 20-year 108 loan period.

Total development costs are estimated at \$6,266,678 with the developers are seeking a \$500,000 Section 108 loan to support the project.

### **Preliminary Development Sources and Uses**

#### **Development Sources**

Debt – Senior Bank Loan	\$ 4,383,225 (70%)
Debt – Subordinate 108 Loan	\$ 500,000 ( 8%)
City – Environmental Cleanup Contribution	\$ 120,000 ( 2%)
Equity – <u>Developer/Investor</u>	\$ 1,263,452 (20%)
<b>Total – Sources of Funding</b>	<b>\$ 6,266,678</b>

### **Development Uses**

Site Acquisition	\$ 201,000 ( 3%)
Construction Costs (Hard Costs)	\$ 4,911,319 (78%)
Project Soft Costs	\$ 889,421 (14%)
Financing Costs	\$ 264,938 ( 4%)
<b>Total – Development Costs</b>	<b>\$ 6,266,678</b>

## **B. Section 108 Submission Requirements**

### **1. Community Development Objectives**

The Section 108 loan fund was established to address several of the City's Strategic Plan Goals as referenced in the City's *2013 – 2017 Consolidated Plan*, including:

- Maintain, enhance, and expand the supply of rental, homeownership, and special needs affordable housing for low-income populations
- Provide essential public services for low-income and special needs populations
- The acquisition of land to support the development of new affordable housing, public facilities, or infrastructure to meet the needs of low-income residents.

In addition, the Loan supporting the Avalon Development Project will support the following community development objectives as stated in the City's *Comprehensive Plan*:

- Promote high-density housing downtown for a range of incomes
- Promote a variety of residential densities and housing types so that housing can be available in a broad range of costs.
- Promote partnerships between public and private non-profit organizations to increase housing and home ownership opportunities for people with special needs, and for low- and moderate-income households.
- Encourage and provide incentives for residences above businesses.
- Encourage adapting non-residential buildings for housing.
- Provide for a compatible mix of housing and commercial uses in commercial districts and village sites that enables people to walk to work and shopping, supports transit, and includes convenience businesses for residents.
- Take steps to ensure housing will be available to all income levels based on projected community needs.
- Continue to encourage development of single-room occupancy units downtown, along urban corridors, and in other areas where high-density housing is permitted. This could include encouraging alliances between public, private, and nonprofit organizations.
- Encourage new housing on transportation arterials and in areas near public transportation hubs.

- Enable frequent transit service, support housing, utilize existing infrastructure, provide public improvements and concentrate new major shopping, entertainment and office uses downtown, in the medical services area of Lilly Road, near the Capital Mall, and in the urban corridors.
- Collaborate with local economic development organizations to create new and maintain existing living-wage jobs.
- Encourage The Evergreen State College, St. Martin's University, and South Puget Sound Community College to establish a physical presence in downtown.
- Continue to coordinate and partner with the Thurston County Economic Development Council to promote Olympia's economic redevelopment opportunities.

### **Community Renewal Plan**

In 2013, City Council accepted an Investment Strategy that addressed opportunities and challenges for redevelopment in Downtown, along with other areas around the City. This Strategy was a first of its kind commitment to a more proactive and coordinated approach to City investments in redevelopment activities. For Downtown, the Investment Strategy resulted in a conversation and eventual action regarding the use of Community Renewal, a state-authorized redevelopment tool.

The Community Renewal Law provides the City with tools to eliminate blight, to encourage private sector participation in Downtown renewal, to shape development in furtherance of the City's goals of creating a safe and welcoming downtown for all, and to increase commerce and private investment. The designation of a Community Renewal Area (CRA) is a means to bring focus to an area with evidence of blight and utilize various tools made available under the Law. The City undertook a feasibility study for community renewal, which found that the downtown area met the statutory definition of blight. The feasibility study also recommended a CRA boundary.

On February 3, 2015, the Council passed Resolution 15-0119 (the "CRA Resolution") making findings of blight, establishing a CRA boundary and directing staff to work with property owners and developers to identify specific actions for which community renewal powers would be appropriate. The adoption of this resolution gave the City a more formidable seat at the development table and should enable more viable and better-quality private redevelopment.

### **CRA Project: Former Griswold's Property**

On May 24, 2016, Olympia amended their Community Renewal Plan to specifically include the Griswold Property and actions since then have been consistent with that act. Added language included:

*The City's first CRA project is the former Griswold property, located at 308-310 4th Avenue East. The City of Olympia is engaged in an ongoing effort to improve downtown Olympia. The former Griswold's property is in the heart of Olympia's Entertainment District along 4th Avenue with numerous restaurants, bars and theaters all within close proximity. The City sees this area as a key area for redevelopment of downtown that will have substantial positive impacts on the immediately surrounding properties as well as the broader downtown.*

*The City acquired this property in a willing-seller market transaction in June of 2016. The Griswold's building burned in a fire in 2004 and is a complete loss. The remaining shell structure has been vacant and abandoned for the twelve years since the fire. Currently, the building has had numerous code violations including violations for flaking exterior surface, lack of a roof, missing or boarded windows, and graffiti.*

### **Project Objectives**

*The objective of the project is to eliminate the existing blight, and redevelop the property with a viable and productive use that will serve as a catalyst to support the economic vibrancy of downtown Olympia. Specifically, the City would like to redevelop the property as a mixed-use building. Residential housing is desired to support an increase in the population living downtown and overall vitality of the area. Retail uses on the ground floor are required on 4th Avenue, which is designated a "Pedestrian A" street, and would enhance the retail environment on 4th Avenue and downtown. The City would also like to return the property to the private market as contemplated in the Community Renewal Area law.*

*These objectives are consistent with the City's comprehensive plan, support a more walkable downtown and improved traffic, helps rehabilitate a deteriorating structure, and encourage private participation in downtown renewal.*

### **Project Actions**

*To redevelop the Griswold's property and return it to productive use, the City plans to pursue a public-private partnership with a private developer. This process will require a mix of CRA and other tools to ensure that a sound and adequate financial program exists for the financing of the project and to quickly return the property to the private market.*

## **2. Compliance with 24 CFR 570.208 - National Objectives.**

Section 570.200(a)(2) requires that all CDBG activities meet one of three National Objectives. They include: 1) benefit to low and moderate income families; 2) aid in the prevention or elimination of slums or blight; and 3) meeting other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available.



The loan for the Avalon Redevelopment Project meets the following National Objective:

**§ 570.208 Criteria for national objectives.**

The following criteria shall be used to determine whether a CDBG-assisted activity complies with one or more of the national objectives as required under § 570.200(a)(2):

- (a) *Activities benefiting low- and moderate-income persons.* Activities meeting the criteria in paragraph (a) (1), (2), (3), or (4) of this section as applicable, will be considered to benefit low and moderate income persons unless there is substantial evidence to the contrary.

In assessing any such evidence, the full range of direct effects of the assisted activity will be considered. (The recipient shall appropriately ensure that activities that meet these criteria do not benefit moderate income persons to the exclusion of low income persons.)

- (3) *Housing activities.* An eligible activity carried out for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by low- and moderate-income households. This would include, but not necessarily be limited to, the acquisition or rehabilitation of property by the recipient, a subrecipient, a developer, an individual homebuyer, or an individual homeowner; conversion of nonresidential structures; and new housing construction.

The Avalon Redevelopment Project will contain 30 residential units: 27 studios and 3 one-bedroom units. The developer will set-aside 51% of the studios and 51% of the one-bedroom units for households at or below 80% of Area Median Income. Initial projections show that all units are affordable at 80% of area median income (AMI). The restrictions will last for the term of the 108 loan – 20 years.

<b>CITY OF OLYMPIA, WA</b>			
<b>RESIDENTIAL AFFORDABILITY WORKSHEET</b>			
<b>UNIT TYPES</b>			
27	Efficiency / Studios		
3	1-BR / 1 Bath Apartments		
30	TOTAL		
		<b>EFFICIENCY - STUDIO</b>	<b>1 BR - 1 BA UNIT</b>
		<b>1-Person Household</b>	<b>2-Person Household</b>
Olympia - Thurston County Median Income - <sub>1</sub>		\$ 53,500	\$ 61,100
MFTE/ CDBG REQUIREMENT		80%	80%
Household Income To Be Served			
Annual Income		\$ 42,800 <sub>2</sub>	\$ 48,880 <sub>2</sub>
Hourly Equivalent		\$ 20.58	\$ 23.50
Maximum Affordable Rent - Including Utilities (30% of Income)		\$ 1,070	\$ 1,222
Utility Allowance - <sub>3</sub>		\$ 53	\$ 69
<b>Maximum Affordable Rent Level</b>		<b>\$ 1,017</b>	<b>\$ 1,153</b>
<b>AVALON AFFORDABILITY OBJECTIVE - 51% OF UNITS AT 80% AMI</b>			
Projected Monthly Rent		\$ 1,017	\$ 1,153
Utility Allowance - <sub>3</sub>		\$ 53	\$ 69
<b>Maximum Rent + Utilities</b>		<b>\$ 1,070</b>	<b>\$ 1,222</b>
<b>Income Affordability Achieved</b>			
Annual Income		\$ 42,800	\$ 48,880
% Olympia - Thurston County Median Income		80%	80%
Hourly Equivalent		\$ 20.58	\$ 23.50
<b>100% of units will affordable at 80% of Area Median Income.</b>			
<sub>1</sub> - Source: HUDUser.gov/portal/datasets/il/il2017 <sub>2</sub> - Source: WSHFC.org/limits/detail.aspx?County=Thurston&Year=2017 <sub>3</sub> - Source: WSFC - Utility Allowances:Thurston County- Apartments			

### 3. Compliance with 24 CFR 570.703 – Eligible Activities

Each of the projects to be assisted with the Section 108 loan fund must be eligible under 24 CFR 570.703.

The Avalon Redevelopment Project qualifies under:

- 570.703 (g) – payment of issuance, underwriting, servicing, trust administration and other costs associated with private sector financing of debt obligations under this subpart.

- *570.703 (h) - rehabilitation of housing eligible under 570.202.*

**§ 570.202 Eligible rehabilitation and preservation activities.**

(a) *Types of buildings and improvements eligible for rehabilitation assistance.*

CDBG funds may be used to finance the rehabilitation of:

- (1) Privately owned buildings and improvements for residential purposes;

**4. § 570.209 -- Appendix A - Guidelines and Objectives for Evaluating Project Costs and Financial Requirements.**

All activities eligible under Section 570.703 and some eligible under 570.204 must meet the requirements of Section 570.209. This section outlines underwriting guidelines for ensuring that a proposed project carries out a development objective in an appropriate manner. These guidelines under 570.209(a) are not mandatory but serve as a framework for financially underwriting development projects. The City of Olympia has developed underwriting guidelines consistent with 570.209 and described in greater detail in Section C below.

**C. City's Underwriting Guidelines**

- 1. Proposed Costs:** The analysis will compare estimated development costs to costs of similar properties. Also, the analysis will determine whether estimated development costs have been prepared by a credible third party such as a contractor or other cost estimator. Finally, the City's loan commitments will be conditioned on a final guaranteed maximum price contract for development within the proposed budget.

*The Avalon Development budget totals \$6,266,678. Development costs are estimated at \$185 Gross Sq. Foot or \$208,899 per unit. These estimates are lower than some comparable projects. However, the general contractor is an affiliate of the developer so there is an incentive to maximize construction efficiencies on behalf of the developer. Final costs will be confirmed by a private bank review and appraisal commissioned by the Bank lender.*

- 2. Commitment of Funds:** Section 108 loans should have commitments of construction and permanent financing. If private financing includes a right to adjust the interest rate after a certain point in time, the analysis will describe the effect of such a change on the Section 108 loan. Loan documents should contain adequate lender protections (e.g., default and cure privileges) for the City, subject to reasonable conditions of other lenders having priority over the Section 108 loan.

*The developer has provided a preliminary Letter of Interest from a local lender. An appraisal has been ordered by the Bank and a Commitment Letter/Term Sheet is*

*expected to be issued soon. The City of Olympia will provide \$120,000 to fund required environmental remediation. These funds will be committed through a Purchase and Sale Agreement, a draft, of which, has been provided to the developer.*

3. **Need for Public Assistance:** The analysis will determine whether the project can be developed feasibly with private financing alone or, in fact, requires public financial assistance to make the development feasible. City staff will examine the reasonableness of a for-profit developer's fee compared to market rates. If the for-profit developer has an ownership stake in the project, Staff will also examine the reasonableness of the developer's return under cash on cash return and internal rate of return ("IRR"). Cash on cash return measures the developer's cash return on a cash investment [i.e., cash flow ÷ equity]. IRR measures the rate at which the developer's investment grows over a long term period, taking into account periodic cash flows and property appreciation. As part of such analysis, an excessive developer fee/return will be reduced and put back into the project in the form of additional equity and/or additional reserves.

<b>SOURCES:</b>	<b>Budget</b>	<b>% of Total</b>
Debt - Senior	\$4,383,225	69.94%
Debt - HUD	\$500,000	7.98%
Olympia - Environmental Contribution	\$120,000	1.91%
Equity - Developer/Investor	<u>\$1,263,452</u>	<u>20.16%</u>
<b>Totals</b>	<b>\$6,266,677</b>	<b>100.00%</b>

*The required Developer Equity is estimated at \$1,263,452. The current projected cash flow provides for a Cash-on-Cash (Cash Flow / Cash Equity) of 5.7%. Typical current developments seeks returns ranging from 8% - 12%. It would not be reasonable to expect the developer to provide more equity – reducing its return further. Due to this, there is a need for public assistance to complete the project's financing sources.*

4. **Evidence of Site Control:** Eligible projects must demonstrate evidence of an executed purchase and sale agreement.

*The City of Olympia currently owns the site and selected Big Rock Partners through a competitive Request for Proposal (RFP) process. A Purchase and Sale Agreement has been drafted and circulated to the developer. Due to City control of land disposition and provision of 108 financing – site control is evident and ownership available at construction start.*

5. **Payments/Amortization:** Section 108 loans may be amortized over the full term of the loan (e.g., 20 year amortization for a 20 year loan); amortization greater than the term of the loan may be considered (e.g., 30 year amortization for a 20 year loan), if the

anticipated financial condition of the project is sufficient to sustain a balloon payment at the end of the term.

*The current application proposes a 20 year term for the 108 loan. The initial year will be interest-only with only interest payments due during construction. The balance of the loan is amortized (paid down) over the remaining 19 years.*

7. **Ability to Repay:** The analysis will identify the primary, secondary and tertiary sources of repayment for the loan. A 1.2-projected debt coverage ratio is desired, however, a debt coverage ratio of 1.1 may be considered if the project's financial condition supports such a lower ratio (e.g., project has commitment of financially strong tenant(s) under long term lease).

Key repayment risks will be analyzed in detail, including an analysis of project financial assumptions compared to actual market conditions. Such analysis may take a variety of forms depending on the nature of the loan being financed. In cases of third party loans for development, the analysis will compare anticipated lease rates and vacancy rates to similar properties. Also, the analysis may examine the operating projections of the project and the debt capacity based on projected growth assumptions. The analysis will also describe the projected time frame to achieve project stabilization and whether reserves exist to guard against delay. Debt service reserves may also be required.

In addition, the City will reference appropriate supporting documentation, such as a recent appraisal and operating pro forma to support our analysis.

*A Financial summary is included as an appendix to the Application. The operating pro forma shows an initial Debt Service Cover (DCR) for the City 108 loan at 1.22 or within the guidelines. A local market study has been provided showing comparable residential rents in Olympia's downtown area. Rents projected for the Avalon Development are lower than comparable studio and 1-Bedroom units. With all rents targeted at 80% AMI there is an expected surplus of potential renters. A waitlist will begin soon and the project's property manager expects to be preleased prior to occupancy. Final reviews will be done once the Bank ordered appraisal is available.*

*The commercial portion of the project requires rents (\$25 / SF) that are, a bit, higher than adjacent commercial properties due to the higher renovation costs for the project. This has been mitigated through a collaboration of the City, The Evergreen State College and the Thurston County EDC to fund and staff a business co-working space. An initial Letter of Intent (LOI) is being executed for an initial 5 Year period with extensions. The strength of the University and EDC minimizes risk to rent collection for this commercial space.*

*Operating expenses are projected as consistent with expenses shown in market studies and will be confirmed in the Bank ordered appraisal.*

*Due to affordable residential rents, a strong ground floor commercial tenant and consistent operating expenses the project pro forma provided is prudent and shows limited repayments risks on the provided 108 loan.*

8. **Collateral:** Section 108 loans should have a loan to value ratio not to exceed 80 percent at project stabilization. This value must be supported by an appraisal prior to funding. The City's security interest will typically be in the form of a deed of trust. The analysis will first determine whether the loan to value ratio exceeds 80 percent, using the property being financed as the sole source of value. If such calculation exceeds 80 percent, the analysis will then determine whether there is sufficient outside collateral to add as value, in order to meet the loan to value requirement. In certain cases, HUD permits outside guarantees to suffice for additional collateral, depending on the resources and financials of the individuals or entities providing such guarantees. Consistent with customary underwriting practice, loan to value coverage will be determined at project stabilization (i.e., the point in time when the project has obtained the targeted debt coverage ratio). The analysis will also describe how, prior to stabilization, construction risk and lease-up risk will be mitigated. The analysis will also identify key mitigation issues such as construction contingencies, reserves, guaranteed maximum price contract, and experience of the development team.

*As shown in the provided financial summary, at stabilization (full lease-up) to combined senior debt/108 loan Loan-To-Value (LTV) is 77%. That is, the combined loans are 77% of the estimated Fair Market Value of the project. This is lower than the 80% LTV guideline.*

9. **Development Team Capacity and Experience:** Projects to be funded should have a development team that has both the capacity and demonstrated experience to complete the project as evidenced by past projects of similar size and scope, as well as financial strength. The analysis will include (i) resumes of development team members and (ii) a list of prior comparable projects completed by development team members with a description of project size and cost, and whether such projects were completed on time and on budget. In addition, the analysis will describe development team members' experience with public funding sources and accompanying regulations as applicable (e.g., housing tax credits, Davis-Bacon).

*Avalon represents Big Rock Capital's 4<sup>th</sup> development project. Prior developments totaled \$31 million and the firm currently has \$20 million in assets under management. The equity requirements are well within the firm's experience.*

*The remaining development team – MSGS Architects and Big Rock Construction have extensive experience in development and have work together on many initiatives. Prior and current development conversations have been well received as well as several community meetings describing the project. The team is well versed in this type of mixed use development; are all local Olympia-based firms and have extensive experience with*

*City code and development practices. The team has a strong property manager with extensive local experience.*

- 10. Developer / Owner Commitment:** Developer / owner commitment can take many forms. These commitments can include: developer / owner equity, guarantees of completion, guarantees to fund shortfalls or guarantees of minimum cash flow. The developer's financials will also be examined and analyzed.

*Final confirmation of required equity will be provided before closing but is well within their prior experiences. Even though the initial projections show underwriting ratios (debt service cover and loan-to-value) within guidelines, the City will require subordinated security in the real estate and personal and corporate guarantees of the development firm and investors.*

- 11. Origination Fee to City:** The City of Olympia may assess a fee of up to 3.5% of principal amount. This fee shall be used to pay for the City of Olympia's direct and indirect costs in underwriting and managing the loan program including third party costs of consultants, trustee expenses, legal fees, or other program income-eligible expenses.

*The City will charge a fee consistent with those charged by HUD. A 108 loan guarantee fee (2.5%) and a pro-rata share of hud closing costs (.6%) are projected in the development budget. If there are changes to this third-party HUD fees, the development requirements will adjust accordingly. Once closed there will be a custodian management fee of approximately \$3,000 to manage the 108 structure with HUD. The developer will be responsible for this fee as well.*

- 12. Project Monitoring:** Throughout the duration of a project, the City will monitor fund recipients, including on-site visits as appropriate. The objective of monitoring activities will be to determine the status of funds and to ensure that projects are being administered properly and in accordance with the Loan Agreement, special program requirements, and applicable City, State, and Federal laws, rules and regulations.

*The City will work with the senior bank lender on bank required construction reviews as well as cooperate with the Bank on construction draw reviews along with the requirement for a third-party construction reviewer.*

#### **D. Pledge of CDBG Guarantee**

The City of Olympia understands that if the participants in this Section 108 loan fund fail to make timely payments and the City of Olympia therefore fails to make a required payment on its notes, HUD will deduct that payment from the City of Olympia's CDBG Letter of Credit and in accepting this loan guarantee, the City of Olympia will pledge its CDBG funds and all other applicable grants as security for the guarantee. The City will not pledge its general fund assets on behalf of HUD.

**E. Schedule for City's Repayment of Loan**

In requesting approval of this loan guarantee the City of Olympia is requesting a commitment for a 20-year term for the Economic Development Loan Fund. The City of Olympia will act as the borrower and issue the guaranteed debt obligations, consistent with RCW 35.21.735. The following initial principal repayment schedule is below.

<u>Date:</u>	<u>Principal:</u>	<u>Date:</u>	<u>Principal:</u>
August 1, 2018	0	August 1, 2030	28,000
August 1, 2019	19,000	August 1, 2031	29,000
August 1, 2020	20,000	August 1, 2032	29,000
August 1, 2021	21,000	August 1, 2033	30,000
August 1, 2022	21,000	August 1, 2034	31,000
August 1, 2023	22,000	August 1, 2035	32,000
August 1, 2024	23,000	August 1, 2036	33,000
August 1, 2025	24,000	August 1, 2037	36,000
August 1, 2026	24,000		
August 1, 2027	25,000		
August 1, 2028	26,000		
August 1, 2029	27,000		
<b>TOTAL</b>			<b>500,000</b>

**F. City of Olympia Contact**  
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Community Planning & Development  
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## City Council

### Approval of Arts Commission Recommendations for the 2017 Percival Plinth Project Purchase and Music Out Loud Mosaic Designs

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 6.A  
**File Number:** 17-0920

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**Type:** decision **Version:** 1 **Status:** Other Business

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#### Title

Approval of Arts Commission Recommendations for the 2017 Percival Plinth Project Purchase and Music Out Loud Mosaic Designs

#### Recommended Action

##### Committee Recommendation:

Move to approve the Arts Commission recommendations for the 2017 Percival Plinth Project Purchase, and Music Out Loud Mosaic Designs.

##### City Manager Recommendation:

Move to approve the Arts Commission recommendation.

#### Report

##### Issue:

Whether to move ahead with the purchase of Aqueous by Cyrra Robinson, as the 2017 Percival Plinth winner and proceed with designs by Nathan Barnes, Michelle Burton and Jennifer Kuhns as part of the Music Out Loud Project.

##### Staff Contact:

Stephanie Johnson, Arts Program Manager, Olympia Parks, Arts & Recreation (OPARD),  
360.709.2678

##### Presenter(s):

Stephanie Johnson, Staff Liaison to the Arts Commission  
Stacy Hicks, Chair, Olympia Arts Commission  
Angel Nava, Arts Program Specialist, OPARD

##### Background and Analysis:

Arts Commission staff reports can be found in "Associations."

#### Music Out Loud

The Music Out Loud mosaic design jury was held Tuesday, August 1 at The Olympia Center. The four jurors present were Stacy Hicks, Ron Hinton, Britta Echtle of the Arts Commission, and former Arts Commissioner Michael Olson.

The presentation schedule follows:

**Music Legacy Verne Eke**

Yelizaveta Bakhtina

Jennifer Kuhns

**Music Legacy Steve Munger**

Nathan Barnes

Kaylene Petitt

**Music Legacy Bert Wilson**

Michele A. Burton

Arrington de Dionyso

**Jury deliberation** After discussion about each proposal, jury members agreed to the recommendation of designs by Jennifer Kuhns (Verne Eke), Nathan Barnes (Steve Munger), and Michele A. Burton (Bert Wilson).

The Arts Commission reviewed the work of the jury on August 10 and voted unanimously to forward the recommendation to City Council.

Percival Plinth Project

For the 2017 Percival Plinth People's Choice award 499 ballots were cast in the month of July. 51% of votes were from Olympia residents and 32% from other parts of Washington State. 68 votes were from other US States and there were 14 International Ballots from countries as far as Taiwan, Saudi Arabia, Sweden, and the United Kingdom. In total voters represented over 64 unique cities from around the world.

Aqueous by Cyrra Robinson took the lead with 121 votes. Honorable mentions were The Wisdom Seeker by Leon White with 72 votes, and Midori Spring by Ann Fleming with 70 votes.

Voters for Aqueous spoke to the "masterful workmanship", and "mystery and awe of the sea", and more than a few recommended permanent placement near the waterfront.

**Neighborhood/Community Interests (if known):**

Music Out Loud

6 members of the public, some related to the musicians, another representing an adjacent business were in attendance for the jury. A family member not in attendance has had the recommended design shared with them.

Percival Plinth Project

499 ballots were cast in the month of July - of that 51% of votes were from Olympia residents.

**Options:**

- 1). Approve the Arts Commission recommendations for the 2017 Percival Plinth Project Purchase, and Music Out Loud Mosaic Designs.
- 2). Do not approve the Arts Commission recommendation for the 2017 Percival Plinth Project Purchase, and/or Music Out Loud Mosaic Designs.
- 3). Make alternative recommendations for the 2017 Percival Plinth Project Purchase, and/or Music Out Loud Mosaic Designs.

**Financial Impact:**

Music Out Loud

The honoraria for each artist to move their design forward to fabrication is \$1000. The fabrication and installation budget has already been approved by Council.

Percival Plinth Project

Purchase price for **Aqueous** is \$8,500 (\$10,000 budgeted), from the Municipal Art Fund.

**Attachments:**

Music Out Loud Design Recommendation  
Plinth People's Choice Recommendation



# Music Out Loud

## Design Recommendation to City Council

Verne Eke



Steve Munger

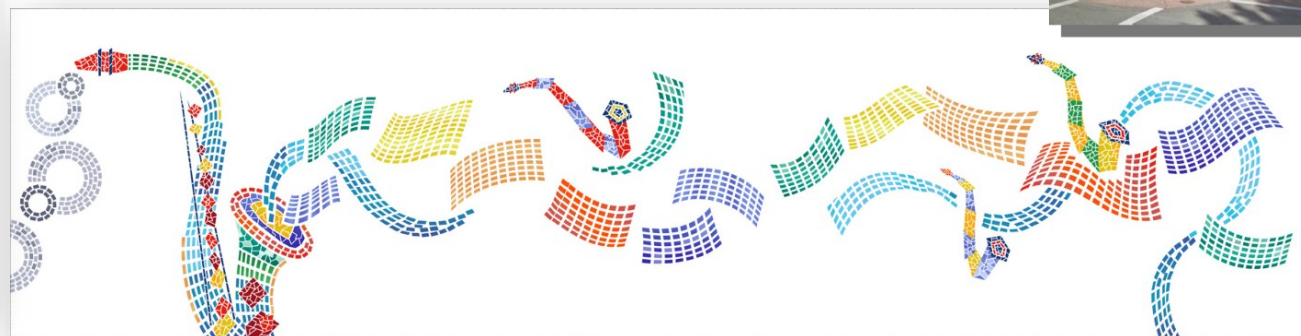
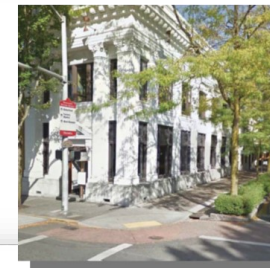


Design by Nathan Barnes



Design by Jennifer Kuhns

Bert Wilson



Design by Michele Burton



## 2017 Percival People's Choice Recommendation



**Aqueous** by Cyrra Robinson is the People's Choice Recommendation, with 121 of 499 votes.



**The Wisdom Seeker** by Leon White is second with 72 votes



**Midori Spring** by Ann Fleming is third with 70 votes.



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## City Council

### **Executive Session Pursuant to RCW 42.30.110 (1)(b); RCW 42.30.110 (1)(c) - Real Estate Matter and RCW 42.30.110(1)(i); Litigation and Potential Litigation**

**Agenda Date:** 9/12/2017  
**Agenda Item Number:** 9.A  
**File Number:** 17-0933

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**Type:** executive session   **Version:** 1   **Status:** Executive Session

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#### **Title**

Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1)(c) - Real Estate Matter and RCW 42.30.110(1)(i); Litigation and Potential Litigation