



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, May 12, 2020

5:30 PM

Online and Via Phone

Register to attend:

https://us02web.zoom.us/webinar/register/WN_L9dIB3CBS-a4GWgdX7az0A

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [20-0368](#) Special Recognition - National Correctional Officers Week and National Police Officers Week

2.B [20-0388](#) Special Recognition - Timberland Regional Library Update

3. PUBLIC COMMENT

Submit public comment by visiting engageolympia.com or emailing citycouncil@ci.olympia.wa.us.

COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

4.A [20-0382](#) Approval of May 5, 2020 City Council Meeting Minutes

Attachments: [Minutes](#)

4.B [20-0376](#) Adoption of a Resolution Approving a City Manager Employment Agreement with Steven J. ("Jay") Burney and Authorizing Mayor Cheryl Selby to Sign the Agreement on behalf of the Olympia City Council

Attachments: [Resolution](#)
[Agreement](#)

4.C [20-0369](#) Approval of a Resolution Authorizing the Mayor to Sign a Letter of Support for a Recreation and Conservation Office (RCO) Grant Application for Phase 2 of the Yelm Prairie Trail

Attachments: [Resolution](#)
[Letter](#)

- 4.D** [20-0359](#) Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for Kaiser Woods Park
Attachments: [Resolution](#)
- 4.E** [20-0360](#) Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for LBA Park Field #2 Renovation
Attachments: [Resolution](#)
- 4.F** [20-0361](#) Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for the Lilly Road Neighborhood Park Acquisition
Attachments: [Resolution](#)
- 4.G** [20-0363](#) Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for Partial Acquisition Reimbursement for Yelm Highway Community Park
Attachments: [Resolution](#)
- 4.H** [20-0378](#) Approval of Amendments to the Annual Action Plan to Reallocate New (CDBG-CV) and Existing (Program Year 2019 and 2020) Community Development Block Grant Funds due to the COVID-19 Public Health Emergency
Attachments: [Amendments to Annual Action Plan](#)
 [HUD Olympia Letter](#)
 [HUD CDBG Funds Waiver Guidance](#)
 [HUD Quick-Guide-CDBG](#)
 [HUD CDBG Overview](#)

4. SECOND READINGS (Ordinances)

- 4.I** [20-0347](#) Approval of an Ordinance Related to Downtown Design Guidelines
Attachments: [Ordinance](#)
 [Project Webpage](#)
 [Public Comments](#)

4. FIRST READINGS (Ordinances)

- 4.J** [20-0379](#) Approval of an Ordinance Amending Ordinances 7224 (Operating, Special and Capital Budgets) and 7235 (COVID-19 Emergency Appropriation)
Attachments: [Ordinance](#)

5. PUBLIC HEARING

6. OTHER BUSINESS

- 6.A** [20-0377](#) Discussion of the City's Approach to Mitigating 2020 General Fund Revenue Shortfall

7. CONTINUED PUBLIC COMMENT

(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** [20-0381](#) Executive Session Pursuant to RCW 42.30.110(1)(b); RCW 42.30.110 (1) (c) - Real Estate Matter

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 - National Correctional Officers Week and National Police Officers Week

Agenda Date: 5/12/2020
Agenda Item Number: 2.A
File Number:20-0368

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

Title

Special Recognition - National Correctional Officers Week and National Police Officers Week

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize the Olympia Police Department Corrections Officers and Police Officers for National Corrections and National Police Week(s).

Report

Issue:

Whether to recognize the Olympia Police Department Corrections Officers and Police Officers for National Corrections and National Police Week(s).

Staff Contact:

Aaron Jelcick, Interim Chief of Police, Olympia Police Department, 360.753.8255

Presenter(s):

Rich Allen, Acting Deputy Chief, Olympia Police Department

Background and Analysis:

In 1962, President John F. Kennedy proclaimed May 15 as National Peace Officers Memorial Day and the calendar week in which May 15 falls as National Police Week. President Kennedy stated in his proclamation:

"I invite State and local governments, patriotic, civic, and educational organizations, and the people of the United States generally, to observe Peace Officers Memorial Day and Police Week in this year and each succeeding year with appropriate ceremonies in which all our people may join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities, and, in so doing,

have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.”

The Officers of the Olympia Police Department exemplify the law enforcement profession and serve their community each day with compassion, professionalism, and integrity.

In 1984, President Ronald Reagan issued Proclamation 5187 declaring a National Correctional Officers Week to be observed the first full week of May. President Reagan stated in his proclamation:

“Correctional Officers have the difficult and often dangerous assignment of ensuring the custody, safety and well-being of the over 600,000 inmates in our Nation’s prisons and jails. Their position is essential to the day-to-day operations of these institution; without them it would be impossible to achieve the foremost institutional goals of security and control.”

Historically, correctional officers have been viewed as “guards,” occupying isolated and misunderstood positions in prisons and jails. In recent years, the duties of these officers have become increasingly complex and demanding. They are called upon to simultaneously fill custodial, supervisory and counseling roles. The professionalism, dedication and courage exhibited by these officers throughout the performance of these demanding and often conflicting roles deserve the utmost respect. The important work of correctional officers often does not receive the recognition from the public it deserves. It is appropriate that we honor the many contributions and accomplishments of these men and women who are a vital component of the field of corrections.

Attachments:

None



City Council

Special Recognition - Timberland Regional Library Update

Agenda Date: 5/12/2020
Agenda Item Number: 2.B
File Number:20-0388

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

Title

Special Recognition - Timberland Regional Library Update

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Briefing only; no action requested.

Report

Issue:

Whether to receive an update regarding the operations of the Timberland Regional Library.

Staff Contact:

Jay Burney, City Manager, 360-753-8740.

Presenter(s):

Cheryl Heywood. Executive Director, Timberland Regional Library

Background and Analysis:

Timberland Regional Library Executive Director Cheryl Heywood will give an update on library operations.

Attachments:

None



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

City Council

Approval of May 5, 2020 City Council Meeting Minutes

Agenda Date: 5/12/2020
Agenda Item Number: 4.A
File Number:20-0382

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

Title

Approval of May 5, 2020 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, May 5, 2020

5:30 PM

Online or Via Phone

Register to attend: <https://bit.ly/2SovO3x>

Register to testify at public hearings:

5.A - <https://www.surveymonkey.com/r/NQH6QJD>

5.B - <https://www.surveymonkey.com/r/NCM76YS>

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Renata Rollins

1.A ANNOUNCEMENTS - None

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [20-0200](#) Special Recognition - Proclamation Recognizing Olympia Bicycle Month

Councilmember Gilman read the proclamation.

The recognition was received.

2.B [20-0352](#) Special Recognition - Proclamation Recognizing Olympia Heritage Month

Historic Preservation Officer Marygrace Goddu discussed Historic Preservation Month and women of Olympia. Mayor Selby read the proclamation.

The recognition was received.

3. PUBLIC COMMENT - None

4. CONSENT CALENDAR

4.A [20-0366](#) Approval of April 21, 2020 City Council Meeting Minutes

The minutes were adopted.

4.B [20-0345](#) Approval of 2020 Neighborhood Matching Grant Allocation

Councilmember Gilman commented on the neighborhood matching grant recommendations.

The decision was adopted.

4.C [20-0355](#) Approval of a Resolution Authorizing the Purchase of Real Estate Owned by Trevor Tirapelle for Park Purposes

The resolution was adopted.

4.D [20-0358](#) Approval of a Resolution to Reallocate 2020 Lodging Tax Revenue

The resolution was adopted.

4.E [20-0362](#) Approval of a Resolution to Reallocate \$175,000 from Council-Approved Policy Analyst Contracts to Unallocated General Fund

The resolution was adopted.

4. SECOND READINGS (Ordinances)

4.F [20-0310](#) Approval of an Ordinance Amending the City of Olympia Zoning Map to Rezone the Stoll Road Property

The ordinance was adopted on second reading.

4.G [20-0329](#) Approval of an Ordinance to Establish a Process to Add a Pool of Citizen Representatives to Assist with Investigations Pursuant to State Initiative 940

The ordinance was adopted on second reading.

4. FIRST READINGS (Ordinances) - None

Approval of the Consent Agenda

Councilmember Parshley moved, seconded by Councilmember Gilman, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

5. PUBLIC HEARING

5.A [20-0349](#) Public Hearing to Consider an Ordinance Declaring a Continuing State of a Public Health Emergency Related to Homelessness and COVID-19 -

First and Final Reading

Interim Assistant City Manager Keith Stahley provided background on the continuing health crisis and highlighted City efforts to assist unhoused citizens.

Mayor Selby opened the public hearing, noted no one signed up to testify, and closed the public hearing.

Councilmember Cooper moved, seconded by Councilmember Parshley, to approve the ordinance on first and final reading to declare a continuing state of public health emergency relating to human health and environmental conditions caused by increasing homelessness in our community. The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

- 5.B** [20-0356](#) Public Hearing to Consider Amendments to the Annual Action Plan to Reallocate New (CDBG-CV) and Existing (Program Year 2019 and 2020) Community Development Block Grant Funds due to the COVID-19 Public Health Emergency

Mr. Stahley provided background on CDBG funding allocations. Home Fund Program Manager Cary Retlin highlighted program activities. Councilmembers asked clarifying questions.

Mayor Selby opened the public hearing. Michael Cade spoke. Mayor Selby closed the public hearing.

The public hearing was held and closed.

6. OTHER BUSINESS

- 6.A** [20-0347](#) Approval of an Ordinance Related to Downtown Design Guidelines

Senior Planner Joyce Phillips gave a presentation on downtown design guidelines. Councilmembers asked clarifying questions.

Councilmember Gilman moved, seconded by Councilmember Parshley, to approve the ordinance related to downtown design guidelines on first reading and forward to second reading. The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

- 6.B** [20-0365](#) Council Discussion Regarding Executive Search for a City Manager

Mayor Selby discussed background on the City Manager search process since former

City Manager Steve Hall's retirement.

Councilmembers discussed the proposal to suspend the search for City Manager and spoke in support of appointing Jay Burney to the position.

Councilmember Cooper moved, seconded by Mayor Pro Tem Bateman, to terminate the search for a City Manager and direct the City Attorney to prepare an employment agreement with Steven J. ("Jay") Burney as City Manager for Council's consideration and subsequent action at next week's Council meeting. The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

7. CONTINUED PUBLIC COMMENT - None

8. REPORTS AND REFERRALS

8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings attended.

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

9. ADJOURNMENT

The meeting adjourned at 7:25 p.m.



City Council

Adoption of a Resolution Approving a City Manager Employment Agreement with Steven J. ("Jay") Burney and Authorizing Mayor Cheryl Selby to Sign the Agreement on behalf of the Olympia City Council

Agenda Date: 5/12/2020
Agenda Item Number: 4.B
File Number:20-0376

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

Title

Adoption of a Resolution Approving a City Manager Employment Agreement with Steven J. ("Jay") Burney and Authorizing Mayor Cheryl Selby to Sign the Agreement on behalf of the Olympia City Council

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

None.

Report

Issue:

Whether to adopt a resolution approving a City Manager Employment Agreement with Steven J. ("Jay") Burney and authorizing Mayor Cheryl Selby to sign the agreement on behalf of the Olympia City Council.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338.

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The Olympia City Council is vested with the authority under state law to designate a qualified administrative officer to perform the duties of manager as prescribed by law. The Council seeks to employ a City Manager with the appropriate executive and administrative qualifications and knowledge of the accepted practice and duties of a city manager. The City Manager Employment Agreement with Steven J. ("Jay") Burney will fulfill Council's goals.

Neighborhood/Community Interests (if known):

Unknown.

Options:

1. Adopt a Resolution approving the City Manager Employment Agreement with Steven J. ("Jay") Burney and authorizing Mayor Cheryl Selby to sign the agreement on behalf of the Olympia City Council.
2. Do not adopt the Resolution.
3. Direct staff to take other action.

Financial Impact:

Base salary will be \$195,000.00 per year, which is comparable to compensation paid to city managers in other jurisdictions and in comparison, to other executive department level compensation.

Attachments:

Resolution
Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
APPROVING AN EMPLOYMENT AGREEMENT WITH STEVEN J. ("JAY") BURNEY AS CITY
MANAGER FOR THE CITY OF OLYMPIA AND AUTHORIZING MAYOR CHERYL SELBY TO
SIGN THE AGREEMENT ON BEHALF OF THE OLYMPIA CITY COUNCIL**

WHEREAS, pursuant to RCW 35A.13.150, the Olympia City Council is vested with the lawful authority to designate a qualified administrative officer for the City to perform the duties of manager as prescribed by law; and

WHEREAS, the Olympia City Council has the powers and authority granted to any code city organized under the council-manager plan as provided in RCW Chapter 35A.13 and granted to legislative bodies of cities governed by the Optional Municipal Code as more particularly described in RCW Chapter 35A.11, except insofar as such power and authority is vested in the position of city manager as provided by law; and

WHEREAS, the powers and duties of the city manager shall be as provided in RCW 35A.13.080, to wit: (1) to have general supervision over the administrative affairs of the City; (2) to appoint and remove at any time all department heads, officers, and employees of the City, except members of the council, and subject to the provisions of any applicable law, rule or regulation relating to civil service; provided that the council confirm a city planning commission, and other advisory citizens' committees, commissions, and boards; (3) to attend all meetings of the council at which attendance may be required; (4) to see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency; (5) to recommend for adoption by the council such measures as may be deemed necessary and expedient; (6) to prepare and submit to the council such reports as may be required by that body or as the city manager may deem advisable to submit; (7) to keep the council fully advised of the financial condition of the City and its future needs; (8) to prepare and submit to the council a proposed budget for the fiscal year, as required by RCW Chapter 35A.33, and to be responsible for its administration upon adoption; and (9) to perform such other duties as the council may determine by ordinance or resolution; and

WHEREAS, the Olympia City Council wishes to enter into an agreement to employ Steven J. ("Jay") Burney, as City Manager;

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

1. The Olympia City Council hereby approves the City Manager Employment Agreement between the City of Olympia and Steven J. ("Jay") Burney, upon the agreed terms within the aforesaid Agreement.
2. Mayor Cheryl Selby is directed and authorized to execute on behalf of the Olympia City Council and the City of Olympia the City Manager Employment Agreement with Steven J. ("Jay") Burney and to make any minor modifications as may be required and are consistent with the intent of the aforesaid City Manager Employment Agreement, or to correct any clerical or scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this 12th day of May 2020.

CHERYL SELBY, MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

CITY MANAGER EMPLOYMENT AGREEMENT

THIS CITY MANAGER EMPLOYMENT AGREEMENT (hereafter "Agreement") is entered into between the OLYMPIA CITY COUNCIL on behalf of the City of Olympia, a Washington, municipal corporation organized under RCW Chapter 35A.13 (hereafter "City"), and STEVEN J. ("JAY") BURNEY (hereafter "Burney"), and hereafter jointly referred to as the "Parties." This Agreement sets forth the rights, responsibilities, compensation and benefits of the Olympia City Manager, which are in addition to those set forth by RCW Chapter 35A.13 and other applicable Washington laws and judicial decisions, and the ordinances, resolutions, municipal code and administrative rules or guidelines of the City of Olympia.

RECITALS

WHEREAS, pursuant to RCW 35A.13.150, the Olympia City Council (hereafter "Council") is vested with the lawful authority to designate a qualified administrative officer for the City to perform the duties of manager as prescribed by law; and

WHEREAS, the Council has the powers and authority granted to any code city organized under the council-manager plan as provided in RCW Chapter 35A.13 and granted to legislative bodies of cities governed by the Optional Municipal Code as more particularly described in RCW Chapter 35A.11, except insofar as such power and authority is vested in the position of City Manager as provided by law; and

WHEREAS, it is the duty of the Council to provide for a City Manager with the appropriate executive and administrative qualifications, and knowledge of the accepted practices in respect to the duties of a City Manager; and

WHEREAS, the powers and duties of the City Manager shall be as provided in RCW 35A.13.080, to wit: (1) to have general supervision over the administrative affairs of the City; (2) to appoint and remove at any time all department heads, officers, and employees of the City, except members of the Council, and subject to the provisions of any applicable law, rule or regulation relating to civil service; provided that the Council confirm a city planning commission, and other advisory citizens' committees, commissions, and boards; (3) to attend all meetings of the Council at which attendance may be required; (4) to see that all laws and ordinances are faithfully executed, subject to the authority which the Council may grant the mayor to maintain law and order in times of emergency; (5) to recommend for adoption by the Council such measures as may be deemed necessary and expedient; (6) to prepare and submit to the Council such reports as may be required by that body or as the City Manager may deem advisable to submit; (7) to keep the Council fully advised of the financial condition of the City and its future needs; (8) to prepare and submit to the Council a proposed budget for the fiscal year, as required by RCW Chapter 35A.33, and to be responsible for its administration upon adoption; and (9) to perform such other duties as the Council may determine by ordinance or resolution; and

WHEREAS, the Council wishes to enter into this Agreement to employ Steven J. ("Jay") Burney, as City Manager;

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, the Parties agree as follows:

1. **Employment.** The City agrees to employ, and Burney agrees to be so employed, as the City Manager for the City. Burney shall perform the duties and functions set forth as specified in RCW Chapter 35A.13 and as otherwise provided by law, and to perform such other legally permissible and proper duties and responsibilities as may be assigned by the Council from time to time. Burney agrees to abide by the International City Management Association ("ICMA") Code of Ethics in discharging his duties on behalf of the City.

2. **Term.** Burney's term as City Manager shall commence on May 12, 2020. It is understood and agreed that pursuant to RCW 35A.13.130 the term of this Agreement is indefinite; provided, however, that the City Manager may be removed at any time by a vote of the majority of the members of the Council subject to the statutory provisions of RCW Chapter 35A.13 and the termination and severance provisions set forth in this Agreement.

3. **Duties and responsibilities.** As City Manager, Burney shall perform the duties and functions as set forth in RCW Chapter 35A.13, Olympia Municipal Code Chapter 2.08, and the job description for the Olympia City Manager, attached hereto and incorporated herein as EXHIBIT A.

- A. Perform such duties and responsibilities as may be assigned by the Council following its annual retreat, or at any City Manager's performance evaluation, or at such other times as the Council may select;
- B. Comply with the International City Managers' Association Code of Ethics;
- C. Devote full-time effort to the City Manager's duties with the City and not directly or indirectly engage or participate in any activities while employed hereunder that would conflict with the best interests of the City;
- D. Before commencing duties herein, take an oath or affirmation for the faithful performance of duties as City Manager, and verify that coverage is included under the City's current fidelity bond coverage. The premium on such bond shall be paid by the City; and
- E. Inform the Council and obtain its consent before agreeing to accept any outside employment for which compensation will be paid, including without limitation any part-time teaching, lecturing or consulting position or work. This provision excludes any one-time presentations or guest lectures which occur infrequently and would provide de minimus honoraria or speaking stipends.

It is understood and agreed that, as City Manager, the hours required will vary considerably and will sometimes be in excess of forty (40) hours per week. It is also understood and agreed that such work in excess of forty (40) hours per week is a regular and normal part of the City Manager's responsibilities, and that the City Manager is not entitled to overtime or compensation beyond that specified in Section 4 of this Agreement.

4. **Compensation.** The Council agrees that the City shall pay the City Manager compensation as herein set forth:

- A. Base Salary: \$195,000.00 per year.
- B. Sick Leave: Twelve (12) days per year, consistent with the City's administrative and policy guidelines governing use of sick leave.
- C. Vacation: Twenty-four (24) days per year, with the option for the City Manager to cash out up to five (5) days per year on the condition that the City Manager has used at least ten (10) days of vacation in the year in which cash out is requested. The City Manager may accrue no more than 480 hours of unused vacation at any time. The City Manager shall accrue additional vacation leave consistent with the City's vacation policies.
- D. Sabbatical. The City Manager is eligible for and shall receive an uninterrupted paid four-week sabbatical five (5) years after the signing of this Agreement, and every five (5) years thereafter.
- D. Holidays. Eleven (11) days per year, according to the holiday schedule duly adopted by the City for other unrepresented municipal employees.
- E. Medical, dental and vision insurance. The City shall pay the costs of medical, dental and vision insurance for the City Manager and dependents, at the same rates available to other unrepresented municipal employees and their dependents.
- F. Long-term disability insurance. The City shall pay the costs of long-term disability insurance for the City Manager, consistent with the rates and terms of long-term disability insurance available for other unrepresented municipal employees.
- G. Life insurance. The City shall pay the cost of premiums for term life insurance for the City Manager, with a value of the City Manager's then applicable annual base salary, contingent upon a successful medical examination if required by the life insurance company.
- H. Retirement benefits. The City shall contribute on behalf of the City Manager to the Public Employees Retirement System and Social Security at the same rate the City contributes on behalf of other unrepresented municipal employees.
- I. Mileage reimbursement. The City agrees to pay the City Manager's mileage reimbursement for the use of a personal motor vehicle for municipal business purposes, consistent with the City's policies for such reimbursements. The City Manager may also use a City vehicle for trips on municipal business.
- J. General expenses. The City agrees to pay the City Manager's reimbursement of those actual, non-personal and job-related expenses that the City Manager incurs in conducting business of the City, to the extent reimbursement is permitted by state law.
- K. Conferences and dues. The City agrees to pay the City Manager's reasonable expenses for professional dues, subscriptions, training and travel required to participate in city manager associations and conferences related to professional

development such as the International City Managers Association and the Washington City/County Managers Association.

- L. Civic club membership. The City recognizes the importance of visibility for the City Manager on behalf of the City and agrees to pay the City Manager's annual dues for one or more local civic or other organizations approved by the Council in an amount not to exceed \$400.00 annually. The City Manager is authorized to join such local or regional organizations but is not required to do so.

5. Indemnification. The City expressly agrees that as a condition of the City Manager's employment it shall defend, hold harmless and indemnify the City Manager, and said employee's marital community, against any tort, professional, or personal liability, claim, lawsuit, demand, or penalty of any kind or nature, and any and all other legal actions arising either directly or indirectly out of any alleged act, error or omission, occurring in the performance of the duties and responsibilities of the City Manager on behalf of the City.

6. Performance evaluation and compensation review. The Council shall review and evaluate the performance and annual compensation of the City Manager as follows:

- A. Performance evaluation. The Council shall review and evaluate the City Manager's performance in January and July of each year, on dates scheduled at the mutual convenience of the Parties to this Agreement. The January evaluation shall include consideration of the following: (a) the City Manager's achievement of goals set by the Council for the preceding year; (b) the City Manager's career development; (c) an evaluation of the City Manager's management skills; and (d) adoption of new City Manager performance goals for the upcoming year.

The Council and the City Manager shall define such goals and performance objectives which are deemed necessary for the proper operation of the City and in the attainment of the Council's policy objectives and shall further establish a relative priority among those various goals and objectives. By mutual consent, the Council and the City Manager may elect to engage the services of an outside facilitator to assist in conducting the performance evaluation. Items (a) through (c) above shall be evaluated according to performance criteria separately adopted by the Council and discussed with the City Manager at the preceding January performance evaluation. The July evaluation shall include review of items (b) through (d) above, including the City Manager's progress towards them, and adjustment of the goals as necessary, as determined by the Council.

- B. Compensation review. At the conclusion of the January evaluation described above, the Council may, in its sole discretion, review and adjust the City Manager's compensation by awarding a performance payment or providing a cost-of-living or comparable market compensation increase.

7. Resignation and termination. The Council and Burney agree as follows:

- A. Resignation. Burney, as City Manager, shall provide the Council thirty (30) days' written notice prior to resigning, unless a different notice period is mutually agreed

to by the Council and the City Manager. No severance pay shall be paid to the City Manager as set forth below, in the event of such resignation. This Agreement shall terminate upon the effective date of such resignation.

B. Termination.

1. Just cause. The Council may terminate this Agreement for “just cause,” which shall include, without limitation, any City Manager act of dishonesty, embezzlement, theft, conviction of any felony or any crime involving driving under the influence, domestic violence, assault, battery, or moral turpitude, or a material breach of the City Manager’s duties described herein.
2. Any other reason. The Council may terminate this Agreement for any reason other than “just cause,” as determined in its sole discretion upon a vote of the majority of the Council.
3. Notice. The Council shall provide the City Manager a minimum of thirty (30) days’ notice of any termination, in the manner set forth in RCW 35A.13.130; provided, however, that the Council may upon passage of the resolution referred to in RCW 35A.13.130 suspend the City Manager from duty, but the pay for the City Manager shall continue until the aforesaid removal becomes effective.
4. Severance. If this Agreement is terminated for any reason other than “just cause” as defined in Section 7.B.1 above, the City shall continue to pay the City Manager the then effective compensation pursuant to Section 4 above for one-hundred eighty (180) days after termination of this Agreement. Severance compensation shall be paid by the City in a lump sum or bi-weekly at the option of the City Manager. In addition to the foregoing, the City shall also continue to pay the City Manager’s and dependents’ medical, dental, vision, and long-term disability benefits at the then effective rates available to other unrepresented employees for a period not to exceed one-hundred eighty (180) days following the date of notice of termination. Medical, dental, vision, or long-term disability insurance shall continue until the City Manager notifies the City when new insurance coverage with another employer is effective. After the effective date of such new coverage, the City shall no longer be obligated to maintain the City Manager or dependents under the City’s insurance coverage.

In the event of a change in the form of government for the City to a mayor-council form as provided in RCW Chapter 35A.12, the Parties agree that the City Manager shall be offered a comparable position as a chief administrative officer or similar executive administrative position at comparable pay, or the City Manager shall receive severance pay and benefits as previously set forth in this subsection.

5. Release and hold harmless. In consideration for such severance payments, the City Manager agrees to cooperate in the transition to a new administration and to release and hold the City harmless from any claims, causes of action, costs,

attorneys' fees, expenses or damages related to termination as City Manager or the requested resignation by a majority of the Council.

8. Notices. Notices required to be delivered hereunder shall be sent as follows:

To the City of Olympia: Mayor
City of Olympia
601 4th Ave E
P.O. Box 1967
Olympia, WA 98507-1967

To the City Manager: PERSONAL AND CONFIDENTIAL
Steven J. ("Jay") Burney
City Manager
601 4th Ave E
P.O. Box 1967
Olympia, WA 98507-1967

Notices may be delivered either in person or at the locations set forth above by mail via United States Postal Service, registered or certified mail, postage prepaid to the addresses above. If notice is mailed rather than personally delivered, the notice shall be deemed received four (4) calendar days after deposit in the mails of the United States, addressed to the addresses set forth above. Either party may change the address specified above by giving notice in writing to the other party of an address change.

9. Entire agreement. The terms and covenants herein constitute the entire agreement between the Parties and supersedes any other agreements or understanding, oral or written, which may exist. This Agreement may only be amended when reduced to writing and signed by both Parties.

10. Governing law. This Agreement is made and shall be interpreted, construed and performed under the laws of the State of Washington.

11. Waiver of breach. The waiver by the City of a breach of any term of this Agreement by the City Manager shall not operate or be construed as a waiver by the City of any subsequent breach by the City Manager.

12. Captions. The captions and headings of the paragraphs of this Agreement are for convenience and reference only and are not to be used to interpret or define the provisions herein. This Agreement shall not be construed as if it had been prepared by one of the Parties, but rather as if both Parties had prepared it.

13. Severability. If any term, covenant, condition or provision of this Agreement or the application therefore to any person or circumstance shall at any time or to any extent be determined to be invalid or unenforceable, the remaining provisions hereto shall not be affected and shall be deemed valid and fully enforceable to the extent permitted by law.

14. Assignment and successor. The rights and obligations of the City under this Agreement shall inure to the benefit of and be binding upon the successors and assigns of the City. The rights and obligations of the City Manager herein are non-assignable.

15. Attorneys' fees. Should either party bring suit to enforce this Agreement, the prevailing party in such lawsuit shall be entitled to an award of its reasonable attorneys' fees and costs incurred in connection with such lawsuit.

16. Recitals. The recitals set forth above are incorporated by this reference into this Agreement and are made a part hereof.

17. Jurisdiction and venue. In the event of an action to enforce the terms and covenants of this Agreement, the Parties agree that jurisdiction and venue is with the Thurston County Superior Court of the State of Washington.

18. Counterparts. This Agreement may be executed in a number of identical counterparts which, taken together, shall constitute collectively one Agreement; but in making proof of this Agreement, it shall not be necessary to produce or account for more than one such counterpart. Additionally, (i) the signature pages taken from separate individually executed counterparts of this Agreement may be combined to form multiple fully executed counterparts; and (ii) a facsimile signature or an electronically scanned signature, or electronic signature where permitted by law, shall be deemed to be an original signature for all purposes. All executed counterparts of this Agreement shall be deemed to be originals, but all such counterparts, when taken together, shall constitute one and the same Agreement.

19. Effective date. The term "effective date of this Agreement" or "date hereof" or "Effective Date," as used in this Agreement, shall mean the later of the following dates: (1) the date of the City Manager's signature on this Agreement; or (2) the date of the Mayor's signature on this Agreement as authorized by resolution of the Council.

[Signatures follow upon next page.]

IN WITNESS WHEREOF, the Olympia City Council, for and on behalf of the City of Olympia, a municipal corporation organized under the laws of the State of Washington, by a majority vote of the aforesaid legislative body, has authorized this Agreement to be signed and executed on its behalf by its Mayor, duly approved by its City Attorney, and attested to by its City Clerk.

CITY OF OLYMPIA, a Washington municipal corporation

Cheryl Selby, Mayor

Date: _____

ATTEST:

Sean Krier, City Clerk

APPROVED AS TO FORM:

Mark Barber

Mark Barber, City Attorney

The City Manager acknowledges that he has the right to consult with independent legal counsel and has elected to waive such right and acknowledges that in signing this Agreement he is not acting under fraud, duress or undue influence of any person or persons. In the event the City Manager does not waive the right to consult with independent legal counsel, the fact of such consultation shall be indicated by independent legal counsel signing on the line provided below, indicating that the Agreement is approved as to form.

CITY MANAGER

Steven J. ("Jay") Burney

Date: _____

INDEPENDENT LEGAL COUNSEL WAIVED:

Steven J. ("Jay") Burney

INDEPENDENT LEGAL COUNSEL, APPROVED AS TO FORM:

Signature

(Print name)

Date: _____



City Council

Approval of a Resolution Authorizing the Mayor to Sign a Letter of Support for a Recreation and Conservation Office (RCO) Grant Application for Phase 2 of the Yelm Prairie Trail

Agenda Date: 5/12/2020
Agenda Item Number: 4.C
File Number:20-0369

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

Title

Approval of a Resolution Authorizing the Mayor to Sign a Letter of Support for a Recreation and Conservation Office (RCO) Grant Application for Phase 2 of the Yelm Prairie Trail

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the resolution authorizing the Mayor to sign a letter of support for a Recreation and Conservation Office (RCO) grant application for Phase 2 of the Yelm Prairie Line Trail.

Report

Issue:

Whether to approve a resolution authorizing the Mayor to sign a letter of support for a Recreation and Conservation Office (RCO) grant application for Phase 2 of the Yelm Prairie Line Trail.

Staff Contact:

Paul Simmons, Parks Arts and Recreation Director, 360.753.8462.

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The City of Yelm is submitting a Recreation and Conservation Office (RCO) grant application for funding for Phase 2 of the Yelm Prairie Line Trail. This project consists of a five-mile, shared-use path on a railroad right-of-way owned by Yelm, the same corridor as the Yelm-Tenino Trail

This trail will provide the only alternative to SR507 in the area (the I-5 corridor is 14 miles to the north). This project will provide a safe, non-motorized route across the Nisqually River for all ages and abilities.

The project is consistent with local, county, and regional mobility and recreation plans, and is part of a potential Cross-State Trail that will encourage active recreation and mobility, as well as economic development.

Olympia along with other communities in Thurston County have deliberately planned and built an interconnected series of off-street trails and on-street facilities to meet the recreation needs of citizens of all ages and abilities. As we near build out of this system within our county, connecting to adjacent counties is the next logical step.

Neighborhood/Community Interests (if known):

The project is consistent with local, county, and regional mobility and recreation plans, which were developed with significant public input.

Options:

1. Approve the resolution authorizing the Mayor to sign a letter of support for a Recreation and Conservation Office (RCO) grant application for Phase 2 of the Yelm Prairie Line Trail.
2. Do not approve the resolution authorizing the Mayor to sign a letter of support for a Recreation and Conservation Office (RCO) grant application for Phase 2 of the Yelm Prairie Line Trail.

Financial Impact:

There is no cost to the City of Olympia for this project. This project is part of a potential Cross-State Trail that when complete has great potential for economic development.

Attachments:

Resolution
Letter

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, AUTHORIZING
THE MAYOR TO SIGN A LETTER OF SUPPORT FOR A RECREATION AND CONSERVATION OFFICE
GRANT APPLICATION FOR PHASE 2 OF THE YELM PRAIRIE LINE TRAIL**

WHEREAS, the City of Olympia park system includes the Karen Fraser Woodland Trail, which is part of a larger Thurston County regional trail network that spans nearly forty-nine (49) miles; and

WHEREAS, the Yelm-Tenino Trail is an eleven and a half mile (11.5 mile) portion of the larger network that spans from Tenino to Yelm; and

WHEREAS, the City of Yelm is submitting a Recreation and Conservation Office grant application for the Yelm Prairie Line Trail, which would expand the regional trail network north into Pierce County; and

WHEREAS, the City of Olympia benefits from a larger trail network and wishes to express strong support for the City of Yelm in efforts to submit a successful application;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE that the Mayor is authorized to sign the attached letter on behalf of the City of Olympia, expressing support for the City of Yelm's grant application for Phase 2 of the Yelm Prairie Line Trail.

PASSED BY THE OLYMPIA CITY COUNCIL this 12th day of May 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY



May 12, 2020

The Honorable J.W. Foster
Mayor, City of Yelm
106 Second St. SE
Yelm, WA 98597

Dear Mayor Foster,

Thank you for the opportunity to provide a letter of support for your grant application to the Washington Recreation and Conservation Office for Phase 2 of the Yelm Prairie Line Trail that will eventually connect the cities of Yelm and Roy.

On May 12, 2020, the Olympia City Council passed a resolution in support of this project. Olympia, along with other communities in Thurston County, have deliberately planned and built an interconnected series of off-street trails and on-street facilities to meet the recreation needs of citizens of all ages and abilities. As we near build-out of this system within our county, connecting to adjacent counties is the next logical step.

Thanks to Yelm's foresight in acquiring this rail corridor many years ago, our area has an incredible chance to provide not only a great local recreational opportunity but one of regional significance as well. Whether people walk, run, or ride bicycles or horses, recreational trails provide incredible benefits both physically and mentally, while allowing people either the solitude they want or a chance to spend time with friends or family in a constructive, active, and social manner.

We acknowledge the importance of this project in helping to realize the dream of a Cross-State Trail allowing multi-day recreational experiences. Such signature facilities and the challenges they offer encourage people to dream and set physical conditioning goals that motivate them to get regular exercise. As the benefits of such activity are experienced, it becomes a normal part of healthy behavior patterns that can last a lifetime.

The Olympia City Council congratulates Yelm for its grant application design and construction of Yelm Prairie Line Trail Phase 2 and encourages the Recreation and Conservation Office to fund this worthy project.

Sincerely,

Cheryl Selby
Olympia Mayor



City Council

Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for Kaiser Woods Park

Agenda Date: 5/12/2020
Agenda Item Number: 4.D
File Number:20-0359

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

Title

Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for Kaiser Woods Park

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the resolution authorizing City Staff to apply for a Recreation and Conservation Office (RCO) grant for Kaiser Woods Park and authorizing the City Manager to receive the grant funds should the grant be successful.

Report

Issue:

Whether to authorize an RCO grant application for Kaiser Woods Park.

Staff Contact:

Jonathon Turlove, Director of Parks Planning and Maintenance, 360.753.8068

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The Parks, Arts and Recreation Department is preparing an Recreation and Conservation Office (RCO) grant application for the current funding cycle. The application is due June 1, 2020, and is required to include formal City Council authorization.

The grant would reimburse the City approximately \$170,000 of the land acquisition cost and would provide approximately \$375,000 towards trailhead and trail development at Kaiser Woods park.

Neighborhood/Community Interests (if known):

The acquisition of Kaiser Woods was included in the 2016 Parks, Arts and Recreation Plan, which was developed with significant public involvement. The Kaiser Woods development project has also generated very strong community interest.

Options:

1. Approve the resolution authorizing a grant application to the Recreation and Conservation Office (RCO) for Kaiser Woods Park.
2. Do not approve the resolution. Staff would be unable to pursue the grant opportunity.

Financial Impact:

The grant totals approximately \$550,000.

Attachments:

Resolution
Sample Project Agreement



Applicant Resolution/Authorization

Organization Name (sponsor) City of Olympia

Resolution No. or Document Name N/A

Location of Resolution or Document: N/A

Project(s) Number(s), and Name(s) 20-1535 Acq, Dev – Kaiser Woods Park Acquisition and Development

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Paul Simmons, Director
Project contact (day-to-day administering of the grant and communicating with the RCO)	Tammy LeDoux, Finance and Policy Coordinator
RCO Grant Agreement (Agreement)	Jay Burney, Interim City Manager
Agreement amendments	Jay Burney, Interim City Manager
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Jay Burney, Interim City Manager

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. [for Acquisition Projects Only] Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of

Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only–If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
13. [for Development, Renovation, Enhancement, and Restoration Projects Only–If your organization DOES NOT own the property] Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____

Title _____ Date _____

On File at: _____

Washington State Attorney General's Office

Approved as to form Brian Toller 2/13/2020
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.



City Council

Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for LBA Park Field #2 Renovation

Agenda Date: 5/12/2020
Agenda Item Number: 4.E
File Number:20-0360

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

Title

Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for LBA Park Field #2 Renovation

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the resolution authorizing City Staff to apply for a Recreation and Conservation Office (RCO) grant for LBA Park Field #2 Renovation and authorizing the City Manager to receive the grant funds should the grant be successful.

Report

Issue:

Whether to authorize an RCO grant application for LBA Park Field #2 Renovation

Staff Contact:

Jonathon Turlove, Director of Parks Planning and Maintenance, 360.753.8068

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The Parks, Arts and Recreation Department is preparing an Recreation and Conservation Office (RCO) grant application for the current funding cycle. The application is due June 1, 2020, and is required to include formal Council authorization.

This \$350,000 grant would partially fund a complete field renovation at LBA Park Field #2, including new drainage, irrigation, backstops, dugouts, and improved ADA accessibility.

Neighborhood/Community Interests (if known):

There is strong interest from organized sports groups to renovate Field #2 at LBA Park making it a usable field again.

Options:

1. Approve the resolution authorizing City Staff to apply for a Recreation and Conservation Office (RCO) grant for LBA Park Field #2 Renovation
2. Do not approve the resolution. Staff would be unable to pursue the grant opportunity.

Financial Impact:

The grant totals approximately \$350,000.

Attachments:

Resolution

Sample Project Agreement



Applicant Resolution/Authorization

Organization Name (sponsor) City of Olympia

Resolution No. or Document Name N/A

Location of Resolution or Document: N/A

Project(s) Number(s), and Name(s) 20-1553 – LBA Park Field #2 Renovation

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Paul Simmons, Director
Project contact (day-to-day administering of the grant and communicating with the RCO)	Tammy LeDoux, Finance and Policy Coordinator
RCO Grant Agreement (Agreement)	Jay Burney, Interim City Manager
Agreement amendments	Jay Burney, Interim City Manager
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Jay Burney, Interim City Manager

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. [for Acquisition Projects Only] Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of

Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only–If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
13. [for Development, Renovation, Enhancement, and Restoration Projects Only–If your organization DOES NOT own the property] Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____

Title _____ Date _____

On File at: _____

Washington State Attorney General's Office

Approved as to form Brian Tallen 2/13/2020
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.



City Council

Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for the Lilly Road Neighborhood Park Acquisition

Agenda Date: 5/12/2020
Agenda Item Number: 4.F
File Number:20-0361

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

Title

Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for the Lilly Road Neighborhood Park Acquisition

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the resolution authorizing City Staff to apply for a Recreation and Conservation Office (RCO) grant for the Lilly Road Neighborhood Park Acquisition and authorizing the City Manager to receive the grant funds should the grant be successful.

Report

Issue:

Whether to authorize an RCO grant application for the Lilly Road Neighborhood Park Acquisition.

Staff Contact:

Jonathon Turlove, Director of Parks Planning and Maintenance, 360.753.8068

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The Parks, Arts and Recreation Department is preparing a Recreation and Conservation Office (RCO) grant application for the current funding cycle. The application is due June 1, 2020, and is required to include formal City Council authorization.

This grant would reimburse the City approximately \$337,000 of the \$450,000 land acquisition cost for Lilly Road Neighborhood Park.

Neighborhood/Community Interests (if known):

This park acquisition project was included in the 2016 Parks, Arts and Recreation Plan, which was developed with significant public involvement.

Options:

1. Approve the resolution authorizing City Staff to apply for a Recreation and Conservation Office (RCO) grant for the Lilly Road Neighborhood Park Acquisition.
2. Do not approve the resolution. Staff would be unable to pursue the grant opportunity.

Financial Impact:

The grant totals approximately \$337,000.

Attachments:

Resolution
Sample Project Agreement



Applicant Resolution/Authorization

Organization Name (sponsor) City of Olympia

Resolution No. or Document Name N/A

Location of Resolution or Document: N/A

Project(s) Number(s), and Name(s) 20-1542 - Lilly Road Parcel Acquisition

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Paul Simmons, Director
Project contact (day-to-day administering of the grant and communicating with the RCO)	Tammy LeDoux, Finance and Policy Coordinator
RCO Grant Agreement (Agreement)	Jay Burney, Interim City Manager
Agreement amendments	Jay Burney, Interim City Manager
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Jay Burney, Interim City Manager

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. [for Acquisition Projects Only] Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of

Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only–If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
13. [for Development, Renovation, Enhancement, and Restoration Projects Only–If your organization DOES NOT own the property] Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____

Title _____ Date _____

On File at: _____

Washington State Attorney General's Office

Approved as to form Brian Tallen 2/13/2020
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.



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

City Council

Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for Partial Acquisition Reimbursement for Yelm Highway Community Park

Agenda Date: 5/12/2020
Agenda Item Number: 4.G
File Number:20-0363

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

Title

Approval of a Resolution Authorizing a Grant Application to the Recreation and Conservation Office (RCO) for Partial Acquisition Reimbursement for Yelm Highway Community Park

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the resolution authorizing City Staff to apply for a Recreation and Conservation Office (RCO) grant for Yelm Highway Community Park and authorizing the City Manager to receive the grant funds should the grant be successful.

Report

Issue:

Whether to authorize an RCO grant application for partial acquisition reimbursement for Yelm Highway Community Park.

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Staff Contact:

Jonathon Turlove, Director of Parks Planning and Maintenance, 360.753.8068

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The Parks, Arts and Recreation Department is preparing an Recreation and Conservation Office (RCO) grant application for the current funding cycle. The application is due June 1, 2020, and is required to include formal City Council authorization.

The application would reimburse the City approximately \$1,000,000 of the \$10.7 million land acquisition cost for the Yelm Highway Community Park.

Neighborhood/Community Interests (if known):

The Yelm Highway Community Park acquisition was included in the 2016 Parks, Arts and Recreation Plan, which was developed with significant public involvement.

Options:

1. Approve the resolution authorizing City Staff to apply for a Recreation and Conservation Office (RCO) grant for Yelm Highway Community Park.
2. Do not authorize the resolution. Staff would be unable to pursue the grant opportunity.

Financial Impact:

The grant is for \$1 million.

Attachments:

Resolution

Sample Project Agreement



Applicant Resolution/Authorization

Organization Name (sponsor) City of Olympia

Resolution No. or Document Name N/A

Location of Resolution or Document: N/A

Project(s) Number(s), and Name(s) 20-1534 – Yelm Highway Community Park Acquisition

This resolution/authorization authorizes the person(s) identified below (in Section 2) to act as the authorized representative/agent on behalf of our organization and to legally bind our organization with respect to the above Project(s) for which we seek grant funding assistance managed through the Recreation and Conservation Office (Office).

WHEREAS, grant assistance is requested by our organization to aid in financing the cost of the Project(s) referenced above;

NOW, THEREFORE, BE IT RESOLVED that:

1. Our organization has applied for or intends to apply for funding assistance managed by the Office for the above "Project(s)."
2. Our organization authorizes the following persons or persons holding specified titles/positions (and subsequent holders of those titles/positions) to execute the following documents binding our organization on the above projects:

Grant Document	Name of Signatory or Title of Person Authorized to Sign
Grant application (submission thereof)	Paul Simmons, Director
Project contact (day-to-day administering of the grant and communicating with the RCO)	Tammy LeDoux, Finance and Policy Coordinator
RCO Grant Agreement (Agreement)	Jay Burney, Interim City Manager
Agreement amendments	Jay Burney, Interim City Manager
Authorizing property and real estate documents (Notice of Grant, Deed of Right or Assignment of Rights if applicable). These are items that are typical recorded on the property with the county.	Jay Burney, Interim City Manager

The above persons are considered an "authorized representative(s)/agent(s)" for purposes of the documents indicated. Our organization shall comply with a request from the RCO to provide documentation of persons who may be authorized to execute documents related to the grant.

3. Our organization has reviewed the sample RCO Grant Agreement on the Recreation and Conservation Office's WEB SITE at: <https://rco.wa.gov/wp-content/uploads/2019/06/SampleProjAgreement.pdf>. We understand and acknowledge that if offered an agreement to sign in the future, it will contain an indemnification and legal venue stipulation and other terms and conditions substantially in the form contained in the sample Agreement and that such terms and conditions of any signed Agreement shall be legally binding on the sponsor if our representative/agent enters into an Agreement on our behalf. The Office reserves the right to revise the Agreement prior to execution.
4. Our organization acknowledges and warrants, after conferring with its legal counsel, that its authorized representative(s)/agent(s) have full legal authority to act and sign on behalf of the organization for their assigned role/document.
5. Grant assistance is contingent on a signed Agreement. Entering into any Agreement with the Office is purely voluntary on our part.
6. Our organization understands that grant policies and requirements vary depending on the grant program applied to, the grant program and source of funding in the Agreement, the characteristics of the project, and the characteristics of our organization.
7. Our organization further understands that prior to our authorized representative(s)/agent(s) executing any of the documents listed above, the RCO may make revisions to its sample Agreement and that such revisions could include the indemnification and the legal venue stipulation. Our organization accepts the legal obligation that we shall, prior to execution of the Agreement(s), confer with our authorized representative(s)/agent(s) as to any revisions to the project Agreement from that of the sample Agreement. We also acknowledge and accept that if our authorized representative(s)/agent(s) executes the Agreement(s) with any such revisions, all terms and conditions of the executed Agreement shall be conclusively deemed to be executed with our authorization.
8. Any grant assistance received will be used for only direct eligible and allowable costs that are reasonable and necessary to implement the project(s) referenced above.
9. [for Recreation and Conservation Funding Board Grant Programs Only] If match is required for the grant, we understand our organization must certify the availability of match at least one month before funding approval. In addition, our organization understands it is responsible for supporting all non-cash matching share commitments to this project should they not materialize.
10. Our organization acknowledges that if it receives grant funds managed by the Office, the Office will pay us on only a reimbursement basis. We understand reimbursement basis means that we will only request payment from the Office after we incur grant eligible and allowable costs and pay them. The Office may also determine an amount of retainage and hold that amount until all project deliverables, grant reports, or other responsibilities are complete.
11. [for Acquisition Projects Only] Our organization acknowledges that any property acquired with grant assistance must be dedicated for the purposes of the grant in perpetuity unless otherwise agreed to in writing by our organization and the Office. We agree to dedicate the property in a signed "Deed of

Right" for fee acquisitions, or an "Assignment of Rights" for other than fee acquisitions (which documents will be based upon the Office's standard versions of those documents), to be recorded on the title of the property with the county auditor. Our organization acknowledges that any property acquired in fee title must be immediately made available to the public unless otherwise provided for in policy, the Agreement, or authorized in writing by the Office Director.

12. [for Development, Renovation, Enhancement, and Restoration Projects Only–If our organization owns the project property] Our organization acknowledges that any property owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant in perpetuity unless otherwise allowed by grant program policy, or Office in writing and per the Agreement or an amendment thereto.
13. [for Development, Renovation, Enhancement, and Restoration Projects Only–If your organization DOES NOT own the property] Our organization acknowledges that any property not owned by our organization that is developed, renovated, enhanced, or restored with grant assistance must be dedicated for the purpose of the grant as required by grant program policies unless otherwise provided for per the Agreement or an amendment thereto.
14. [Only for Projects located in Water Resources Inventory Areas 1-19 that are applying for funds from the Critical Habitat, Natural Areas, State Lands Restoration and Enhancement, Riparian Protection, or Urban Wildlife Habitat grant categories; Aquatic Lands Enhancement Account; or the Puget Sound Acquisition and Restoration program, or a Salmon Recovery Funding Board approved grant] Our organization certifies the following: the Project does not conflict with the Puget Sound Action Agenda developed by the Puget Sound Partnership under RCW 90.71.310.
15. This resolution/authorization is deemed to be part of the formal grant application to the Office.
16. Our organization warrants and certifies that this resolution/authorization was properly and lawfully adopted following the requirements of our organization and applicable laws and policies and that our organization has full legal authority to commit our organization to the warranties, certifications, promises and obligations set forth herein.

This resolution/authorization is signed and approved on behalf of the resolving body of our organization by the following authorized member(s):

Signed _____

Title _____ Date _____

On File at: _____

Washington State Attorney General's Office

Approved as to form Brian Toller 2/13/2020
Assistant Attorney General Date

You may reproduce the above language in your own format; however, text may not change.



City Council

Approval of Amendments to the Annual Action Plan to Reallocate New (CDBG-CV) and Existing (Program Year 2019 and 2020) Community Development Block Grant Funds due to the COVID-19 Public Health Emergency

Agenda Date: 5/12/2020
Agenda Item Number: 4.H
File Number:20-0378

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

Title

Approval of Amendments to the Annual Action Plan to Reallocate New (CDBG-CV) and Existing (Program Year 2019 and 2020) Community Development Block Grant Funds due to the COVID-19 Public Health Emergency

Recommended Action

Committee Recommendation:

This matter was reviewed by the General Government Committee at their April 22, 2020, meeting. They recommended that City Council move forward with the allocation process and hold a public hearing to hear from interested parties.

City Manager Recommendation:

Move to approve the amendments to the Annual Action Plan to reallocate new (CDBG-CV) and existing (Program Year 2019 and 2020) Community Development Block Grant Funds due to the COVID-19 public health emergency.

Report

Issue:

Whether to approve a revised Annual Action plan that allocates existing and new CDBG funds to address exigent issues raised by the COVID-19 crisis.

Staff Contact:

Keith Stahley, Interim Assistant City Manager, 360.753.8227
Cary Retlin, Home Fund Manager, 360.570.3956
Jessica Pollett, Program Specialist 360.753.8314

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

On May 5, 2020, the Olympia City Council conducted a virtual public hearing on proposed amendments to Olympia's Annual Action plan to reallocate new (CDBG-CV) and existing (Program Year 2019 and 2020) Community Development Block Grant Funds due to the COVID-19 public health emergency. City Council heard from community members both at the meeting and in writing about the impacts of the crisis on local food systems, shelter and small business impacts. The proposed amendments to the Annual Action plan are intended to address these issues.

The City of Olympia along with all other entitlement communities across the country received an additional Community Development Block Grant Coronavirus (CDBG-CV) allocation of \$237,383 from the CARES Act (see attached April 2 Award Letter). Thurston County received approximately \$717,000 in CDBG-CV funds.

The CARES Act included \$5 billion in funding for the CDBG program. This initial round of allocates \$2 billion of that appropriation. The remaining \$3 billion will be allocated by the Housing and Urban Development Department (HUD) over the course of the coming months based on identified needs. HUD's guidance is for grantees to not wait for remaining dollars to be allocated before moving forward to amend their Action Plans.

HUD has provided several Quick Guides that are helpful in defining eligible activities. The April 6, 2020, Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infectious Disease Response includes the following examples of eligible activities:

- **Buildings and Improvements** - construct a testing or treatment facility, rehab an existing facility to create a treatment clinic, acquire a motel or hotel for patient isolation, make improvements to private property to allow an individual to remain isolated
- **Assistance to Businesses** - provide grants or loans to support manufacture of medical supplies, avoid job loss by providing short-term working capital assistance to small business to enable retention of jobs held by low to moderate income persons, provide technical assistance, grants, loans to expand microenterprises that provide medical, food delivery, cleaning and other services to support home health and quarantine
- **Provision of New or Increased Public Services** - carry out job training for health care workers and technicians to treat disease within a community, provide testing services, increase health services for infectious disease response, provide equipment supplies and materials necessary to carry-out a public service, deliver meals on wheels to quarantined or individuals that need to maintain social distancing due to medical vulnerabilities
- **Planning, Capacity Building and Technical Assistance** - grant funds to local government may be used for planning activities in conjunction with an activity, hire technical assistance providers to deliver CDBG training, gather data and develop infectious disease response plans

The US Department of Housing and Urban Development (HUD) has issued waivers for CARES Act Funds used to support coronavirus responses and plan amendment waivers (see attached Guidance). HUD has also issued a Quick Guide to CDBG Eligible Activities to Support Coronavirus and other infectious disease responses (see attachment). This flexibility is intended to speed the access of CDBG funds to prevent and respond to the spread of the coronavirus and ameliorate its impacts.

Including the recently awarded CDBG-CV award and the available funds from PY 2020 and PY 2019,

there is approximately \$1,100,000 in funding available for this response.

The General Government Committee reviewed proposed allocations on Wednesday April 22, 2020, and recommended that they be forwarded to the City Council to hold a public hearing and to finalize the proposed amendments to the Annual Action Plan. The public hearing was held on May 5, 2020, and comments were received from the public at the meeting and via email and telephone conversations prior to the meeting.

Possible uses for these funds that appear to be fundable under the waiver include:

1. **Economic Development and Business Support:** Expand capacity to support small businesses. Expand EDC and Chamber capacity to support small businesses, microenterprise loan program to assist targeted small businesses with reopening, e.g. childcare centers, cleaning services and similar services critical to reopening the local economy
2. **Emergency Food Assistance:** South Sound Senior Center Meals on Wheels program to meet additional demand from vulnerable individuals who are sheltering in place, Foodbank, Community Kitchen
3. **Shelter, Housing and Human Services:** Expand shelter capacity in response to decreased capacity as a result of social distancing requirements, fund Homeless Response Coordinator and Downtown Ambassadors
4. CDBG Administration

Amendments to the CDBG Annual Action Plan normally require a 30-day public comment period. HUD's guidance and waivers shortens this process to five days. At the May 5, 2020, City Council meeting following the public hearing Council directed staff to return on May 12, 2020, with final recommendations for amendments to the Annual Action Plan.

Neighborhood/Community Interests:

Community Development Block Grant funds can be spent to meet the needs of low to moderate income individuals throughout the community.

Options:

1. Approve the Amendments to the Annual Action Plan to Reallocate New (CDBG-CV) and Existing (Program Year 2019 and 2020) Community Development Block Grant Funds due to the COVID-19 Public Health Emergency as presented
2. Approve the Amendments to the Annual Action Plan to Reallocate New (CDBG-CV) and Existing (Program Year 2019 and 2020) Community Development Block Grant Funds due to the COVID-19 Public Health Emergency as amended
3. Take no action on matter and provide direction to staff on next steps

Financial Impact:

There is approximately \$1,106,383 dollars available for allocation.

Attachments:

Proposed Amendments to the Annual Action Plan

HUD April 2, 2020 Award Letter
HUD April 9, 2020 Guidance
HUD April 6, 2020 Quick Guide
HUD CDBG Overview

Olympia COVID CDBG and Economic Recovery Response

		CDBG	Economic Recovery Funds
<u>Emergency Food Assistance</u>			
	South Sound Senior Center	\$ 100,000	\$ -
	Food Bank of Thurston County	\$ 120,000	\$ -
	Community Kitchen (CCS)	\$ 40,000	\$ -
	Union Gospel Mission Kitchen	\$ 15,000	\$ -
	Union Gospel Mission Kitchen	\$ 25,000	\$ -
Food Assistance Subtotal		\$ 300,000	\$ -
<u>Economic Development</u>			
CDBG-CV	Business Support Programs	\$ 125,000	\$ 25,000
PY2020	Business Support Programs	\$ 175,000	
PY2019	Economic Development Council	\$ 50,000	\$ 50,000
	Small Business Loan		\$ -
	United Way	\$ -	\$ 50,000
	Thurston Chamber	\$ -	\$ 18,000
	Olympia Downtown Association	\$ -	\$ 38,650
	Regional Recovery Task Force	\$ -	\$ 70,000
	J Robertson Co.	\$ -	\$ 50,000
	Childcare	\$ -	\$ -
Eco Devo Subtotal		\$ 350,000	\$ 301,650
<u>Shelter, Housing and Human Services</u>			
	Shelter and emergency housing		\$ -
	Mitigation Site Hygiene	\$ 100,000	\$ -
	Foundation for the challenged	\$ -	\$ -
	Fleetwood rehabilitation	\$ -	\$ -
	Homeless Coordinator	\$ 110,000	\$ -
	Downtown Ambassadors	\$ 100,000	\$ -
Housing Subtotal		\$ 310,000	\$ -
SECTION 108 LOAN REPAYMENT		\$ 56,000	
CDBG Program Subtotal		\$ 1,016,000	\$ -
<u>CDBG Administration</u>			
CDBG Program Management - PY2020		\$ 90,000	\$ -
		CDBG TOTAL	ECONOMIC RECOVERY TOTAL
		\$ 1,106,000	\$ 550,000



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

April 2, 2020

The Honorable Cheryl Selby
Mayor of Olympia
P.O. Box 1967
Olympia, WA 98507-1967

Dear Mayor Selby:

I am pleased to inform you of a special allocation to your jurisdiction of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department is immediately allocating \$2 billion based on the fiscal year 2020 CDBG formula. The remaining \$3 billion shall be allocated based on needs using best available data, in the following tranches: \$1 billion shall be allocated to States and insular areas within 45 days of enactment of the Cares Act, and \$2 billion shall be distributed to states and local governments at the discretion of the Secretary. Up to \$10 million will be set aside for technical assistance. Given the immediate needs faced by our communities, the Department has announced the first allocation of funds. Your jurisdiction's allocation is \$237,383.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the Secretary to grant waivers and alternative requirements of statutes and regulations the Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements can be granted when necessary to expedite and facilitate the use of funds to prevent, prepare for, and respond to coronavirus.

The Department is developing a notice that will further describes the CARES Act's provisions, a Quick Guide to the CARES Act flexibilities and other provisions, and other resources to enable swift implementation of CDBG-CV grants. As these become available, they will be

posted on HUD's website and distributed to grantees. The Department will also support grantees with technical assistance.

As you develop your plan for the use of these grant funds, we encourage you to consider approaches that prioritize the unique needs of low- and moderate-income persons and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. You should coordinate with state and local health authorities before undertaking any activity to support state or local pandemic response. CDBG-CV grants will be subject to oversight, reporting, and requirements that each grantee have adequate procedures to prevent the duplication of benefits. HUD will provide guidance and technical assistance on DOB and regarding prevention of fraud, waste, and abuse and documenting the impact of this program for beneficiaries.

The Office of Community Planning and Development (CPD) is looking forward to working with you to successfully meet the urgent and complex challenges faced by our communities. If you or any member of your staff has questions, please contact your local CPD Field Office Director or CPDQuestionsAnswered@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Gibbs', with a stylized, cursive script.

John Gibbs
Acting Assistant Secretary
for Community Planning and Development
U.S. Department of Housing and Urban Development




U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

9 April 2020

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

MEMORANDUM FOR: All Fiscal Year 2020 and 2019 CDBG and CDBG-CV Grantees and
All CPD Field Office Directors

FROM:  John Gibbs, Acting Assistant Secretary for Community Planning and
Development

SUBJECT: CARES Act Flexibilities for CDBG Funds Used to Support
Coronavirus Response and plan amendment waiver

The Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law , makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants). Additionally, the CARES Act provides CDBG grantees with flexibilities that make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG Grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements.

The Department has announced the allocations of the first \$2 billion in CARES Act funding for CDBG grantees, as well as \$1 billion for Emergency Solutions Grants (ESG) and \$53.7 million for Housing Opportunities for Persons With AIDS (HOPWA). You can find the allocations at www.hud.gov/program_offices/comm_planning/budget/fy20/.

This memorandum transmits the attached *CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response* Guide (Guide). The Guide describes the immediate availability of a 5-day public comment period for amendments and new plan submissions, uncaps the percentage of CDBG funding for public services to prevent, prepare for, and respond to coronavirus, as well as other flexibilities. Please note that these new provisions are not only applicable to the \$5 billion in CDBG funding from the CARES Act but many of the new provisions are also applicable to FY2019 and FY2020 CDBG funding. This broad applicability provides grantees with flexibility to help address the challenges facing our nation.

Grantees are advised to amend or prepare their plans as soon as possible and not to wait for the pending Federal Register notice, which may provide additional waivers and alternative requirements. Similarly, grantees should not wait for HUD to allocate the remaining nearly \$3 billion of the \$5 billion provided by the CARES Act for the CDBG program. Upon publication of the Federal Register notice and subsequent allocations, grantees receiving allocations will then amend plans accordingly.

Grantees should proceed with all amendments and plans under these new provisions by adding the CDBG-CV allocation in their plans as an available resource for the year. The CARES Act permits HUD to waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the CDBG-CV funds, FY2019 and FY2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or

alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus.

To expedite grantees' use of CDBG-CV funds, HUD is waiving the requirements at 42 U.S.C. 12705(a)(2) to the extent it requires updates to the housing and homeless needs assessment, housing market analysis, and strategic plan and 24 CFR 91.220 and 91.320 to the extent the action plan is limited to a specific program year to permit grantees to prepare substantial amendments to their most recent annual action plan, including their 2019 annual action plan. Grantees must identify the proposed use of all funds and how the funds will be used to prevent, prepare for, and respond to coronavirus.

The Department is also waiving 24 CFR 91.505 to facilitate the use of the CDBG-CV funds to the extent necessary to require submission of the substantial amendment to HUD for review in accordance with 24 CFR 91.500. To receive a CDBG-CV grant, a grantee must also submit a SF-424, SF-424D and the certifications at 24 CFR 91.225(a) and (b) or 24 CFR 91.325(a) and (b).

The Guide addresses many of the Field's initial questions. Email inquiries to CPDQuestionsAnswered@hud.gov will continue to receive individual replies and guidance. HUD will also be batching questions and responses and periodically making them available as FAQs. Additional resources will continue to be posted to www.hudexchange.info/programs/cdbg/disease/.

Thank you for the work you and your staff do with our communities in the fight against the coronavirus.

CARES Act Flexibilities for CDBG Funds Used to Support Coronavirus Response

April 9, 2020

President Trump has signed *The Coronavirus Aid, Relief and Economic Security Act* (CARES Act). The CARES Act:

- Makes available \$5 billion in supplemental Community Development Block Grant (CDBG) funding for grants to prevent, prepare for, and respond to coronavirus (CDBG-CV grants);
- Provides flexibilities for CDBG grantees to make it easier to use CDBG-CV grants and fiscal years 2019 and 2020 CDBG grants for coronavirus response and authorizes HUD to grant waivers and alternative requirements;
- Requires CDBG-CV grantees to prevent the duplication of benefits, which means grant funds may not be used to pay costs if another source of financial assistance is available to pay that cost.

HUD will publish a Federal Register notice describing the requirements for CDBG-CV grants. The notice will also include waivers and alternative requirements for CDBG-CV and fiscal year 2019 and 2020 CDBG grants. A grantee may submit a CDBG-CV action plan substantial amendment to its most recent accepted CDBG action plan for the first CDBG-CV allocation before the notice is published. To apply for CDBG-CV grants, grantees may follow existing regulatory requirements for a substantial amendment to the grantee's action plan that describes the amount of CDBG-CV funds available in the first allocation and planned use of funds, in accordance with existing requirements and the flexibilities in the CARES Act, summarized below. HUD will publish a Q&A document with further information on this process.

Grantees may use CDBG-CV and CDBG funds for a range of activities to prevent, prepare for, and respond to coronavirus. For examples, see the [Quick Guide to CDBG Activities for Infectious Disease Response](#).

Summary of CARES Act Provisions for Coronavirus Response With CDBG-CV and CDBG Grants

For more information, refer to applicable sections of the CARES Act, Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).			
Description of Program Flexibility	Applicability to CDBG-CV and CDBG Grants		
Public Service Activities			
Eliminates the 15 percent cap ¹ on the amount of grant funds that can be used for public services activities. Following enactment, the cap in section 105(a)(8) of the HCD Act and 24 CFR 570.201(e) has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts.	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available ✓	
	CDBG Grants before FY 19		Not Available ✕
Reimbursement of Costs			
Provides that grantees may use CDBG-CV grant funds to cover or reimburse costs to prevent, prepare for, and respond to coronavirus incurred by a State or locality, regardless of the date on which such costs were incurred, when those costs comply with CDBG requirements. For other grants, pre-agreement and pre-award cost authority is available under 24 CFR 570.489(b) (states) and 570.200(h) (entitlements).	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants		See current regulations. ✕
	CDBG Grants before FY 19		See current regulations. ✕

¹ Section 105(a)(8) of the Housing and Community Development Act of 1974, provides a different percentage cap for some grantees.

Description of Program Flexibility	Applicability to CDBG-CV and CDBG Grants		
Citizen Participation and Public Hearings for Consolidated Plans (including Action Plans)			
<p>Provides that grantees may amend citizen participation plans to establish expedited procedures to draft, propose, or amend consolidated plans. Expedited procedures must include notice and reasonable opportunity to comment of no less than 5 days. The 5-day period can run concurrently for comments on the action plan amendment and amended citizen participation plans.</p> <p>In-person public hearings are not required. Grantees may meet public hearing requirements with virtual public hearings if: 1) national/local health authorities recommend social distancing and limiting public gatherings for public health reasons; and 2) virtual hearings provide reasonable notification and access for citizens in accordance with the grantee’s certifications, timely responses from local officials to all citizen questions and issues, and public access to all questions and responses.</p>	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available ✓	
	CDBG Grants before FY 19		Not Available ✕
Deadline to Submit Consolidated Plans (including Annual Action Plans)			
<p>Extends the deadline for grantees to submit action plans and other updates to their consolidated plans submissions for fiscal years 2019* and 2020 to August 16, 2021.</p> <p><i>Without extension, the deadline for fiscal year 2020 grants would be August 16, 2020, in accordance with section 116(b) of the HCD Act and 24 CFR 91.15.</i></p> <p><i>*The deadline for fiscal year 2019 passed on August 16, 2019 (plans due then have been submitted).</i></p>	CDBG-CV	Immediately Available ✓	
	CDBG FY 19* and FY 20 Grants	Immediately Available. ✓	
	CDBG Grants before FY 19		Not applicable. ✕
Waiver and Alternative Requirement Authority			
<p>Authorizes the Secretary to issue statutory and regulatory waivers/alternative requirements for CDBG-CV and some CDBG funds when necessary to expedite or facilitate the use of grant funds to prevent, prepare for, and respond to coronavirus.</p> <p>Prohibits waivers/alternative requirements related to fair housing, nondiscrimination, labor standards, and the environment.</p> <p><i>HUD has additional regulatory waiver and statutory suspension authorities that it may use for CDBG Grants before fiscal year 2019 if necessary.</i></p>	CDBG-CV	Immediately Available ✓	
	CDBG FY 19 and FY 20 Grants	Immediately Available. ✓	
	CDBG Grants before FY 19		Not applicable. ✕

Submit your questions to: CPDQuestionsAnswered@hud.gov

Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infectious Disease Response

REVISED April 6, 2020

Grantees should coordinate with local health authorities before undertaking any activity to support state or local pandemic response. Grantees may use Community Development Block Grant (CDBG) funds for a range of eligible activities that prevent and respond to the spread of infectious diseases such as the coronavirus.

Examples of Eligible Activities to Support Coronavirus and Other Infectious Disease Response

<i>For more information, refer to applicable sections of the Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).</i>	
Buildings and Improvements, Including Public Facilities	
Acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements. <i>See section 105(a)(2) (42 U.S.C. 5305(a)(2)); 24 CFR 570.201(c).</i>	Construct a facility for testing, diagnosis, or treatment.
	Rehabilitate a community facility to establish an infectious disease treatment clinic.
	Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment.
Rehabilitation of buildings and improvements (including interim assistance). <i>See section 105(a)(4) (42 U.S.C. 5305(a)(4)); 24 CFR 570.201(f); 570.202(b).</i>	Rehabilitate a commercial building or closed school building to establish an infectious disease treatment clinic, e.g., by replacing the HVAC system.
	Acquire, and quickly rehabilitate (if necessary) a motel or hotel building to expand capacity of hospitals to accommodate isolation of patients during recovery.
	Make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis.
Assistance to Businesses, including Special Economic Development Assistance	
Provision of assistance to private, for-profit entities, when appropriate to carry out an economic development project. <i>See section 105(a)(17) (42 U.S.C. 5305(a)(17)); 24 CFR 570.203(b).</i>	Provide grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease.
	Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.
Provision of assistance to microenterprises. <i>See section 105(a)(22) (42 U.S.C. 5305(a)(22)); 24 CFR 570.201(o).</i>	Provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine.

Provision of New or Quantifiably Increased Public Services	
<p>Following enactment of the CARES Act¹, the public services cap² has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts.</p> <p><i>See section 105(a)(8) (42 U.S.C. 5305(a)(8)); 24 CFR 570.201(e).</i></p>	Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community.
	Provide testing, diagnosis or other services at a fixed or mobile location.
	Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.
	Provide equipment, supplies, and materials necessary to carry-out a public service.
	Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.
Planning, Capacity Building, and Technical Assistance	
<p>States only: planning grants and planning only grants.</p> <p><i>See section 105(a)(12).</i></p>	Grant funds to units of general local government may be used for planning activities in conjunction with an activity, they may also be used for planning only as an activity. These activities must meet or demonstrate that they would meet a national objective. These activities are subject to the State's 20 percent administration, planning and technical assistance cap.
<p>States only: use a part of to support TA and capacity building.</p> <p><i>See section 106(d)(5) (42 U.S.C. 5306(d)(5)).</i></p>	Grant funds to units of general local government to hire technical assistance providers to deliver CDBG training to new subrecipients and local government departments that are administering CDBG funds for the first time to assist with infectious disease response. This activity is subject to the State's 3 percent administration, planning and technical assistance cap.
<p>Entitlement only: data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans. <i>See 24 CFR 570.205.</i></p>	Gather data and develop non-project specific emergency infectious disease response plans.

Planning Considerations

Infectious disease response conditions rapidly evolve and may require changes to the planned use of funds:

- CDBG grantees must amend their Consolidated Annual Action Plan (Con Plan) when there is a change to the allocation priorities or method of distribution of funds; an addition of an activity not described in the plan; or a change to the purpose, scope, location, or beneficiaries of an activity (24 CFR 91.505).
- If the changes meet the criteria for a "substantial amendment" in the grantee's citizen participation plan, the grantee must follow its citizen participation process for amendments (24 CFR 91.105 and 91.115).
- Under the CARES Act, CDBG grantees may amend citizen participation and Con Plans concurrently in order to establish and implement expedited procedures with a comment period of no less than 5-days.

Resources

The Department has technical assistance providers that may be available to assist grantees in their implementation of CDBG funds for activities to prevent or respond to the spread of infectious disease. Please contact your local CPD Field Office Director to request technical assistance from HUD staff or a TA provider.

- Submit your questions to: CPDQuestionsAnswered@hud.gov
- Coronavirus (COVID-19) Information and Resources: <https://www.hud.gov/coronavirus>
- CPD Program Guidance and Training: <https://www.hudexchange.info/program-support/>

¹ On March 27, 2020, President Trump approved the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (CARES Act). The CARES Act makes available \$5 billion in CDBG coronavirus response (CDBG-CV) funds to prevent, prepare for, and respond to coronavirus.

² Section 105(a)(8) of the HCD Act caps public service activities at 15 percent of most CDBG grants. Some grantees have a different percentage cap.

CHAPTER 3: NATIONAL OBJECTIVES

CHAPTER PURPOSE & CONTENTS

This chapter provides a summary of the three national objectives of the program, the category for meeting the three national objectives as well as selecting and documenting the appropriate national objective for activities funded by grantees.

SECTION	TOPIC
3.1	Introduction to National Objectives
3.2	Benefit to LMI Persons
3.3	Elimination of Slum and Blight
3.4	Urgent Need
3.5	LMI Benefit Expenditure
3.6	Choosing the Right National Objective
3.7	Documenting National Objectives

3.1 Introduction to National Objectives

This section provides general background on the national objectives and an overview of the possible approaches.

Key Topics in This Section: Overview of the three national objectives

Regulatory/Statutory Citations: Section 101(c), Section 104(b)(3), 105(c), 570.208

Other Reference Materials on This Topic: Guide to National Objectives and Eligible Activities for Entitlement Communities Chapter 3: Meeting a National Objective

The authorizing statute of the CDBG program requires that each activity funded except for program administration and planning activities must meet one of three national objectives. The three national objectives are:

- Benefit to low- and moderate- income (LMI) persons;
- Aid in the prevention or elimination of slums or blight; and
- Meet a need having a particular urgency (referred to as urgent need).

An activity that does not meet a national objective is not compliant with CDBG requirements and may be subject to remedial actions.

Each national objective and the categories are discussed in further detail in the following sections of this chapter.

This chapter will also explore the strategic decisions grantees can make when qualifying an eligible activity under a national objective. It is possible for an activity to qualify under more than one national objective, although only one national objective may be selected for an activity. Additionally, activities can qualify under more than one category. This chapter will discuss considerations for making a decision regarding which category works best for an eligible activity.

Chapter 3: National Objectives

HUD has developed a matrix of the national objectives, eligible activities and IDIS matrix codes. Grantees may wish to refer to this matrix when selecting national objectives. A copy is attached to the IDIS chapter of this manual.

3.2 Benefit to Low and Moderate Income Persons or Households

This section describes each of the possible LMI national objectives.

Key Topics in This Section: Overview of the primary objective and associated expenditure cap; Area benefit activities (LMA); Limited Clientele Activities (LMC); Housing Activities (LMH); Job Creation and Retention Activities (LMJ)

Regulatory/Statutory Citations: Section 101(c), Section 104(b), 570.1, 570.200(a)(3), 570.208(a)

Other Reference Materials on This Topic: Guide to National Objectives and Eligible Activities for Entitlement Communities: Chapter 3: Meeting a National Objective; Chapter 4: Overall Expenditure Level –Benefit to LMI Persons; Appendix D: Determining Service Areas; CPD Notice 05-06: US HUD Suggested Survey Methodology to Determine the Percentage of LMI Persons in the Service Area of a Community Development Block Grant-Funded Activity

The LMI national objective is often referred to as the “primary” national objective because the statute requires that recipients expend 70 percent of their CDBG funds to meet the LMI national objective.

Additional information on how to meet the 70 percent test and certification to HUD is located later in this chapter.

In addition to meeting the 70 percent test, applicants must ensure that the activities proposed, when taken as a whole, will not benefit moderate-income persons to the exclusion of low-income persons. This does not mean that each activity has to include both low- and moderate income beneficiaries, but it further ensures that the CDBG program will primarily benefit low-income persons.

This section covers the four categories that can be used to meet the LMI national objective:

- Area benefit activities;

- Limited clientele activities;

- Housing activities; or

- Job creation or retention activities

3.2.1 Low Mod Area Benefit (LMA)

The area benefit category is the most commonly used national objective for activities that benefit a residential neighborhood. An area benefit activity is one that benefits all residents in a particular area, where at least 51 percent of the residents are LMI persons.

Chapter 3: National Objectives

Examples of area benefit activities may include the following when they are located in a predominately LMI neighborhood:

- Acquisition of land to be used as a neighborhood park;
- Construction of a health clinic;
- Improvements to public infrastructure like the installation of gutters and sidewalks; and
- Development of a community center.

The activities listed above benefit all LMI residents in a service area and thus are the type of activities that may qualify under the LMI area benefit category for the purposes of meeting a national objective.

Grantees are responsible for determining the service area of an activity. HUD will generally accept a grantee's determination as long as it is reasonable.

The factors that should be considered in making a determination regarding the service area include:

The nature of the activity:

In general the size and the equipment associated with the activity should be taken into consideration. A small park with a limited number of slides and benches would not be expected to serve the entire neighborhood. In the same way, a larger park that can accommodate a considerable number of people would not be expected to service just the immediately adjacent properties. The same applies to improvements or assistance to an alleyway versus a small two-lane street versus an arterial four-lane street within the same neighborhood. The service area for each of these infrastructure projects will be different in size and population.

The location of the activity:

In general, the immediate area surrounding a facility is expected to be included in the service area. Additionally, when a facility is located near the boundary of a particular neighborhood, its service area could likely include portions of the adjacent neighborhood as well as the one in which it is located.

Accessibility issues:

Geographic barriers can separate and preclude persons residing in a nearby area from taking advantage of a facility. Other limits to accessibility can include access fees, language barriers, time or duration that an activity is available, access to transportation and parking, etc.

The availability of comparable activities:

Comparable activities within the service area should be taken into account so that the service area does not overlap with the service area of another comparable activity.

Chapter 3: National Objectives

Boundaries for facilities and public services:

The service area for some public facilities and services are determined based on specified and established boundaries or districts. Examples of such services and facilities are police precincts, fire stations, and schools.

If the service area has not already been identified for an activity, the grantee has to determine the service area before CDBG assistance can be provided under the LMI Area Benefit category.

An area is considered to meet the test of being LMI if there is a sufficiently large percentage (51 percent) of LMI persons residing in the service area as determined by:

The most recently available decennial Census information, together with the Section 8 income limits that would have applied at the time the income information was collected by the Census Bureau; or

A current survey of the residents of the service area.

With respect to using Census information to document that the service area qualifies, grantees can obtain the following data:

A listing of all census tracts and block groups in the community's jurisdiction;

The number of persons that resided in each such tract/block group at the time of the last census; and

The percentage of such persons who were LMI (based on the CDBG definition) at that time.

The above data is available directly from HUD online at:
<http://www.hud.gov/offices/cpd/systems/census/lowmod/sc/index.cfm>.

IDIS calculates this information for grantees.

If the proposed activity's service area is generally the same as a census tract or block group, then the Census data may be used to justify the income characteristics of the area served.

Additionally, grantees can compute the percentage of LMI persons in multiple census tracts and block groups because the data includes both the total number of persons as well as the number of LMI persons within a tract and block group.

HUD permits an exception to the LMI area benefit requirement that an area contain 51 percent LMI residents. This exception applies to entitlement communities that have few, if any, areas within their jurisdiction that have 51 percent or more LMI residents. These communities are allowed to use a percentage less than 51 percent to qualify activities under the LMI Benefit category.

This exception is referred to as the "exception criteria" or the "upper quartile".

A grantee qualifies for this exception when fewer than one quarter of the populated block groups in its jurisdictions contain 51 percent or more LMI persons.

Chapter 3: National Objectives

In such communities, activities must serve an area which contains a percentage of LMI residents that is within the upper quartile of all Census block groups within its jurisdiction in terms of the degree of concentration of LMI residents.

HUD assesses each grantee's census block groups to determine whether a grantee qualifies to use this exception and identifies the alternative percentage the grantee may use instead of 51 percent for the purpose of qualifying activities under the LMI Benefit Area category.

HUD determines the lowest proportion a grantee may use to qualify an area for this purpose and advises the grantee accordingly.

HUD uses the following steps in computing the upper quartile for a given community:

- Identifies the total number of block groups in the grantee's jurisdiction;

- Subtracts the block groups with zero persons to determine the net number of block groups in the jurisdiction;

- Arranges the remaining block groups in descending order, based on LMI residents in the block group;

- Computes the last block group in the upper quartile by multiplying the net number of block groups by 25 percent; and

- Applies the "exception criteria" if the percentage of LMI persons in the last census block group in the top quartile is less than 51 percent.

Grantees which qualify for the exception criteria may use CDBG funds for area benefit activities in any service area, whether or not located in a block group in the highest quartile, if the percentage of LMI persons in the service area is equal to or exceeds the upper quartile percentage.

If the grantee will use the exception criteria, the percentage of LMI persons in the service area must be determined by use of the Census data provided by HUD.

This is because the "upper quartile" was determined using Census data collected at the point in time of the use of CDBG funds.

Income surveys are often used to determine LMI area in one of two instances:

- If HUD data does not indicate the service area contains at least 51 percent LMI persons, and if a grantee has a compelling reason to believe the data is incorrect, then the grantee may conduct household surveys based on a change in either population or income of the area since the census.

- Also, when the service area is not generally the same as a census tract or block group, then the grantee should conduct household surveys to determine the LMI percentage for the service area.

The survey instrument and methodology must be approved by HUD for the purpose of establishing the percentage of LMI persons in a service area.

Chapter 3: National Objectives

A survey must meet standards of statistical reliability that are comparable to that of the Decennial Census data for areas of similar size.

Additional guidance is available in CPD Notice 05-06.

Finally, the service area of the activity must be primarily residential and the activity must meet the identified needs of LMI persons.

An activity with a service area that is not primarily residential may not qualify under the LMI area benefit category even if the activity provides benefits to all residents in the service area and 51 percent of the residents are LMI persons.

This requirement does not apply to the location of the activity itself but rather the service area of the activity. As such it does not mean that activities located in commercial districts cannot be qualified under the LMI area benefit category on the virtue of their geography. The primarily residential test is applied to the service area of the activity.

For example, activities that support the infrastructure of a commercial district composed of institutions and firms that serve a national and international clientele will not qualify under LMI area benefit.

In contrast, if the commercial district is composed of stores and businesses that serve local customers such that the service area boundaries of the commercial district is around a primarily residential area with the requisite percentage of LMI residents, the activity qualifies under the LMI area benefit category.

Activities under Public Facilities and Improvements and some Public Service activities (e.g. police or fire services) tend to provide benefits to all residents in the service area. Additionally, public schools can be qualified under LMI area benefit because of the affect a school may have on the value of the residential property in the area. Public Schools are considered to benefit all the residents of the service area and may qualify under this category.

There are activities and facilities that are located in a service area but are designed to meet special needs. These activities cannot be qualified under this category. For example, a senior center would qualify under the LMI limited clientele category and not the LMI area benefit category.

With respect to exceptions and special situations, the statute allows two kinds of area benefit activities to meet the national objective of benefit to LMI persons even when the general requirements of the area benefit category cannot be met. The two kinds of area benefit activities are described below:

911 Systems (§ 570.208(a)(1)(iii))

With prior HUD approval, a grantee may develop, establish and operate for up to two years after the establishment of a uniform emergency telephone number system serving an area having less than the percentage of LMI persons otherwise required.

Special Assessments (§ 570.208(a)(1)(iv))

The use of CDBG funds to pay special assessments levied against residential properties that are owned and occupied by LMI persons will qualify under the LMI area

Chapter 3: National Objectives

benefit category provided that this is the only use of CDBG funds in the financing of a public improvement. The activity will qualify even if the public improvement provides a benefit to all the residents of an area.

Finally, there are two special situations that can meet the national objective of benefiting LMI persons under either the area benefit category or the job creation or retention category, at the option of the grantee.

1. Activities undertaken pursuant to a HUD approved Neighborhood Revitalization Strategy Area (NRSA) for the purpose of creating or retaining jobs, and
2. Activities carried out for the purpose of creating or retaining jobs by a Community Development Financial Institution (CDFI) whose charter limits its investment area to a primarily residential area consisting of at least 51 percent LMI persons.

3.2.2 Low Mod Limited Clientele (LMC)

The limited clientele category is a second way to qualify specific activities under the LMI benefit national objective. Under this category, 51 percent of the beneficiaries of an activity have to be LMI persons.

In contrast to the area benefit category, it is not the LMI concentration of the service area of the activity that determines whether the activity will qualify or not, but rather the actual number of LMI persons that benefit from the activity.

Activities in this category provide benefits to a specific group of persons rather than everyone in an area. It may benefit particular persons without regard to their residence, or it may be an activity that provides a benefit to only particular persons within a specific area.

Examples of activities that qualify under the limited clientele category include:

Acquisition of a building to be converted into a shelter for the homeless;

Rehabilitation of a center for training severely disabled persons to enable them to live independently;

Clearance of a structure from the future site of an neighborhood center that will exclusively serve the elderly; and

Public services activities like the provision of health services.

The listed examples qualify under the limited clientele category because the beneficiaries can be identified as LMI residents.

With respect to determining the beneficiaries of activities as LMI and qualifying under the limited clientele category, activities must meet one of the following tests:

Benefit a clientele that is generally presumed to be principally LMI. This presumption covers abused children, battered spouses, elderly persons, severely disabled adults (see the box below), homeless persons, illiterate adults, persons living with AIDS and migrant farm workers; or

Require documentation on family size and income in order to show that at least 51 percent of the clientele are LMI; or

Chapter 3: National Objectives

Have income eligibility requirements limiting the activity to LMI persons only; or

Be of such a nature and in such a location that it can be concluded that clients are primarily LMI. An example is a day care center that is designed to serve residents of a public housing complex.

In addition, the following activities may qualify under the limited clientele national objective:

Removal of architectural barriers to mobility for elderly persons or the severely disabled will be presumed to qualify under this category if it is restricted, to the extent practicable, to the removal of such barriers by assisting

The reconstruction of a public facility or improvement, or portion thereof that does not qualify under the area benefit category;

The rehabilitation of a privately owned nonresidential building or improvement that goes not qualify under area benefit or job creation or retention category: or

The rehabilitation of common areas in a residential structure that contains more than one dwelling unit and that does not qualify under housing activities category for meeting national objectives.

Microenterprise activities carried out in accordance with the HUD regulations when the person owning or developing the microenterprise is LMI; or

Activities that provide training and other employment support services when the percentage of persons assisted is less than 51 percent LMI may qualify if: the proportion of total cost borne by CDBG is no greater than the proportion of LMI persons assisted; and when the service assists businesses, CDBG is only used in the project to pay for the job training and/or supportive services.

There are two sets of activities that are precluded from qualifying under this category based on statutory limitations:

Acquisition, construction, or rehabilitation of property for housing, including homeownership assistance must qualify under the housing national objective which will be discussed below in further detail.

Creation or retention of jobs generally qualify under the jobs or the area benefit category of the LMI benefit national objective.

Definition of Severely Disabled

Persons are considered severely disabled if they:

Use a wheelchair or another special aid for 6 months or longer;

Are unable to perform one or more functional activities (seeing, hearing, having one's speech understood, lifting and carrying, walking up a flight of stairs and walking);

Need assistance with activities of daily living (getting around inside the home, getting in or out of bed or a chair, bathing, dressing, eating and toileting) or instrumental activities or daily living (going outside the home, keeping track of money or bills, preparing meals, doing light housework and using the telephone);

Are prevented from working at a job or doing housework;

Have a selected condition including autism, cerebral palsy, Alzheimer's disease, senility or dementia or mental retardation; or

Are under 65 years of age and are covered by Medicare or receive Supplemental Security Income (SSI).

3.2.3 Low Mod Housing Activities (LMH)

The housing category of LMI benefit national objective qualifies activities that are undertaken for the purpose of providing or improving permanent residential structures which, upon completion, will be occupied by LMI households.

Examples of eligible activities include, but are not limited to:

Acquisition of an apartment house to provide dwelling units to LMI households at affordable rents, where at least 51 percent of the units will be occupied by LMI households;

Site improvements on publicly-owned land to serve a new apartment structure to be rented to LMI households at affordable rents;

Housing rehabilitation for single family units;

Conversion of an abandoned warehouse to be reconfigured into new apartments, where at least 51 percent of the units will be occupied by LMI households at affordable rents.

In order to meet the housing LMI national objective, structures with one unit must be occupied by a LMI household. If the structure contains two units, at least one unit must be LMI occupied. Structures with three or more units must have at least 51 percent occupied by LMI households.

Rental buildings under common ownership and management that are located on the same or contiguous properties may be considered as a single structure.

For rental housing, occupancy by LMI households must be at affordable rents, consistent with standards adopted and publicized by the grantee.

Under the following limited circumstances, structures with less than 51 percent LMI occupants may be assisted:

Assistance is for an eligible activity that reduces the development cost of new construction of non-elderly, multi-family rental housing; and

Chapter 3: National Objectives

At least 20 percent of the units will be occupied by LMI households at an affordable rent; and
The proportion of cost borne by CDBG funds is no greater than the proportion to be occupied by LMI households.

When housing activities are conducted by a community development financial institution (CDFI) or as part of an approved NRSA, multiple units (e.g. scattered site housing) may be aggregated for the purposes of meeting the LMI housing national objective.

NOTE: This flexibility does not apply to activities under the Direct Homeownership Assistance eligibility category (570.201(n)).

Please refer to the chapter on Revitalization Areas more information.

There are a number of activities that generally do not qualify under the LMI Housing national objective. These include code enforcement, interim assistance, microenterprise assistance, public services, and special economic development activities.

3.2.4 Low Mod Job Creation or Retention Activities (LMJ)

The job creation and retention LMI benefit national objective addresses activities designed to create or retain permanent jobs, at least 51 percent of which (computed on a full-time equivalent basis) will be made available to or held by LMI persons.

Some examples of activities that qualify when at least 51 percent of jobs created/retained will be for LMI persons include:

- Clearance activities on a site slated for a new business;

- Rehabilitation activity that will correct code violations and enable a business to survive and retain jobs;

- Financial assistance to a manufacturer for the expansion of its facilities that is expected to create permanent jobs; and

- Assistance to expand a small house cleaning service with four employees that agrees to hire three additional LMI employees.

The following requirements must be met for jobs to be considered created or retained.

- If grantees fund activities that *create* jobs, there must be documentation indicating that at least 51 percent of the jobs will be held by, or made available to, LMI persons.

- For funded activities that *retain* jobs, there must be sufficient information documenting that the jobs would have been lost without the CDBG assistance and that one or both of the following applies to at least 51 percent of the jobs:

 - The job is held by a LMI person; or

 - The job can reasonably be expected to turn over within the following two years and steps will be taken to ensure that the job will be filled by, or made available to, a LMI person.

The following requirements apply for jobs to be considered available to or held by LMI persons.

- Created or retained jobs are only considered to be *available to* LMI persons when:

Chapter 3: National Objectives

Special skills that can only be acquired with substantial training or work experience or education beyond high school are **not** a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and

The grantee and the assisted business take actions to ensure that LMI persons receive first consideration for filling such jobs.

Created or retained jobs are only considered to be *held by* LMI persons when the job is actually held by a LMI person.

For the purpose of determining if the preceding requirements are met, a person may be presumed to be LMI if:

He/she resides in a Census tract/block numbering area that has a 20 percent poverty rate (30 percent poverty rate if the area includes the central business district); and the area evidences pervasive poverty and general distress; or

He/she lives in an area that is part of a Federally-designated Empowerment Zone (EZ) or Enterprise Community (EC); or

He/she resides in a Census tract/block numbering area where at least 70 percent of the residents are LMI.

Jobs created or retained by assisted businesses may also be presumed to be LMI if the job and business are located in an area that:

Has a 20 percent poverty rate (30 percent poverty rate if the area includes the central business district) **and** the area evidences pervasive poverty and general distress; or

Is part of a Federally-designated EZ or EC.

To determine if an area evidences pervasive poverty and general distress, the following standards are applicable

All block groups in the census tract have poverty rates of at least 20 percent;

The specific activity being undertaken is located in a block group that has a poverty rate of at least 20 percent; or

Upon the written request of the grantee, HUD determines that the census tract exhibits other objectively determinable signs of general distress such as high incidence of crime, narcotics use, homelessness, abandoned housing, and deteriorated infrastructure or substantial population decline.

As a general rule, each assisted business shall be considered to be a separate activity for purposes of determining whether the activity qualifies under the job creation and retention category for meeting a national objective.

However, in certain cases, such as where CDBG funds are used to acquire, develop or improve a real property (e.g., a business incubator or an industrial park), the requirement may be met by measuring jobs in the aggregate for all the businesses that locate on the property, provided such businesses are not otherwise assisted by CDBG funds.

Additionally, where CDBG funds are used to pay for the staff and overhead costs of an entity making loans to businesses from non-CDBG funds, this requirement may be met by aggregating the jobs created by all of the businesses receiving loans during any program year.

Chapter 3: National Objectives

As mentioned under the area benefit category, certain job creation or retention activities carried out by a CDFI or under a Neighborhood Revitalization Strategy can meet the national objective of benefiting LMI persons under either category. In these instances, the grantee will decide which category it will use to qualify the activity and record the decision in program files so that HUD will know which category is being applied.

3.3 Elimination of Slums and Blight

This section highlights the national objectives related to the elimination of slums and blight.

Key Topics in This Section: Overview of elimination of slum and blight; Area basis (SBA); Spot basis (SBS); Urban renewal (SBR)

Regulatory/Statutory Citations: Section 101(c), Section 104(b)(3), Section 105(c), 570.208(b)

Other Reference Materials on This Topic: Guide to National Objectives and Eligible Activities for Entitlement Communities, Chapter 3: Meeting a National Objective

Activities under this national objective are carried out to address one or more of the conditions which have contributed to the deterioration of an area designated as a slum or blighted area.

The focus of activities under this national objectives is a change in the physical environment of a deteriorating area. This contrasts with the LMI benefit national objective where the goal is to ensure that funded activities benefit LMI persons.

This difference in focus has an impact on the information that is required to assess the qualifications of an activity. Under the LMI benefit national objective, determining the number of LMI persons that actually or could potentially benefit from an activity is central to qualifying the activity. Under the elimination of slum and blight national objective, determining the extent of and physical conditions that contribute to blight is central to qualifying an activity.

There are three categories that can be used to qualify activities under this national objective:

- Prevent or eliminate slums and blight on an area basis;
- Prevent or eliminate slum and blight on a spot basis; or
- Be in an urban renewal area.

3.3.1 Slum Blight Area Basis (SBA)

This category covers activities that aid in the prevention or elimination of slums or blight in a designated area. Examples of activities that qualify when they are located within the slum or blighted area include

- Rehabilitation of substandard housing located in a designated blighted area and where the housing is expected to be brought to standard condition;
- Infrastructure improvements in a deteriorated area; and
- Economic development assistance in the form of a low-interest loan to a business as an inducement to locate a branch store in a redeveloping blighted area.

To qualify under this category, the area in which the activity occurs must be designated as slum or blighted. The following tests apply:

Chapter 3: National Objectives

The designated area in which the activity occurs must meet the definition of a slum, blighted, deteriorated or deteriorating area under state or local law;

Additionally, the area must meet either one of the two conditions specified below:

Public improvements throughout the area are in a general state of deterioration; or

At least 25 percent of the properties throughout the area exhibit one or more of the following:

Physical deterioration of buildings/improvements;

Abandonment of properties;

Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings;

Significant declines in property values or abnormally low property values relative to other areas in the community; or

Known or suspected environmental contamination.

Documentation must be maintained by the grantee on the boundaries of the area and the conditions that qualified the area at the time of its designation. The designation of an area as slum or blighted must be re-determined every 10 years for continued qualifications.

As stated above, qualified activities must address the identified conditions that contributed to the slum and blight.

NOTE: When undertaking residential rehab in a slum/blight area, the building must be considered substandard under local definition and all deficiencies making the building substandard must be eliminated before less critical work is undertaken.

3.3.2 Slum Blight Spot Basis (SBS)

These are activities that eliminate specific conditions of blight or physical decay on a spot basis and are not located in a slum or blighted area. Examples include:

Acquisition and demolition of a dilapidated property;

Rehabilitation of a decayed community center that eliminates code violations that are detrimental to the health and safety of potential occupants like faulty wiring, falling plaster, or other similar conditions;

Preservation of a deteriorated building of historic significance; and

Financial assistance to a business to demolish a decayed structure and construct a new building on the site.

Activities under this category are limited to acquisition, clearance, relocation, historic preservation, remediation of environmentally contaminated properties, and building rehabilitation activities.

Furthermore, rehabilitation is limited to the extent necessary to eliminate a specific condition detrimental to public health and safety.

3.3.3 Slum Blight Urban Renewal Area (SBR)

These are activities located within an Urban Renewal project area or Neighborhood Development Program (NDP) action area that are necessary to complete an Urban Renewal Plan.

A copy of the Urban Renewal Plan in effect at the time the CDBG activity is carried out, including maps and supporting documentation, must be maintained for record keeping purposes.

This national objective category is rarely used as there are only a handful of communities with open Urban Renewal Plans.

3.4 Urgent Need (URG)

This section describes the urgent need national objective.

Key Topics in This Section: Overview of urgent need

Regulatory/Statutory Citations: Section 101(c), 104(b)(3), 105(c), 570.208(c)

Other Reference Materials on This Topic: Guide to National Objectives and Eligible Activities for Entitlement Communities, Chapter 3: Meeting a National Objective

Use of the urgent need national objective category is rare. It is designed only for activities that alleviate emergency conditions. Examples include:

- Acquisition of property located in a flood plain that was severely damaged by a recent flood;

- Public facility improvements like the reconstruction of a publicly-owned hospital that was severely damaged by a tornado;

- Demolition structures that are severely damaged by a major earthquake;

- Public services like additional police protection to prevent looting in an area damaged by a recent hurricane;

- Interim assistance such as emergency treatment of health problems cause by a flood; and

- Special economic development assistance to a grocery store that was damaged by an earthquake.

Urgent need qualified activities must meet the following criteria:

- The existing conditions must pose a serious and immediate threat to the health or welfare of the community;

- The existing conditions are of recent origin or recently became urgent (generally, within the past 18 months);

- The grantee is unable to finance the activity on its own; and

- Other sources of funding are **not** available.

3.5 LMI Benefit Expenditures

Grantees are required to expend a substantial portion of their funds in order to benefit LMI persons. This section describes the calculation of LMI benefit.

Key Topics in This Section: Expenditure requirement, Meeting the requirement, Excluded expenditures, Activities that meet the requirement

Regulatory/Statutory Citations: Section 101(c), Section 104(b), 105(c), 570.200(a)(3)

Other Reference Materials on This Topic: Guide to National Objectives and Eligible Activities for Entitlement Communities, Chapter 4: Overall Expenditures Level – Benefit to L/M Income Persons

The primary national objective of the CDBG Program is the development of viable urban communities principally for LMI persons.

To meet the primary national objective, the CDBG regulations require that grantees expend not less than 70 percent of CDBG funds for activities that benefit LMI persons.

Planning and administrative costs are excluded from the LMI benefit calculation.

Activities meeting this requirement are those which qualify under one of the four LMI benefit national objective category:

Area basis;

Limited clientele;

Housing activities; or

Job creation or retention.

The percentage calculation is based on aggregate CDBG expenditures over a period specified by the grantee (up to three years) in a certification to HUD. The certification must be included in grantee's annual Consolidated Plan action plan submission.

LMI Calculation Example

Total entitlement grant amount: \$1,000,000

Less actual planning and admin (up to 20 percent): (200,000)

Equals amount subject to LMI calculation: \$800,000

Multiplied by 70 percent: x 0.70

Equals minimum to benefit LMI: \$560,000

Amount subject to LMI calculation: \$800,000

Less LMI minimum: (560,000)

Equals maximum slum/blight and urgent needs allowable activities: \$240,000

* NOTE: This example is for illustrative purposes only. It does not demonstrate the calculation for grantees on a multi-year certification cycle, and does not take into account program income.

Due to the 70 percent LMI benefit standard, grantees **must** limit expenditures under the Slum/Blight and Urgent Need national objectives in order to meet the LMI expenditure requirement.

Chapter 3: National Objectives

Under housing activities, the expended funds that count towards the 70 percent requirement may be limited depending on number of LMI units in the housing structure and the amount of the CDBG funds expended on the structure.

To determine the amount expended under housing activities that counts towards the 70 percent requirement, grantees should take the following steps:

Divide the number of units in an assisted structure that is occupied by LMI households by the total number of units to determine the percentage of units that are occupied by LMI households;

Multiply the total costs of the assisted activity (including those paid for with CDBG and non-CDBG funds) by the percentage of units that are occupied by LMI households; and

Exclude the amount of CDBG funds expended for the assisted structure that is in excess of the amount calculated in the above step.

Excluded Housing Activity Expenditures Example

Number of units occupied by LMI households: 4

Total number of units in assisted structure: 6

Divide number of units occupied by LMI households by total number of units in assisted structure and multiple by 100: $(4/6) * 100$

Equals percent of LMI units in structure: 67%

Total cost of the housing activity (all sources of funds): \$300,000

Multiplied by percent of LMI units in structure

(i.e. proportion of housing costs attributed to LMI units): \$200,000

CDBG assistance to the structure: \$250,000

Excess CDBG funds that have to be excluded from LM expenditures: \$50,000

* NOTE: This example is for illustrative purposes only.

3.6 Choosing the Right National Objective

Grantees may have options regarding which national objective is used for a particular activity. This section provides tips on selecting the right national objective.

Key Topics in This Section: Activities that meet more than one national objective, Selecting the most appropriate national objective

Regulatory/Statutory Citations: 570.200(a)(3), 570.208

Other Reference Materials on This Topic: Guide to National Objectives and Eligible Activities for Entitlement Communities, Chapter 3: National Objectives

Activities may qualify for more than one national objective category. If an activity meets the LMI benefit national objective, then the best decision for most grantees will be to use the LMI Benefit national objective because of the 70 percent requirement associated with that national objective.

For the activities that meet more than one national objective, grantees may find it useful to document compliance with all the applicable national objectives, especially if there is some uncertainty regarding the ability of an activity to meet the chosen national objective upon completion.

Chapter 3: National Objectives

For example, grantees may have concern that an activity qualifying on the basis of creating jobs may not meet the test that at least 51 percent of the jobs created will benefit LMI persons. If the activity could also qualify under the slum/blight area category, the grantee may be best served by documenting compliance with both national objectives. This way, if the activity does not meet the LMI job creation criteria the grantee can switch the activity to the slum/blight area national objective rather than have the activity in non-compliance with CDBG rules. Note that switching the activity from LMI benefit to slum/blight area may affect the grantees certification that 70 percent of expenditures are associated with the LMI benefit national objective, so grantees should proceed with precaution.

3.7 Documenting National Objectives

It is critical that grantees document the results of their activity and the related national objective. This section highlights that required national objective documentation.

Key Topics in This Section, Timing of documentation activities, Documenting LMI Benefit national objective, Documenting Prevention/Elimination of Slums or Blight, Documenting Urgent Need

Regulatory/Statutory Citations: 570.208, 570.506(b)

Other Reference Materials on This Topic, Guide to National Objectives and Eligible Activities for Entitlement Communities, Chapter 3: National Objectives

Grantees must maintain records that funded activities meet one of the national objectives. The records depend on the national objective category. This section walks grantees through the documentation requirements under the associated national objective categories.

The Performance Measurement, Reporting, Recording Keeping and Monitoring chapter in this manual, Chapter 13, has more details regarding records that must be maintained to document compliance with CDBG regulations, including records on meeting national objectives.

The timing of documentation for activities is an important consideration. Compliance with national objectives can be documented upfront for a number of the categories. For example, compliance documentation for the following national objectives can be established upfront:

- Under the national objective of benefit to LMI persons, the LMI area benefit;

- Under the national objective of elimination of slums or blight, all three categories (area basis, spot basis, and urban renewal); and

- The urgent need national objective.

Some national objectives have to be documented over time. For example, it is likely that the future occupants of a rental rehabilitation activity cannot be identified up-front. Compliance with the LMI Housing requirement that 51 percent of the occupants have to be LMI households, will require collecting documentation demonstrating compliance during the lease-up period.

In the same way, future hires of created jobs cannot be identified and documentation of compliance cannot be obtained upfront. Rather, hires by the assisted business have to be monitored over a period of time.

3.7.1 Benefit to LMI Persons

LMI Area Benefit

The following records will demonstrate compliance under this national objective category:

Boundaries of service area;

Percentage of LMI persons that reside in the service area; and

The data used for determining percentage of LMI persons.

LMI Limited Clientele

One of the following five types of records must be kept:

1. Documentation showing that the activity is designed for exclusive use by a segment of the population presumed by HUD to be LMI persons; or
2. Documentation describing how the nature and the location of the activity establishes that it will be used predominantly by LMI persons; or
3. Data showing the family size and annual income of each person receiving the benefit; or
4. Data showing that barriers to mobility or accessibility have been removed and how the barrier removal was restricted to the extent feasible to one of the particular cases authorized under this category; or
5. Documentation showing that the activity qualifies under the special conditions regarding job services where less than 51 percent of the persons benefiting are LMI persons.

LMI Housing

The following records must be maintained:

A written agreement with each landlord or developer receiving CDBG assistance. The agreement must specify

The total number of dwelling units in each multi-unit structure, and

The number of those units which will be occupied by LMI households after assistance.

Total cost of the activity, including both CDBG and non CDBG funds

The household size and income eligibility for each of the LMI households occupying assisted units

For rental housing

The rent charged (or to be charged) after assistance for each dwelling unit in each assisted structure; and

Documentation of compliance with the locally established standards for housing that is “affordable to LMI households”.

When assisting structures with less than 51 percent LMI occupants, documentation of qualification under the special conditions:

Number of units to be occupied by LMI households at an affordable rent;

Total development cost of new construction; and

Chapter 3: National Objectives

Amount of CDBG funds expended for activity.

When aggregating scattered sites, documentation of the basis for aggregating scattered sites and considering them as a single structure.

When assisting with the delivery costs of HOME assisted projects and assistance, evidence that housing projects and/or tenant based rental assistance achieves HOME income targeting requirements.

While compliance with the housing national objective is based on the initial occupancy of the housing following completion of the CDBG-assisted activity, grantees are urged to establish their own requirements for replacing such households with other LMI households whenever the assisted unit becomes vacant within a period of time following completion that is commensurate with the amount of CDBG financial assistance that was provided to the developer.

Another consideration when document compliance is that occupancy of the unit may not be for some time after the completion of the activity. For example, there may be a time lag between the acquisition or land clearing activity subsidized by CDBG funds and the development of the housing units. It is not sufficient to document the intention to comply. The grantee is responsible for documenting that the housing units are constructed and that the appropriate number of units are initially occupied by LMI households.

LMI Job Creation and Retention

Record keeping requirements in this category relate to both the status of the business, the jobs created or retained, and the LMI persons benefiting from the activity. The following is an outline of the documents that have to maintained by grantees:

Written agreement with the business in which the following is specified:

A commitment from the assisted business to hire or retain LMI persons;

The type of job and whether the job will be full- or part- time, and

The actions that the business will take to ensure that at least 51 percent of the hires or retainees will be LMI persons.

Compliance with the written agreement must be documented as follows:

The jobs that were actually created and/or retained;

Whether each such job was held by or made available to a LMI person, and

The full-time equivalency status of the jobs.

For created jobs that will be held by LMI persons, the records must demonstrate:

Listing by job title of the jobs created;

Listing by job title of the jobs filled;

The name and income status of the person who filled each position; and

The full-time equivalency status of the jobs.

For created jobs that will be made available to LMI persons but are not taken by LMI persons:

The title and description of the jobs made available;

Chapter 3: National Objectives

The full-time equivalency status of the job;

The prerequisites for the job; special skills or education required for the job, if any; and the business commitment to provide needed training for such jobs; and

How first consideration was given to LMI persons for the job can be recorded as follows:

The name(s) of person(s) interviewed for the job and the date of the interview(s), and

The income status of the person(s) interviewed.

For retained jobs that would otherwise be lost:

Specific evidence that the jobs would be lost without the CDBG assistance.

If the retained job is held by a LMI person:

A listing by job title of permanent jobs retained;

The jobs that are known to be held by LMI persons at the time of assistance;

The full time equivalency status of each job; and

Family size and annual income of each LMI person.

For retained jobs that are projected to turnover to LMI persons:

A listing of the retained jobs that are projected to become available within two years of assistance;

The basis of the determination that the job is likely to turnover within two years of assistance;

The actual turnover date;

The name and income status of the person who filled the vacancy;

If the person who took the job was not a LMI person, records to demonstrate that the job was made available to LMI persons:

The name(s) of person(s) interviewed for the job and the date of the interview(s) and

The income status of the person(s) interviewed

Information on the family size and annual income of each LMI person hired.

There are five options for documenting the LMI status of an applicant or employee:

1. Referrals from an agency that has agreed to refer individuals who are determined to be LMI based on HUD's category. These agencies must maintain records, which must be available to the grantee or federal inspection, showing the basis upon which they determined that the person was LMI; or
2. A written self certification by the employee or applicant of his/her family size and total income that is signed and dated. Certification can either include actual size and income of family or can contain a statement that the annual family income is below the Section 8 low-income limit for the applicable family size; or
3. Qualification of employee or application for assistance under another program with income qualification that are as restrictive as those used by the CDBG program.

Chapter 3: National Objectives

Examples include referrals from Public Housing, Welfare Agency, or the JTPA Program, with the exception of the JTPA Title III program for dislocated workers; or

4. Evidence that the individual is homeless; or
5. Evidence that the individual may be presumed to be LMI by way of residence address and poverty rates of applicable census tract or documentation of area designation as EZ or EC.

The grantee can use any combination of documenting income status for the persons benefiting from a job creation or retention activity.

When documenting income, the income status of an individual is made at the time the CDBG assistance is provided. This may have an affect on the retention of high-paying unskilled jobs counting as eligible except for turnover purposes. This is because a person who occupies a high-paying but low-skilled job may not qualify as a LMI person. Whereas a LMI person may fill the job at a lower pay rate if it were created or if it became available through turnover.

3.7.2 Prevention/Elimination of Slums or Blight

Under the categories of Area Basis and Spot Blight, the presence of blight has to be evidenced in record keeping. In documenting the presence of blight, the use of pictures is encouraged.

Area Basis

Records to be maintained include:

- Area designation (e.g., boundaries) and date of designation

- Documentation and description of blighted conditions (e.g., photographs, structural surveys, or development plans)

For residential rehabilitation:

- Building qualification as substandard,

- Pre-rehabilitation inspection report and work plan describing deficiencies,

- Scope of work performed with documentation that substandard elements were addressed first; and

- Evidence that the activities undertaken address the conditions that contributed to the deterioration.

Spot Blight

Grantee files should include the following:

- Description of condition addressed by activity,

- Documentation of eligibility of activity under this category, and

- Records required for residential rehabilitation as listed above under Area Basis.

Urban Renewal Area

Records must contain:

- A copy of the Urban Renewal Plan, and

Chapter 3: National Objectives

Documentation that activity was required to meet the goals outlined in the renewal plan.

3.7.3 Urgent Need

Files should include:

Documentation of urgency of need and timing; and

Certification that other financing resources were unavailable and CDBG had to be used.



City Council

Approval of an Ordinance Related to Downtown Design Guidelines

Agenda Date: 5/5/2020
Agenda Item Number: 4.I
File Number: 20-0347

Type: ordinance **Version:** 2 **Status:** Other Business

Title

Approval of an Ordinance Related to Downtown Design Guidelines

Recommended Action

Committee Recommendation:

The Planning Commission and the Land Use and Environment Committee recommend approval, as written.

City Manager Recommendation:

Move to approve the ordinance related to Downtown Design Guidelines on second reading.

Report

Issue:

Whether to adopt new Downtown Design Criteria and related code amendments.

Staff Contact:

Joyce Phillips, Senior Planner, Community Planning and Development, 360.570.3722

Presenter(s):

Joyce Phillips, Senior Planner, Community Planning and Development

Background and Analysis:

Background and analysis has not changed from first to second readings.

One of the first recommended actions to implement the Downtown Strategy (DTS) is an update to the Downtown design guidelines. These are regulations that help ensure new development and significant redevelopment projects achieve a level of design quality that is consistent with the City's vision as expressed in the Comprehensive Plan and Downtown Strategy. The updated Downtown design guidelines specifically implement the Downtown character areas established in the Downtown Strategy.

Background

Design guidelines address functional as well as aesthetic issues. They influence site design, building orientation, massing, architecture and other building details, as well as historic preservation. They

intend for development to be compatible with neighbors; promote safety, security and livability; be environmentally responsible; promote health and pedestrian activity; and upgrade the physical attractiveness of a development.

The City retained MAKERS consultants to assist with updating Downtown design guidelines. The consultant reviewed all comments received on the working draft of the update and a final draft was prepared for a final round of internal review by Current Planning staff. Based on staff comments and to address public comments that had been received on the first public draft, additional revisions were made, and a second public draft was issued. City staff reviewed the second draft with the Planning Commission, Heritage Commission, Design Review Board, and held an Open House to solicit comments. A final round of revisions were made to address the additional comments received and the public hearing draft was issued. The Planning Commission and Council's Land Use and Environment Committee recommend approval, as written.

The draft guidelines are divided into four distinct sections, as follows:

- 18.120.100s - Introduction
- 18.120.200s - Site Planning
- 18.120.300s - Site Elements and Design
- 18.120.400s - Building Design

Along with the proposed downtown design guideline update, staff proposed view protection measures guided by the Downtown Strategy, which will include amendments to Title 18, Unified Development Code, of the Olympia Municipal Code. Other chapters in Title 18 require revisions to ensure consistency with the new design guidelines for downtown. The public hearing draft of the Downtown Design Guidelines and the Related Code Amendments are available on the project webpage.

Neighborhood/Community Interests (if known):

Community participation has been a large part of the development of the draft guidelines. Staff from the City and MAKERS worked with a Technical Work Group and held public meetings to gather input and prepare the draft guidelines. Additional outreach was completed to ensure revisions to earlier drafts met the expectations and needs of those who provided comments.

An Open House public meeting was held on January 23, 2020. Ten people attended the meeting. Written comments that were received at the Open House and all comments provided at the public hearing were considered by the Planning Commission before making its recommendation.

Options:

1. Approve the ordinance as drafted on first reading and forward to second reading.
2. Approve the Downtown Design Guidelines and adopt the ordinance with revisions.
3. Remand the Downtown Design Guidelines and Related Code Amendments to the Planning Commission to reconsider noted issues or comments of the Council.

Financial Impact:

Funding for the consulting firm, MAKERS, to complete the preliminary drafts was awarded earlier in the process. The work and that contract have been completed. The remaining work to complete the guidelines and related code amendments is part of the Community Planning and Development

Type: ordinance **Version:** 2 **Status:** Other Business

Department's base budget.

Attachments:

Ordinance

Project Webpage

Public Comment

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING TITLE 18, UNIFIED DEVELOPMENT CODE, OF THE OLYMPIA MUNICIPAL CODE, RELATED TO DESIGN GUIDELINES FOR THE DOWNTOWN.

WHEREAS, the City of Olympia Comprehensive Plan update, adopted in December 2014, identified a need for additional planning for the Downtown area; and

WHEREAS, the City Council adopted the Downtown Strategy in April 2017, which identified the need for revisions to the Design Criteria for the Downtown in order to fully implement the Downtown Strategy; and

WHEREAS, public outreach to identify public preferences for design and site development in the Downtown and the formation of a technical work group began in April 2017, in order to begin creation of new design criteria to implement the Downtown Strategy; and

WHEREAS, the City approved a Comprehensive Plan Amendment in 2018, to add Appendix B to the Land Use and Urban Design Chapter, in order to memorialize the landmark views that were identified in the Downtown Strategy as being important to protect; and

WHEREAS, an analysis of the landmark views to be protected identified three areas where view protections measures would require revision to the development standards related to building heights and design elements in order to protect the landmark view from the identified public observation point; and

WHEREAS, staff and consultants worked with key stakeholders, the technical work group, and City staff to develop draft design criteria that strongly reflected the character areas identified in the Downtown Strategy in new Downtown Design Sub-Districts; and

WHEREAS, staff and the consultants developed new code language to address protection of landmark views from public observation points identified in the Downtown Strategy and the Comprehensive Plan; and

WHEREAS, staff and the consultants worked to better integrate Historic Preservation planning and protection measures into the Downtown Design Criteria by including the Secretary of the Interior Standards for the treatment of historic properties and to better integrate the design guidelines with the historic districts and properties in and near the Downtown; and

WHEREAS, amendments to other chapters of Olympia Municipal Code (OMC) Title 18 are necessary to maintain internal consistency within the Title; and

WHEREAS, on January 2, 2019, and September 25, 2019, the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC were sent to the Washington State Department of Commerce Growth Management Services with the Notice of Intent to Adopt Development Regulation amendments as required by RCW 36.70A.106, and no comments were received from state agencies during the 60-day comment period; and

WHEREAS, the Olympia Planning Commission received briefings on the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC on March 6, 2017, June 5, 2017, June

17, 2019, August 19, 2019, October 7 and 21, 2019, November 4 and 18, 2019, December 2, 2019, and February 10, 2020; and

WHEREAS, the Olympia Heritage Commission received briefings on the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC on March 22, 2017, March 28, 2018, and November 20, 2019; and

WHEREAS, the Olympia Design Review Board received briefings on the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC on February 9, 2017, March 22, 2018, December 12, 2019, and January 9, 2020; and

WHEREAS, on December 6, 2019, the City of Olympia issued a Determination of Non-Significance pursuant to the State Environmental Policy Act (SEPA) on the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC; and

WHEREAS, on January 29, 2020, notice of the public hearing for the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC was provided to all Recognized Neighborhood Associations with the City of Olympia pursuant to Chapter 18.78 OMC, Public Notification; and

WHEREAS, on January 30, 2020, notice of the public hearing for the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC was published in *The Olympian* newspaper pursuant to Chapter 18.78 OMC, Public Notification; and

WHEREAS, on February 10, 2020, the Olympia Planning Commission received a briefing, held a public hearing, and began deliberation on the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC; and

WHEREAS, the Olympia Planning Commission completed deliberation on February 24, 2020, and provided to the City Council its recommendation to amend multiple sections of Title 18 OMC, Unified Development Code, as proposed; and

WHEREAS, the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC are consistent with the Olympia Comprehensive Plan and other chapters of Title 18 OMC; and

WHEREAS, the Proposed Amendments to the Downtown Design Criteria and other related provisions of the OMC have been reviewed pursuant to the Rezones and Text Amendments process outlined in Chapter 18.58 OMC; and

WHEREAS, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (December 2006) was reviewed and used by the City in objectively evaluating the proposed development regulations amendments; 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;

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

Section 1. Amendment of OMC 18.120. Olympia Municipal Code Chapter 18.04 is hereby repealed and replaced as shown on the attached Exhibit A, which is hereby incorporated by reference as though fully set forth herein.

Section 2. Amendment of OMC 18.04.080. Olympia Municipal Code Subsection 18.04.080.I is hereby amended to read as follows:

18.04.080 Residential districts' development standards

Table 4.04 identifies the basic standards for development in each residential district contained in this chapter. The sections referenced in Table 4.04 refer to the list of additional regulations below.

I. Height.

1. **Roof Projections.** The following structures may exceed the height limits specified for the district in Table 4.04 by eighteen (18) feet, provided that such structures do not contain floor space: roof structures housing elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls; skylights; towers; flagpoles; chimneys; smoke stacks; wireless masts; television antennas; steeples; and similar structures. Use of this provision must be kept to the minimum amount of space needed to accommodate the allowed roof projection. For the UR zoning district, see view protection provisions in section 18.04.080.I.3 below for additional parameters-

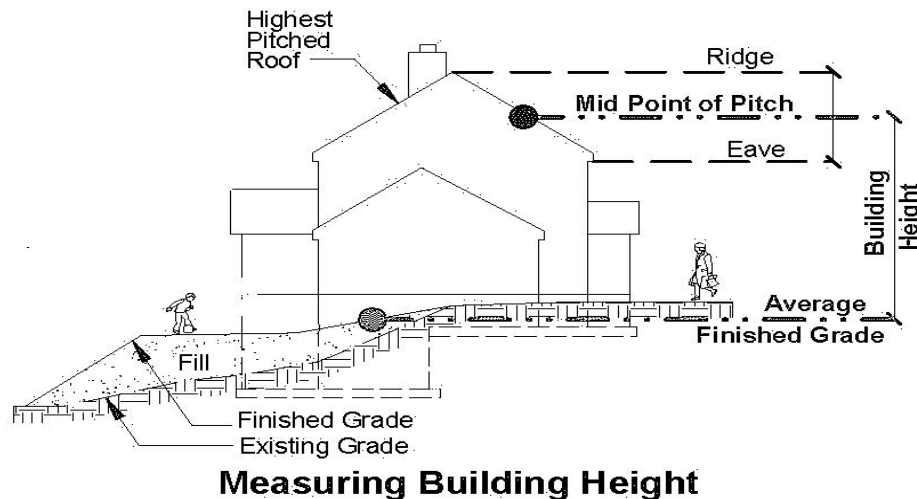


FIGURE 4

2. **RMU District Height Regulations.**
 - a. **Base building heights.** The base building heights allowed in the RMU District are specified in Figure 4-5.
 - b. **Sculptured building tops.** The following sculptured building top regulations apply only where the permitted building height is sixty (60) feet. Buildings with sculptured tops may exceed the permitted height (60 feet) by two (2) building stories if they meet the following conditions:
 - i. The gross floor area of all of sculptured stories is at least one-third ($1/3$) less than the gross floor area of the first floor of the building; and
 - ii. The roof form is sculptured (e.g., pitched roof, hip roof, dome, chateau roof, tower, turret, pediment, dormers, or other similar form); and

- iii. The added two (2) stories are setback from the street wall at least eight (8) feet; and
 - iv. The roof structure is designed to hide all mechanical and communications equipment located there.
3. UR District Height Regulations. The building heights allowed in the UR District are specified in Figure 4-5 and 45-A. Also see 18.10.060, Capitol Height District.
- a. Roof Projection Allowances: If the City determines that the proposed development is located on a site in the UR zone where use of the roof projection allowance is proposed and that it may impact a protected landmark view (as listed in Appendix B of the Land Use and Urban Design chapter of the Comprehensive Plan), a view analysis must be submitted that demonstrates, as determined by the city, that the proposed roof projection will not block or substantially impact the protected view from its designated observation point in order to make use of the roof projection allowances of Section 18.04.080.I.
4. R4-8 District Height Regulations. Existing State Community College Education Facilities. A maximum 60' building height is allowed with a 100' setback from adjacent residentially zoned property.
5. Places of Worship. Places of worship may exceed the height limits specified in Table 4.04, except in the State Capitol Group Height District, provided that the side yard width equals at least fifty (50) percent of the building's proposed height (including spires and towers).
6. Radio, Television and other Communication Towers. The height of radio, television, and other communication towers may exceed the maximum building height allowed in the district, subject to approval of the Hearing Examiner consistent with Sections 18.04.060_(W) and (X).
7. Tall Buildings in the MR Districts. Buildings between thirty-five (35) and forty-five (45) feet in height are permitted in the MR 7-13 and MR 10-18 districts, subject to compliance with the following requirements:

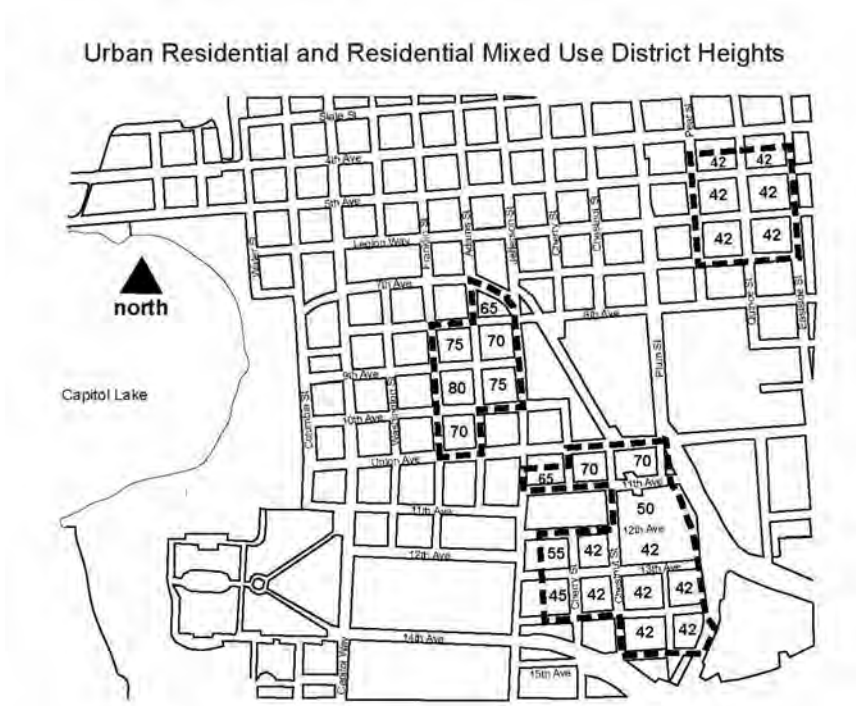


FIGURE 4-5

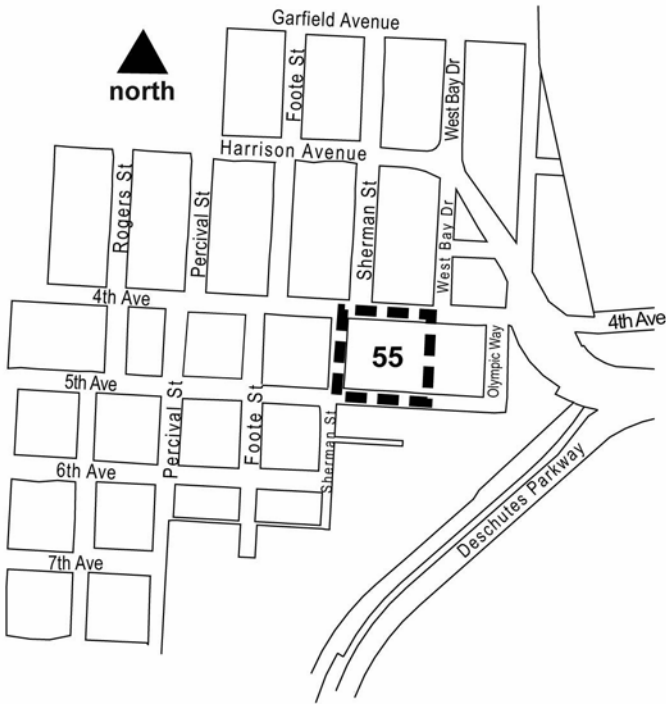


FIGURE 4-5A

a. The proposed building will not be located within one hundred (100) feet of the boundary of the property under development (this may include several parcels under a single development proposal). Exceptions to this requirement shall be granted where topography, stands of trees (deemed appropriate for retention by the City, consistent with Chapter [16.60](#), Tree Protection and Replacement), or other site features block the visibility of the section of the building above thirty-five (35) feet in height from existing or potential residential areas (zoned and available for residential use) adjoining the site; and

b. Existing evergreen trees, which the City deems are appropriate to the site (e.g., which do not pose significant risks for proposed site improvements or public safety, consistent with Chapter [16.60](#), Tree Protection and Replacement) are retained where possible to help screen the building from the view of residents of dwellings abutting the property.

8. Water Towers. Water towers may exceed the height limits specified in Table 4.04.

[NOTE: Refer to Article III, Height Overlay Districts, for additional restrictions.]

J. Private and Common Open Space.

1. Development of Open Space. Open space (e.g., private yard areas and common open space) required by Table 4.04 shall be devoted to undisturbed native vegetation, landscaping (consistent with Chapter [18.36](#), Landscaping and Screening), and/or outdoor recreational facilities. Driveways, loading areas, maneuvering space and parking lots shall not be considered open space. Required open space shall not be covered with impervious surfaces, except for stoops, porches, or balconies, walkways, tennis courts, swimming pools, or similar uses which require an impervious surface. Up to a five percent (5%) increase in impervious surface coverage may be allowed to accommodate such hard surfaced facilities. Also see Chapter [16.60](#), Tree, Soil and Native Vegetation Protection and Replacement.

2. Cottage Housing Developments. Cottage housing developments shall provide open space as follows:

a. A minimum of two hundred (200) square feet of private, contiguous, usable, open space shall be provided adjacent to each dwelling unit. No dimension of this open space area shall be less than ten (10) feet provided that at least fifty percent (50%) of such open space may be combined with soil and vegetation protection area standards.

b. A minimum of fifteen hundred (1,500) square feet or two hundred (200) square feet per unit, whichever is more, shall be provided in common open space (i.e., available for the use of all residents of the development). This open space shall be contained in a contiguous area with no dimension less than thirty (30) feet. A substantial portion of such open space shall be sufficiently level (e.g., less than five percent (5%) slope) and well drained to enable active use in summer.

3. Mixed Density Districts. Parcels or sites accommodating multifamily housing (e.g., triplexes, fourplexes, and larger apartment buildings) in a MR 7-13 or MR 10-18 district shall contain at least thirty percent (30%) open space. At least fifty percent (50%) of such open space must be available for the common use of the residents of the multifamily housing. Such open space shall be developed consistent with Section [18.04.080](#)(J)(1) above. This open space requirement shall be reduced to twenty percent (20%) if the multifamily housing adjoins a park, school or open space site of at least ten thousand (10,000) square feet in size. Impervious surface coverage limits specified in Table 4.04 shall be adjusted accordingly.

4. Manufactured or Mobile Home Parks. At least five hundred (500) square feet of common open space shall be provided per dwelling unit (see Section [18.04.060](#)(P)(8)). At least fifty percent (50%) of such open space shall comply with soil and vegetation protection area standards.

5. Residential - 4 Chambers Basin District. Required open space for stormwater dispersion may be provided in a common area or within each individual private lot of a development. All required drainage dispersal areas shall be protected from filling and grading and all other activities which would decrease the ability of such areas to disperse and infiltrate stormwater. Side yard setback areas shall be designed to disperse roof runoff to the maximum extent practical. To qualify as a "drainage dispersal tract" (required to create lots of less than one acre) such area shall be held in common or deeded to homeowners association and otherwise conform with the requirements of stormwater tracts as set forth in the Olympia Stormwater Drainage Manual.

Section 3. Amendment of OMC 18.06.060. Olympia Municipal Code Subsection 18.06.060.D is hereby amended to read as follows:

18.06.060 Commercial districts' use standards

D. Banks.

1. High Density Corridor-3 (HDC-3) Requirements. Banks which offer only drive-through service (i.e., which serve customers exclusively in or on their vehicles) are not permitted.
2. Urban Waterfront (UW) and Downtown Business (DB) District Requirements. Drive-through banks may be permitted with a conditional use permit if the proposed project meets the Street Edge Development Standards of the Pedestrian Streets Overlay District, Chapter 18.16 OMC ~~if outside of the Downtown Design Sub-District or the Street Fronts standards of Chapter 18.120.220 for projects in the Downtown Design Sub-District. The proposed project may be exempted from the Pedestrian-Oriented Street Wall Requirement under the "Pedestrian Streets Overlay District Requirements" if it is found that:~~
 - a. ~~The proposed design meets the intent of the Pedestrian Streets Overlay District, "Pedestrian Streets Overlay District Requirements"; and~~
 - b. ~~The building site presents unusual conditions which require an alternative design to accomplish the intent of the Pedestrian Streets Overlay District, "Pedestrian Streets Overlay District Requirements."~~

Section 4. Amendment of OMC 18.06.060. Olympia Municipal Code Subsection 18.06.060.BB is hereby amended to read as follows:

18.06.060 Commercial districts' use standards

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

1. Urban Waterfront (UW) District Requirements. Wholesale sales are a permitted use in those portions of the UW District ~~for which the use is not within the Pedestrian Streets Overlay District (see Chapter 18.16) directly adjacent to a Type A or B Street (Street types are as shown in Section 18.120.140, OMC).~~ In those portions of the UW District which are ~~within the Pedestrian Streets Overlay District~~ directly adjacent to a Type A or B street, wholesale sales may be allowed as a conditional use if the proposed project meets the ~~Street Edge Development~~ applicable Street Fronts Standards of the ~~Pedestrian Streets Overlay District~~ Downtown Design Criteria, Chapter 18.120. The proposed project may be exempted from the ~~Pedestrian-Oriented Street Wall Requirement~~ Street Fronts standards in Chapter 18.120 if:
 - a. The proposed design meets the intent of the Chapter; and
 - b. The building site presents unusual conditions which require an alternative design to accomplish the intent.

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

Section 5. Amendment of OMC 18.06.060. Olympia Municipal Code Subsection 18.06.060.HH is hereby amended to read as follows:

18.06.060 Commercial districts' use standards

HH. Urban Waterfront Housing. Up to a maximum of 1 FAR (floor area ratio) can be made up of allowed uses other than residential. ~~(Refer to Pedestrian Street Overlay District 18.16.060(B) for amount and location of commercial uses in a predominantly residential project on "A" streets.)~~

Section 6. Amendment of OMC 18.06.080. Olympia Municipal Code Section 18.06.080 is hereby amended to read as follows:

18.06.080 Commercial districts' development standards (General)

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

18.06.080 TABLES: Commercial Districts' Development Standards

**TABLE 6.02
COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS**

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MINIMUM LOT SIZE	7,200 Sq. Ft.	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = 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 Chapter 18.110 , Basic Commercial Design Criteria	10' maximum, if located in a High Density Corridor; 10' minimum otherwise.	5' minimum for residential otherwise none.	0-10' See 18.130	0-10' See 18.130	0-10' See 18.130	0-10' See 18.130	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060 (C). 3. Must comply with site design standards, Chapter

**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
								18.100.
REAR YARD SETBACK	15' minimum.	10' minimum; Except: 1. Next to an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10- 18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R 4, R 4- 8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7- 13, MR 10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-1 from the above residential district. 2. Next to MR7- 13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-2 from the above residential district. 2. Next to MR7- 13, MR 10-18, RM-18, RM-24, or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single- family use or an R4, R4-8, or R6- 12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7- 13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single- family use or an 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 single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with site design standards, Chapter 18.100.
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	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12	No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building	No Minimum; Except: 1. Next to RLI, R4, R4-8, or R6- 12 district = 15' minimum + 5' for each building	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.

**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
		12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each building floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on one side of zero lot.	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.	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.	2. Must comply with clear sight triangle requirements, Section 18.40.060(C) . 3. Residential side yards can be reduced consistent with 18.04.080(H)(5). 4. Must comply with site design standards, Chapter 18.100 .
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	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	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	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	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	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

**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
			50% of the required parking is under the building; or up to 75', if at least one story is residential.	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. Provided that one additional story may be built for residential development only.	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. Provided that one additional story may be built for residential development only.	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.	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 18.130.060 Significant Building Entry tower exemption (allows an additional 30' for a tower element at Capital Mall). Up to 75' for HDC-4 zoned properties where	with site design standards, Chapter 18.100 . 3. HDC-1 and HDC-2 additional story must comply with OMC 18.06.100.A.6. 4 . In a Downtown Design Sub-District, see 18.120.220 and 18.120.440 for upper story step back requirements.

**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
							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 building.	70% for all structures	70% for all structures	70% for all structures, 85% if at least 50% of the required parking is under the building.	70% for all structures. 85% of the site if at least 50% of the required parking is under the building. On redeveloped sites, 85% if at least 50% of new required parking is under the building or in a structured parking form.	For projects in the GC and HDC-4 zones west of Yauger Way, limitations of building size per 18.06.100(C) and 18.130.020 apply.

**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
							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.	
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 SURFACE	60%	85%, except 75% for residential structures						
ADDITIONAL DISTRICT- WIDE DEVELOPMENT	Maximum building size (gross sq. ft.):	Building floors above 3 stories which abut a street	Building floors above 3 stories which abut a street or	Building floors above 3 stories which abut a street or	Building floors above 3 stories which abut a street or	Building Floors above 3 stories which abut a street or	Building floors above 3 stories which abut a street or	For properties in the vicinity of the Downtown or Kaiser Road and

**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
STANDARDS	3,000 for single use; 6,000 for mixed use.	or residential district must be stepped back a minimum of 8 feet (see 18.06.100(B) and Figure 6- 3). <u>In a Downtown Design Sub- District, see Chapter 18.120 for upper story stepbacks.</u>	residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)). <u>In a Downtown Design Sub- District, see Chapter 18.120 for upper story stepbacks.</u>	residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)).	residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)).	residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)).	residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)).	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. <u>In a Downtown Design Sub-District, see Chapter 18.120.</u>

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. <u>In a Downtown Design Sub-District: 12' from the curb on Type A and B Streets, 10' from curb for Type C Streets.</u>	No minimum. <u>In a Downtown Design Sub-District: 12' from the curb on Type A and B Streets, 10' from curb for Type C Streets.</u>	No minimum. <u>In a Downtown Design Sub-District: 12' from the curb on Type A and B Streets, 10' from curb for Type C Streets.</u>	No minimum.	30' minimum for buildings; 15' for other structures except signs	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C) . 3. See Design Guidelines, Chapter 18.100 .
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	10' minimum;	No minimum; however,	No minimum.	No minimum.	5' minimum if	5' minimum	1. 50' minimum

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
SETBACK	15' minimum plus 5' for every story over 3 stories if next to a residential zone.	see Chapter 18.100 for design guidelines for pedestrian access and view corridors.			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.	30' minimum for buildings and 15' minimum for other structures from flanking streets.	from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C) . 3. See Design Guidelines, Chapter 18.100 .
MAXIMUM BUILDING HEIGHT	75'; except hospitals, which may exceed that height.	See 18.06.100(A)(2) and 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.	Refer to Figure 6-2 and 6-2B for specific height and building configurations required on specific blocks. <u>In a Downtown Design Sub-District, see view protection measures in 18.06.100 and Chapter 18.120.</u>	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. <u>In a Downtown Design Sub-District, see view protection measures in</u>	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. <u>In a Downtown Design Sub-District, see view protection measures in 18.06.100 and</u>	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.

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
		See 18.06.100(A)(2)(c).		<u>18.06.100 and Chapter 18.120.</u>	<u>Chapter 18.120.</u>		
MAXIMUM BUILDING COVERAGE	50%	60% for properties between the shoreline and the nearest upland street. 100% for properties not between the shoreline and the nearest upland street.	100%	No requirement.	No requirement.	85%	
MAXIMUM IMPERVIOUS SURFACE COVERAGE	60%	100% development coverage.	100%	100%	100%	85%	
MAXIMUM HARD SURFACE	65%						
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(F)). Residential uses (Section 5 of Table 6.01) may not be constructed within 600 feet of	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to Section <u>12.16.050</u> (D) OMC. See also Chapter 18.100 for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter 18.100 for Port Peninsula design guidelines for	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to OMC Section <u>12.16.050</u> (D).		Residential uses must comply with High Rise Multi-family (RM-H) development standards.	6' of sight-screening buffer shall be provided along north, east, and west district boundaries. See Olympia Park Replat covenants for access, and other standards applicable to	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter 18.16 and the <u>Downtown Design Guidelines in 18.120.</u> For retail uses over 25,000 square feet in gross floor area, see Section <u>18.06.100</u> (GC)

**TABLE 6.02
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
	Lilly Road except in upper stories of mixed use building; all other development standards are the same as for commercial uses.	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.				replat lots.	Large Scale Retail Uses. EXCEPTION: Section 18.06.100 (6C) shall not apply to motor vehicle sales.

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 7. Amendment of OMC 18.06.100. Olympia Municipal Code Section 18.06.100 is hereby amended to read as follows:

18.06.100 Commercial districts' development standards--Specific

A. Height.

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

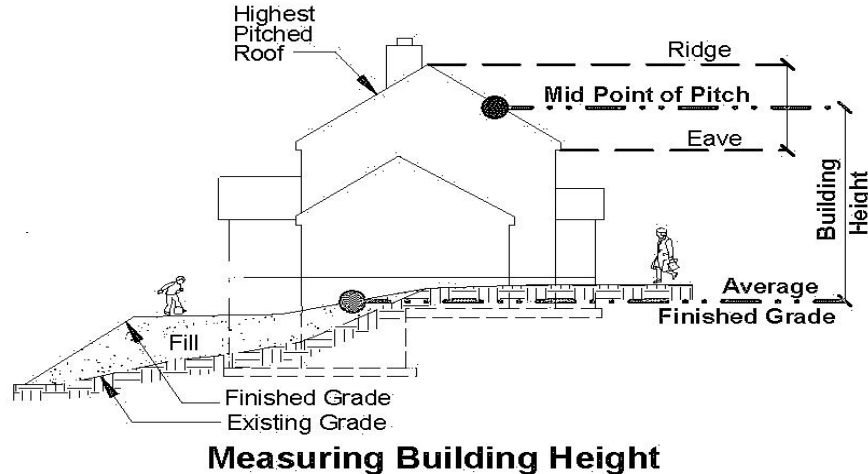


FIGURE 6-1A

2. Urban Waterfront (UW) District.

- a. Allowed building heights in the Urban Waterfront (UW) District are specified in Figure 6-2.
- b. Bonus for residential development.
 - i. In the area labeled sixty-five (65) feet on Figure 6-2, up to two additional stories may be built (except as limited in subsection d below), if the project is located in the downtown, and if the added stories are stepped back from the street wall at least eight (8) feet, and if an equivalent floor area (equal to the amount from the added stories) is provided for residences, as follows:
 - (a) In the same building--i.e., it is a residential or a mixed use building; or
 - (b) With commercial and residential uses in separate buildings on the same site; or

- (c) With commercial and residential uses on separate sites within the Urban Waterfront (UW) district.
- ii. Occupancy. Housing provided under this bonus provision as part of a mixed use project must receive an occupancy permit at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.
- iii. Conversion. Housing provided under this bonus provision shall not be converted to commercial use.
- iv. Source of housing units. Housing provided under this bonus provision may be:
 - (a) New construction,
 - (b) Adaptive reuse of a formerly non-residential structure, or
 - (c) Rehabilitation of existing housing.
- c. West Bay Drive building height and view blockage limits.
 - i. In order to retain public and private view access to Budd Inlet from hillside sites above West Bay Drive, the maximum building height in the West Bay Drive portion of the Urban Waterfront (UW) District labeled " 42'-65' " on Figure 6-2 shall be up to a maximum of 42 feet, except as provided in subsections (iii) and (iv) below.
 - ii. In order to retain public view access of Budd Inlet from street level in the West Bay Drive portion of the Urban Waterfront (UW) District labeled " 42'-65' " on Figure 6-2, view blockage shall be limited as follows:
 - (a) Views of the water will be defined as area without obstruction by buildings or major structures measured between 45 and 90 degrees to West Bay Drive, as illustrated in Figure 6-2A.
 - (b) Said view blockage shall be limited to 45 percent of the views of the water from West Bay Drive by buildings or major structures located between West Bay Drive and the mean high water line.
 - (c) Exceptions are provided in subsections (iii) and (iv) below.
 - iii. Development shall be subject to the alternate standards for building height and view blockage, if alternate waterfront view access is provided through public amenities as follows:

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

- iv. Criteria for approval of alternate waterfront view access.

(a) Waterfront Trail.

- (1) Trail right-of-way consistent with City trail standards shall be dedicated to the City.
- (2) The trail shall be designed consistent with City standards and requirements, or as otherwise approved by the Olympia Parks, Arts and Recreation Department. Because the trail passes by different land uses, it may take a different character in different locations, for reasons of safety, privacy, or environmental protection.
- (3) The developer shall design, build, and dedicate the facility to the City.
- (4) An analysis of recreation needs shall be provided by the Olympia Parks, Arts and Recreation Department. An analysis of environmental impacts, hazardous waste risks, and engineering issues sufficient to determine the design and location for the trail facility shall be approved by the Olympia Parks, Arts and Recreation Department but provided by the developer. All analysis shall be complete prior to approval.

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

- (1) The developer shall build and dedicate the facility and its site to the City.
- (2) The expanded waterfront trail corridor facility or small park area shall be designed consistent with City and other applicable government standards and requirements, or as otherwise approved by the Olympia Parks, Arts and Recreation Department. The expanded waterfront trail corridor facility or small park may vary in size from City park standards and could include additional right-of-way for the expanded trail, landscaping, habitat enhancement, benches, lighting, parking, restrooms, garbage receptacles, telephones, interpretive signs and other park facilities.
- (3) An analysis of environmental impacts, hazardous waste risks, trail improvements, and engineering issues sufficient to design the expanded waterfront trail corridor facility or small park area shall be approved by Olympia Parks, Arts and Recreation Department but provided by the developer. All analysis shall be complete prior to approval.
- (4) The expanded waterfront trail corridor facility or small park shall have a publicly accessible connection to West Bay Drive, designed, constructed, and dedicated for public use by the developer.

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

d. Landmark Views: In order to protect designated landmark views from public observation points, the height bonus allowed in subsection b, above, is limited as follows:

- i. Block 14 Height Bonus: A view analysis of the proposed development shall be submitted that demonstrates the view of the Capitol Drum and Dome will remain visible from the East Bay Lookout after the development occurs. This may prohibit use of the height bonus, or restrict which portions of the block are

eligible to use the bonus. Block 14 is bounded by Olympia Avenue, Adams Street, Thurston Avenue, and Jefferson Street.



ii. Block 122: Height bonus is limited to one additional story, up to a maximum height of 75 feet. Block 122 is bounded by Olympia Ave, Jefferson Street, and Marine Drive.



iii. Block 123: The bonus height provision is not applicable in this location. Block 123 is bounded by Corky Avenue and Market Street to south and industrial uses to the north.

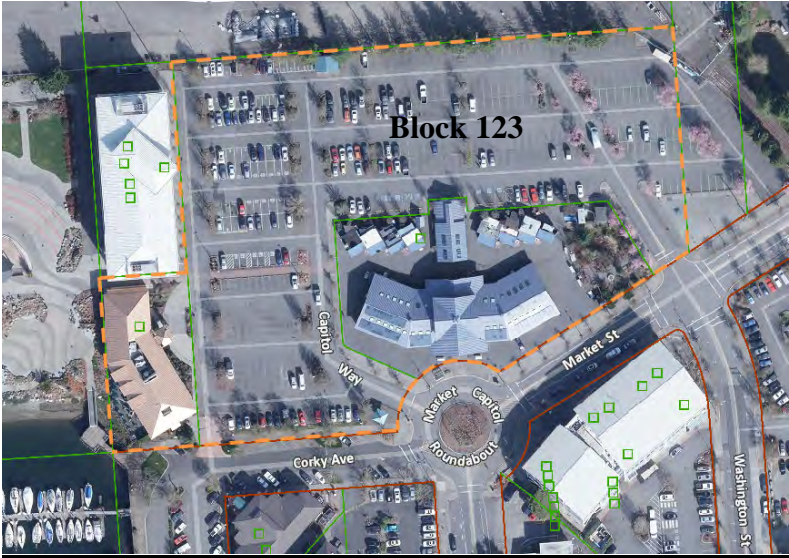
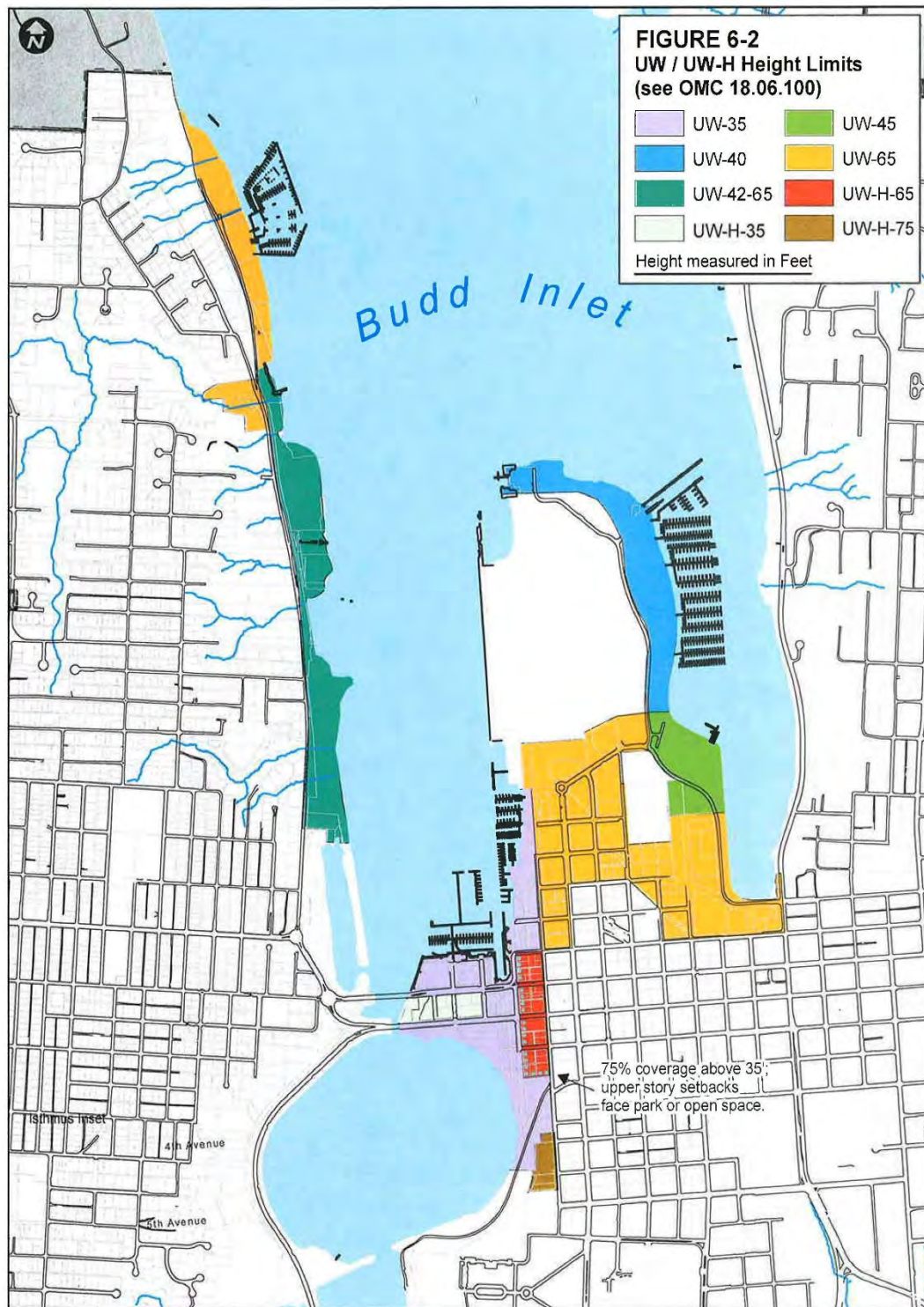


Figure 6-2 Urban Waterfront and Urban Waterfront Height Limits*



*See 18.06.100(A)(2) for height limitations that apply to Blocks 14, 122, and 123 in order to protect adopted landmark views from specific observation points.

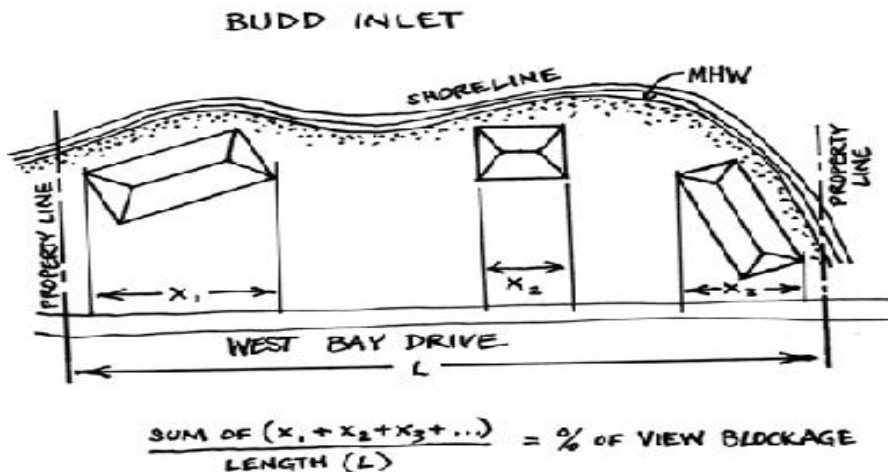


FIGURE 6-2A

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

3. Commercial Services-High Density. The maximum building height allowed is one hundred (100) feet. Provided, however, that no building or structure may exceed seventy-five (75) feet in height without conditional review and approval by the Hearing Examiner. Approval of structures exceeding seventy-five (75) feet in height shall meet the following criteria:
 - a. The building design shall be compatible with or enhance the physical characteristics of the site, the appearance of buildings adjacent to the site and the character of the district.
 - b. The site plan shall facilitate efficient and convenient circulation, shall include landscaping that creates a pleasing appearance from both within and off the site and shall be an asset to the community at large.
 - c. Enhancement of public view access or direct public access to usable open space areas shall offset any potential upland view loss which may occur as a result of the proposal.
4. Downtown Business District.
 - a. Building height allowed outright in the DB zone is seventy-five (75) feet.
 - b. Bonus for residential development.
 - c. Enhancement of public view access or direct public access to usable open space areas shall offset any potential upland view loss which may occur as a result of the proposal.
 - i. Buildings may exceed the height allowed outright (75 feet) by up to two (2) stories, if the added stories are stepped back from the street wall at least eight (8) feet, and if floor area equal to the amount from the added stories is provided for residences:
 - (a) In the same building--i.e., it is a residential or a mixed use building; or
 - (b) With commercial and residential uses in separate buildings on the same site; or
 - (c) With commercial and residential uses on separate sites within the Downtown Business (DB) zone.

- ii. Occupancy. Housing provided under this bonus provision as part of a mixed use project must receive an occupancy permit at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.
 - iii. Conversion. Housing provided under this bonus provision shall not be converted to commercial use.
 - iv. Source of housing units. Housing provided under this bonus provision may be:
 - (a) New construction,
 - (b) Adaptive reuse of a formerly non-residential structure, or
 - (c) Rehabilitation of existing housing.
5. Urban Waterfront - Housing.
- a. Allowed building heights in the Urban Waterfront-Housing District are specified in Figure 6-2.
 - b. Required step backs and placement of step backs over 35 feet on specific blocks are specified in Figure 6-2.
6. High Density Corridor (HDC - 1 and HDC - 2).
- a. Building height allowed outright in the HDC-1 and HDC-2 zones as outlined in OMC [18.06.080](#), Table 6.02.
 - b. Additional story for residential development.
 - i. Additional story can only be allowed for those development that do not provide a mechanical "penthouse" room as allowed under the provisions of OMC [18.06.100.A](#). However, the additional story can be occupied with both residential development and mechanical equipment.
 - ii. Buildings may exceed the height allowed outright in OMC [18.06.080](#), Table 6.02, by one (1) story. The additional story cannot exceed fourteen (14) feet above the maximum allowable height requirement as specified in OMC [18.06.080](#), Table 6.02.
 - iii. The additional story must be stepped back at least eight (8) feet from any abutting street or any abutting residential zoning district. See OMC [18.06.100.B.2](#).
 - iv. Housing provided under this additional story as part of a mixed use project must receive an occupancy permit at the same time as, or in advance of, issuance of an occupancy permit for non-residential portions of the project.
 - v. Housing provided under this additional story provision shall not be converted to commercial use. Except that the residential units may conduct business activities under the provision for home occupations. See OMC [18.04.060.I](#).
 - vi. Housing provided under this bonus provision may be:
 - (a) New construction;
 - (b) Adaptive reuse of a formerly non-residential structure, or

(c) Rehabilitation of existing housing.

vii. This additional story is not available and will not be approved within 100 feet of a designated historic district.

B. Upper Story StepBacks.

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

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

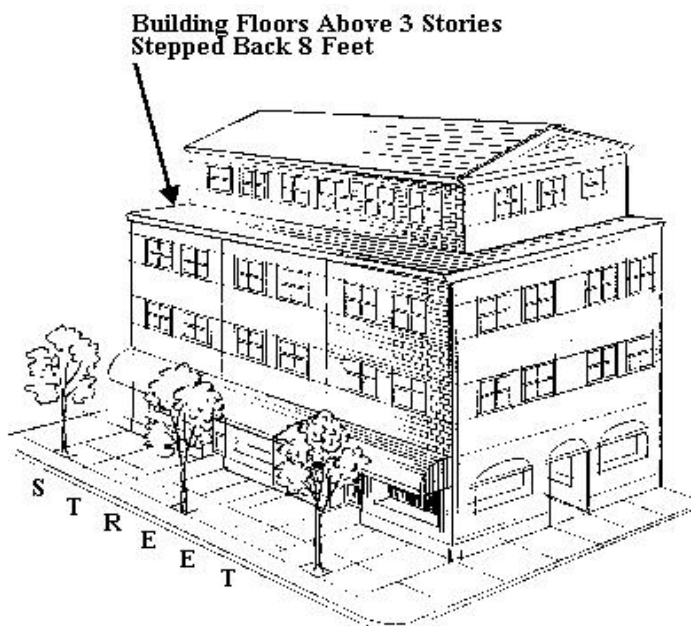


FIGURE 6-3

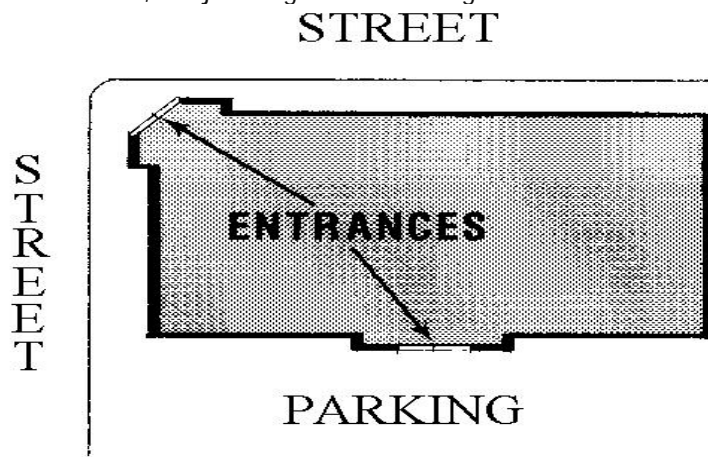
2. Additional Story Provision for HDC-1 and HDC-2. Projects within the HDC-1 and HDC-2 zoning districts which use the additional story provisions for residential development as outlined in OMC 18.06.100.A.6, must step the additional story back by a minimum of eight (8) feet. The step back is required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

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

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

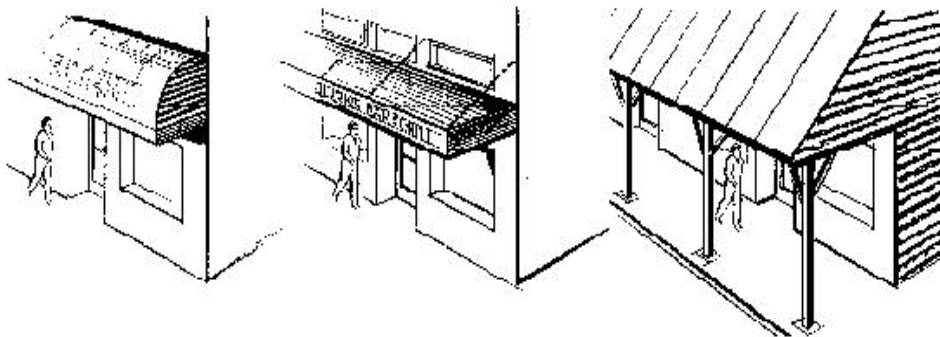
1. Customer entrances. Customer entrances shall be provided on each facade that faces an abutting street, customer parking, or a public park or plaza, up to a maximum requirement of three customer entrances per business occupancy. If there are two or more facades facing abutting streets, at least two 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.



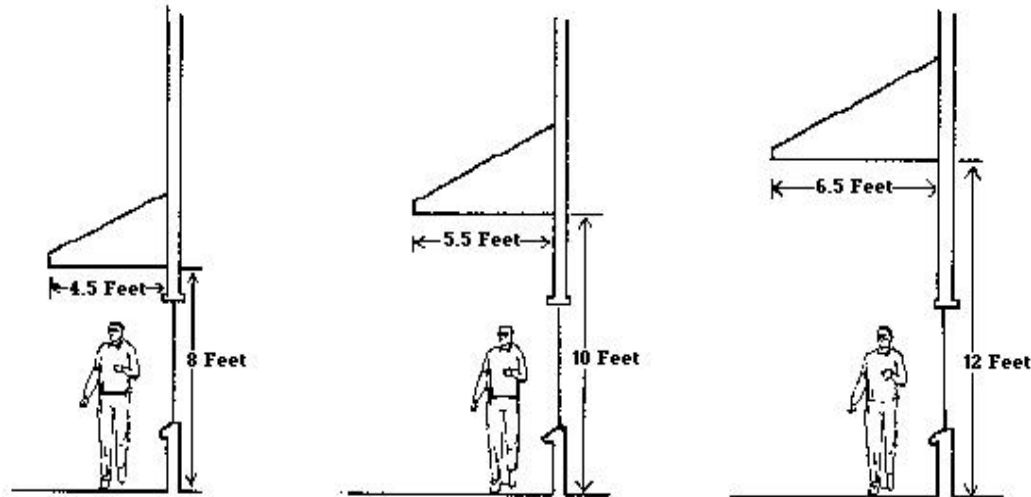
Customer Entrances must be provided on facades facing abutting streets and parking. Example shows corner entrance serving two street facades, plus entrance serving parking.

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 18.130.050 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

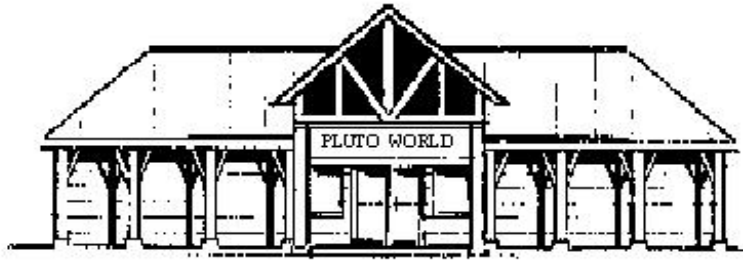
3. Wall articulation. Facades greater than fifty (50) feet in length shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending in the aggregate at least twenty percent (20%) of the length of the facade. No uninterrupted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

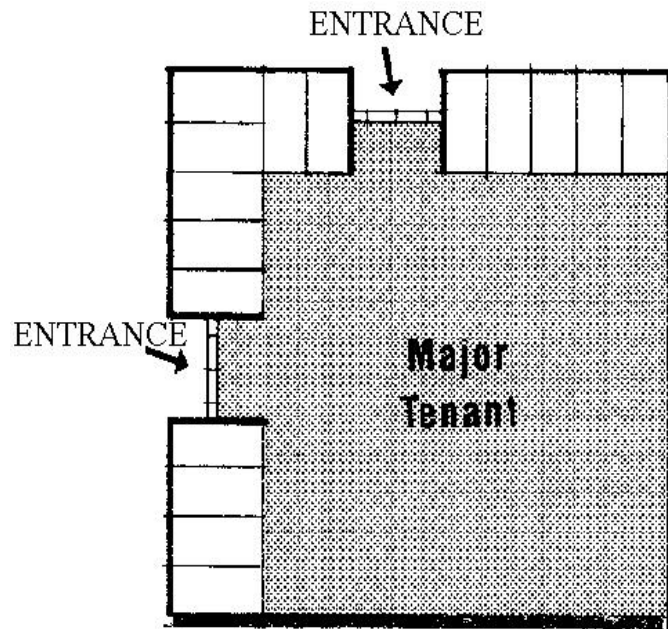
4. Frontage limit. The frontage per business occupancy shall be limited to one hundred (100) feet along any facade facing an abutting street, unless sixty percent (60%) or more of the facade between two (2) and eight (8) feet above the sidewalk is in transparent glazing; i.e., transparent windows, display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



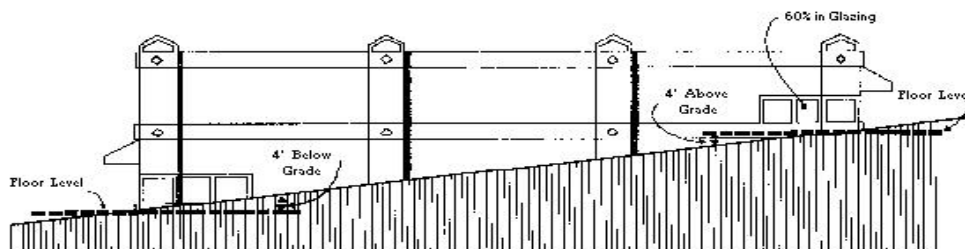
**150-foot frontage with 60% of facade between 2' and 8' in transparent glazing.
FIGURE 6-10**



**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

District	Size (gross floor area)
GC	125,000 sq. ft.
HDC-2	60,000 sq. ft.
HDC-3	75,000 sq. ft.
HDC-4, except Capital Mall Area	125,000 sq. ft.
UW	60,000 sq. ft.
UW-H	40,000 sq. ft.
DB	40,000 sq. ft.
UC	100,000 sq. ft.

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

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

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

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

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

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

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

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

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

- a. Chapter [18.36](#), Landscaping and Screening
- b. Chapter [18.38](#), Parking and Loading
- c. Chapter [18.48](#), Conditional Uses
- d. Chapter [18.100](#), Design Review
- e. Chapter [18.110](#), Basic Commercial Design
- f. Chapter [18.120](#), ~~Commercial Design Criteria~~ Downtown Design Criteria
- g. Chapter [18.130](#), Commercial Design Criteria High Density Corridor (HDC)
- h. Chapter [18.150](#), Port Peninsula

D. Impervious Surface Coverage

On development sites incorporating 'vegetated roofs,' the impervious surface coverage limits of Neighborhood Retail, Professional Office/Residential Multifamily and Medical Service districts shall be increased one square foot for each square foot of vegetated roof area up to 5% of the total site area if adequate assurance is provided that the proposed vegetated roof will provide substantial stormwater management benefits for a period of at least 30 years.

Section 8. 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 18.100-145	Design Guidelines
Chapter 18.36	Landscaping and Screening
Chapter 18.38	Parking and Loading
Chapter 18.40	Property Development and Protection Standards
Chapter 18.42 18.43	Signs
Article III	Overlay Districts

Section 9. Amendment of OMC 18.16. Olympia Municipal Code Chapter 18.16 is hereby amended to read as follows:

Chapter 18.16

PEDESTRIAN STREET OVERLAY DISTRICT

18.16.000 Chapter Contents

Sections:

- [18.16.020](#) Intent.
- [18.16.040](#) Map.
- [18.16.060](#) General requirements.
- [18.16.080](#) Specific development standards.

18.16.020 Intent

This chapter ~~will implement~~ City and regional transportation plans by establishing a pedestrian street overlay district that results in a network of active, aesthetically pleasing, and interesting streets ~~that link the downtown retail core, the Capitol Campus, the waterfront, and residential neighborhoods.~~ In the Kaiser-Harrison area, it will provide a highly integrated and pedestrian friendly mix of office, retail, and residential use. In these high quality, compact pedestrian-oriented environments people will be encouraged to work, shop, play, and live in an area that supports decreased dependence on motor vehicles, makes travel on foot pleasant and easy, and encourages around-the-clock activity to occur. The development should: 1) acknowledge the need to accommodate arrival by vehicle, 2) support increased arrival by transit, carpool, bike, and on foot, 3) create incentives to circulate within the area by non-auto modes (on foot, by shuttle or bus, or bicycle), 4) encourage employee Transportation Demand Management Program success.

In addition, development in the area should:

- A. ~~Increase architectural and historic continuity between the existing downtown retail core and the remainder of downtown, or provide for continuity between new and existing uses, as appropriate in other mixed-use areas.~~
- B. Provide a comfortable sense of enclosure along the street by providing strong, continuous edges which clearly define public open spaces and rights-of-way.
- C. Contribute to the streetscape by incorporating human-scaled elements into building design.
- D. Provide direct visual contact between activities occurring inside buildings and the street environment.
- E. Incorporate artistic elements and public art into the streetscape and buildings.
- F. Result in urban building patterns and curtail the construction of suburban building patterns.

18.16.040 Map

- A. Relationship to Underlying Zoning. This overlay zone contains regulations that apply in addition to the regulations included within the underlying zoning district.
- B. Areas Subject to Pedestrian Streets Regulations.
 - 1. "A" Streets. All of the requirements of this Chapter apply to the "A" Streets identified in Figure 16-1.
 - 2. "B" Streets. The following requirements of this Chapter apply to "B" Streets as identified in Figure 16-1:

- a. Blank Wall Limitations, Section [18.16.080\(F\)](#);
- b. Primary Building Entrance, Section [18.16.080\(G\)](#);
- c. Parking Structure Design, Section [18.16.080\(J\)](#).

3. The Pedestrian Streets Overlay District Map and this text regulate the Pedestrian Streets Overlay District. The Pedestrian Streets Overlay District regulates portions of the ~~DB, RMH, RMU, UR, UW-H, and UW~~ districts in downtown Olympia, and in the HDC-4, GC, and PO/RM districts west of Yaeger Way. All properties which abut the Pedestrian Streets shown on Figure 16-1 are subject to the rules of this District.

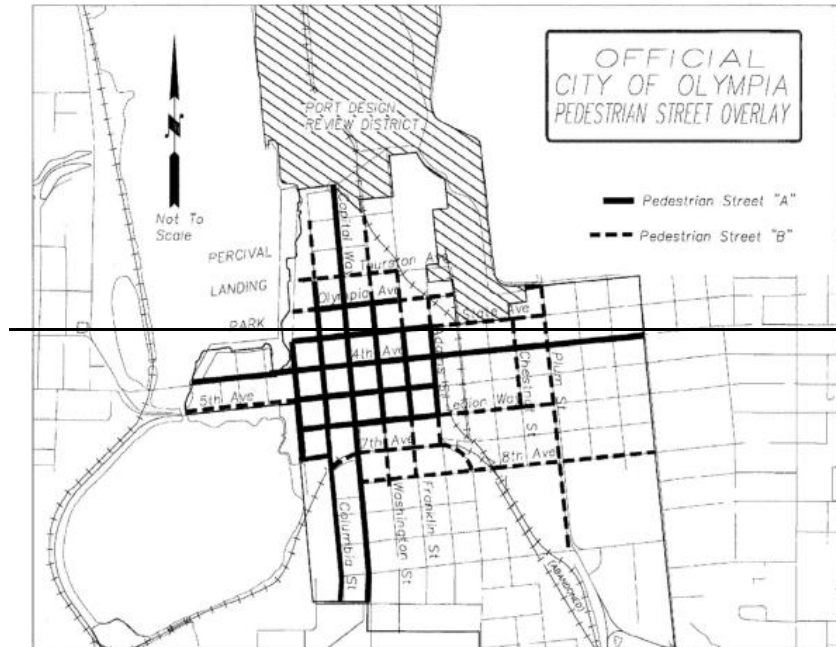


FIGURE 16-1

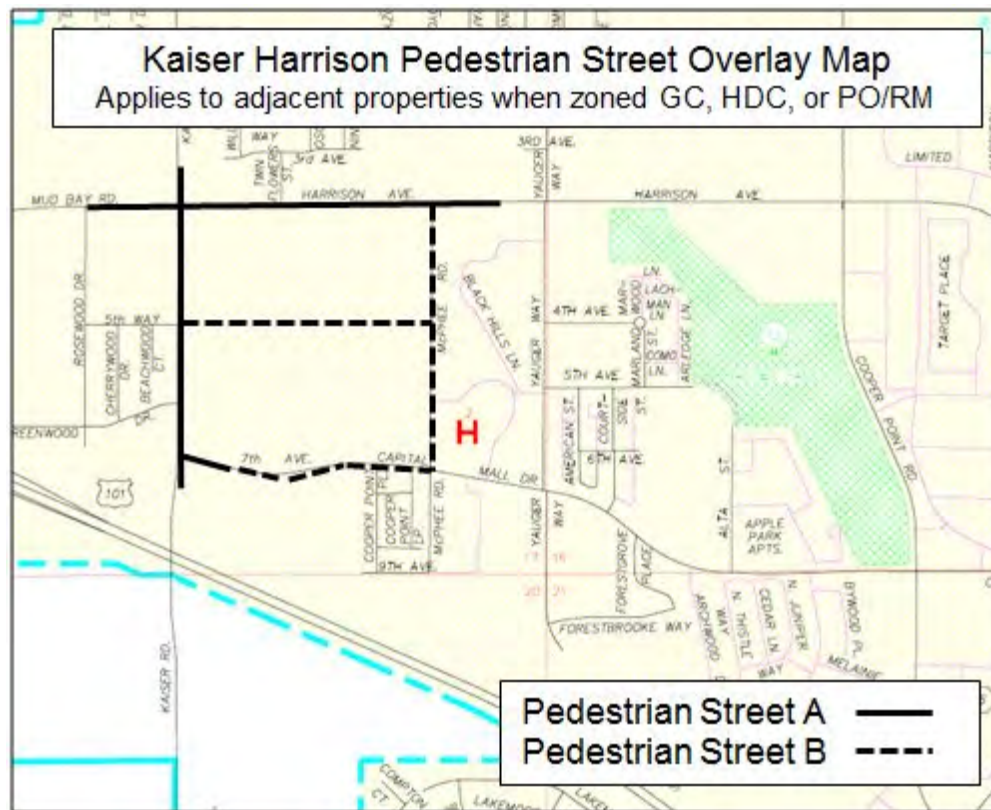


FIGURE 16-1b

18.16.060 General requirements

A. Types of Projects Regulated.

1. **New Development.** The regulations in this chapter apply to all commercially zoned properties which abut the Streets identified in Figure 16-1 and Figure 16-1b (both "A" and "B" Streets). The regulations of this Chapter apply to all new building construction in those commercial zones.
2. **Existing Buildings.** The regulations in this Chapter also apply to all remodel projects if both of the following conditions apply: (1) the value of the remodel project is greater than fifty (50) percent of the assessed value of the pre-remodeled building excluding land value, and (2) structural facade renovation will be done. (Painting and routine maintenance are not considered structural facade renovation).

B. Exemptions

1. **Residential Exemption.** Residential projects must comply with the applicable design criteria of Chapters 18.100 through 18.180. All or a portion of a residential project shall be exempt from the requirements of this Chapter as follows:
 - a. In the event a residential project comprises the entire block face, 50% of the block face shall comply with this Chapter; provided, that the area of compliance must be evenly placed at each corner of the block face.
 - b. In the event a residential project is proposed for a portion of a block face which block face has been partially developed in compliance with this Chapter, a portion of the project shall comply with this Chapter according to this formula. The amount of project compliance shall

equal the difference between 50% and the percentage of existing improvements on the block which complies with this Chapter. For example, 15% of the project must comply with this Chapter where 35% of existing improvements on the block face meets the requirements of this Chapter. In the event the proposed project is located at a corner of a block face, that portion of the project which is required to comply with this Chapter shall be located at the corner.

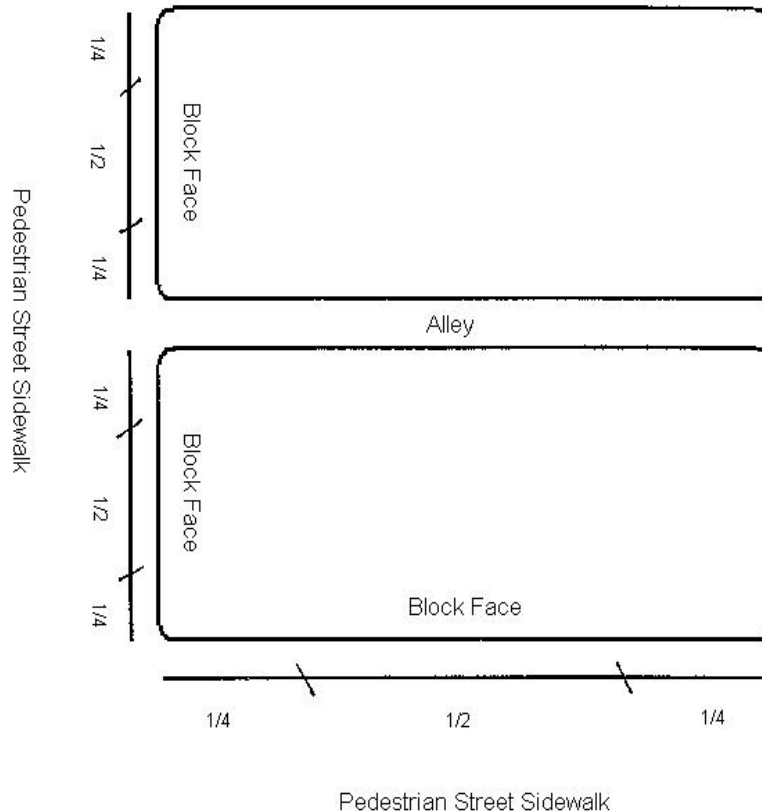


FIGURE 16-92

2. Historic Buildings. All buildings on the Heritage Register at the time of application are exempt from the requirements of this District.
3. Small Buildings. Buildings with less than five thousand (5,000) square feet in gross floor area are exempt from the requirements of this District.
4. Existing Parking Lots in Front of Buildings. When the requirements of this Chapter are triggered by remodels or renovations, existing parking lots remain conforming as an exception to the "Maximum Setbacks Allowed" of this Chapter.

C. See applicable Design Review Chapters, Chapters [18.100](#) through [18.180](#).

18.16.080 Specific development standards

The following requirements apply to "A and/or B" Streets.

Setbacks (A)

Pedestrian Plaza (A)

Minimum Street Wall Height (A)

Awnings, Marquees, and Canopies (A)

Blank Wall Limitations (A & B)
Primary Building Entrance (A & B)
Surface Parking (A)
Street Frontage - Retail and Service Use (A)
Parking Structure Design (A & B)

A. Maximum Setbacks ("A" Streets).

1. Intent. Enclose and define the street space. Place building, walls, and design height and massing that will:

- a. Provide human scaled street enclosure and building edge continuity on key pedestrian-oriented streets.
- b. Contribute to a continuous building edge on lots adjacent to designated pedestrian streets.
- c. Increase liveliness on the street by making physical and visual contact between interior building activities and the street.

2. Maximum Setback.

- a. The maximum street wall setback is ten (10) feet.
- b. Street wall setback areas (the area between the front property line and street wall):
 - i. May be used for landscaping and small commercial uses designed primarily to cater to pedestrians, including, but not limited to vendors, newsstands, flowers, and cafes.
 - ii. May not be used for fences, large trees and landscaping, or other features which form visual barriers or block views to street wall windows.
- c. Exceptions to Maximum Setbacks.
 - i. The street wall may be set back ~~to retain water views and~~ to provide transition to residential neighborhoods, to allow privacy in residential development, to meet centerline setback requirements, for building entrances, for pedestrian plazas, and to allow existing setback buildings as conforming uses.
 - ii. Building Entrances Allowance. Large entryways which are integral to a building design may be set back more than ten (10) feet.
 - iii. Pedestrian Plazas.

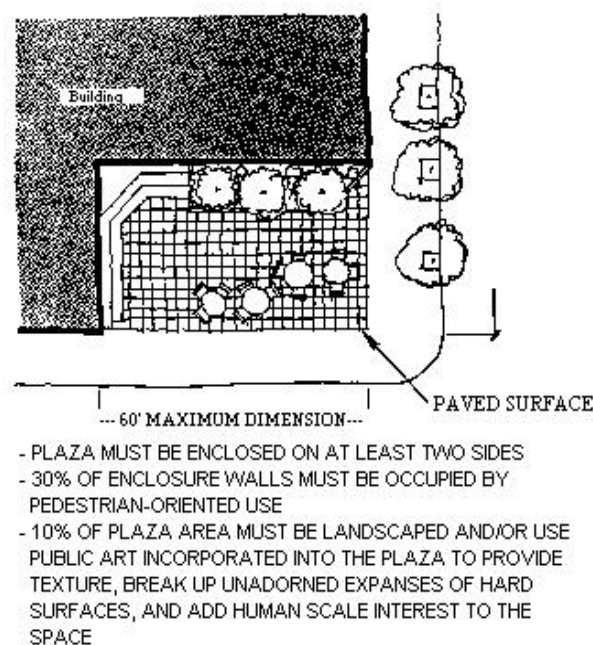
B. Pedestrian Plazas ("A" Streets).

1. Intent. When proposed, plazas will provide small spaces which will attract concentrations of people to gather along the most intensively developed streets. Buildings will be grouped around small pedestrian plazas; will be carefully located and integrated into the streetscape or building; will make the most of light and sun exposure; and, when proposed, will integrate landscaping and/or public art into the design.

2. Pedestrian Plaza Requirements. Pedestrian plaza designs shall meet the following development standards:

- a. Size and dimension. The maximum pedestrian plaza dimension shall be sixty (60) feet across (see Figure 16-~~23~~).

- b. Access. The surface of all pedestrian plazas shall be visually and physically accessible from the public rights-of-way. Allowances may be made on sites with steep topography.
- c. Surface. Paved walking surfaces shall be provided.
- d. Landscaping and/or Public Art.
 - i. Required landscaping and/or public art. At least ten (10) percent of the plaza area shall be landscaped with living plants or use public art incorporated into the plaza to provide texture, breakup unadorned expanses of hard surfaces, and add human scale interest to the space.
 - ii. Landscaping. The landscaping shall be planted and maintained according to the City of Olympia development standards (Section 18.38).
 - iii. Location of landscaping and/or public art. Landscaping and/or public art shall not block pedestrian views into the plaza.
- e. Seating.
 - i. Required seating. Seating shall be provided in all pedestrian plazas.
 - ii. Allowed seating walls and steps. Tops of walls and steps may be considered seating.
- f. Exposure to sunlight. Southern locations are encouraged to allow direct sunlight to enter the space and strike the plaza floor.
 - i. Required sunlight. Pedestrian plazas shall be designed to allow measurable direct sunlight to enter the plaza and shall not be blocked by landscaping or art.



Required Pedestrian Plaza Conditions
FIGURE 16-23

g. Plaza edges.

i. Plaza enclosure. All pedestrian plazas shall be enclosed on at least two sides by a structure or by landscaping and/or art which creates a wall-like effect.

ii. Prohibited edge conditions.

(a) Unscreened parking lots, chain link fences, barbed wire, and other inhibiting conditions are prohibited adjacent to pedestrian plazas.

(b) Blank walls in pedestrian plazas are subject to the blank wall limitation standards.

h. Uses in pedestrian plazas.

i. Permitted uses. The following uses are permitted: playground equipment, fountains, waterfalls, pools, sculptures, works of art, arbors, trellises, benches, trees, planting beds, trash receptacles, drinking fountains, bicycle racks, open air cafes, kiosks, vending carts, outdoor furniture, lighting, flagpoles, public telephones, temporary exhibits, canopies, awnings, and similar uses which encourage pedestrian use of these spaces.

ii. Allowed motor vehicle use. Motor vehicle use of pedestrian plazas for passenger drop off and pick up at a building entrance may be allowed. All other loading or motor vehicle access is prohibited.

i. Exceptions. The Director of Community Planning and Development or the Director of Community Planning and Development's delegate may grant exceptions to the Pedestrian Plaza Standards if the proposed design meets the intent of this Section and Subsection.

C. Minimum Street Wall Height Requirement ("A" Streets).

1. Intent. To ensure spatial enclosure on the street and achieve dense land use ~~in the downtown.~~

2. The minimum street wall height is sixteen (16) feet above the average sidewalk elevation.

D. Awnings, Marquees or Canopies, and Arcades ("A" Streets). Awnings, marquees, canopies, and other projections are allowed to project into the ROW. See ~~Downtown Building Design Guidelines Criteria—Projections into the ROW~~. These provisions apply to all Pedestrian-Oriented Streets in the City, even when not located in the downtown.

1. Intent. Provide pedestrians rain protection, contribute to overall integration of individual buildings within the streetscape, and help define the pedestrian zone. When awnings are used, they should cover the pedestrian clear zone.

2. Awnings, Marquees or Canopies, and Arcade Requirements.

a. Coverage allowed in public rights-of-way. Awnings, canopies, or marquees may project into the public rights-of-way ~~(see Downtown Building Design Guidelines—Projections Into the ROW)~~. Arcades must be on private property.

b. Types of material allowed. Awnings, marquees, and canopies must be fabric on a retractable frame, metal, glass, or plexiglass. On historic buildings, wood may be used.

c. Area and coverage requirements. Awnings, marquees, and arcades shall be provided along the street wall, or that portion of the street wall that abuts or is parallel to the sidewalk. The maximum depth (projection from street wall) for awnings and marquees or canopies is

regulated in the applicable Section of the ~~Uniform~~ Building Codes (Chapter 16.04, OMC). Awnings, marquees, or canopies should extend to the maximum depth allowed by the ~~UBC Building Codes~~, with allowance for street tree and street light clearance. (See Figure 16-4 of this Chapter.)

- d. Height requirements. Except valances, the lower edge of all awnings, marquees, canopies, and arcades must be between the heights of eight (8) and twelve (12) feet above finished grade. Every attempt should be made to make awnings of like heights on a given block.
 - e. Historic buildings. Historic buildings may be reviewed for exceptions to these standards. Exceptions shall be jointly reviewed by the Design Review Board and Heritage Commission, called the Joint Review Committee or the Heritage Commission and Design Review staff. (See Chapter [18.12](#) OMC)
3. Prohibited Awnings. Back-lit awnings or canopies are prohibited.

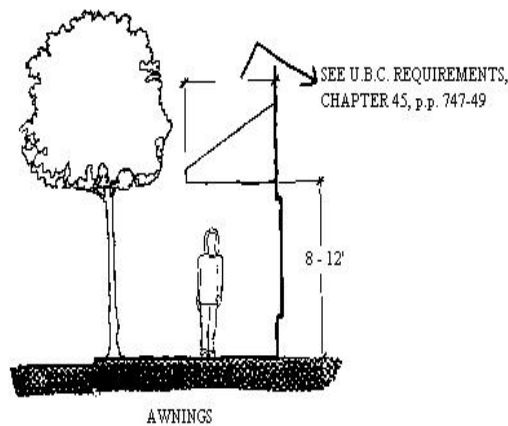


FIGURE 16-4

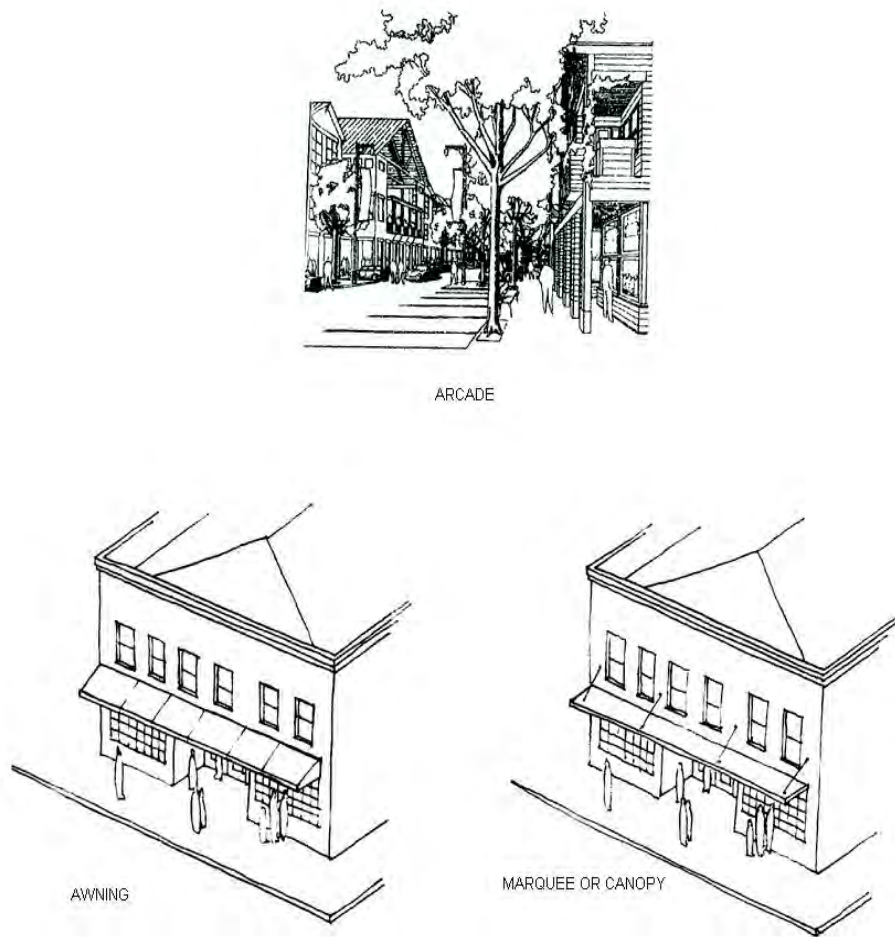
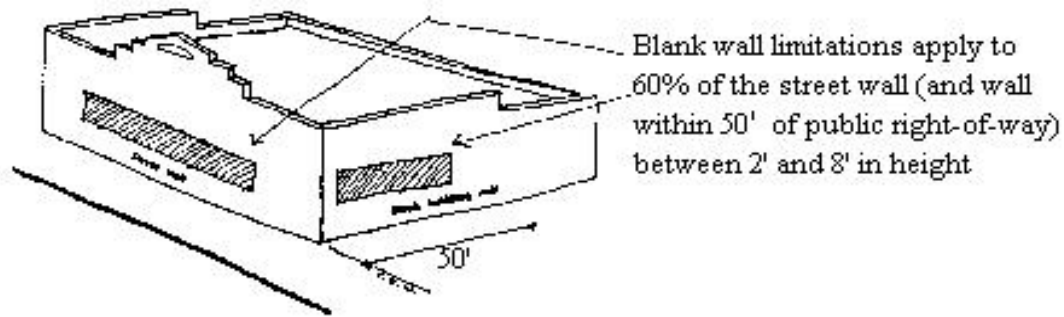


FIGURE 16-5

F. Blank Wall Limitation ("A" and "B" Streets).

1. Intent. Reduce blank wall impacts on the pedestrian and business district environment. Provide varied, pedestrian-friendly building facades and sidewalk activities. Avoid the creation of blank walls and dull facades that deaden the surrounding space and create an uninviting street environment.
2. Development Standards. Blank walls are not allowed adjacent to or within fifty (50) feet of a pedestrian street right-of-way or a public park. At least sixty percent (60%) of these walls between two (2) feet and eight (8) feet in height must be pedestrian friendly. Pedestrian-friendly facades shall have one or more of the following characteristics:



BLANK WALL LIMITATIONS: AREAS REGULATED

FIGURE 16-6

a. Transparent windows. Transparent window area or display windows which provide visibility into building interiors. The following transparency standards apply.

- i. Glass must be clear or lightly tinted in windows, doors, and displays. Because it does not provide visibility between the street and building interiors, reflective or opaque or painted glass is prohibited.
- ii. Doors and entry windows must be transparent to meet this requirement. If they are not, they shall be considered blank walls.

b. Art or architectural treatment. Sculpture, mosaic, glass block, opaque art glass as relief artwork, or similar features of visual interest. Structural architectural elements may be acceptable as an administrative waiver if the design meets the intent of this Section.

c. Vertical trellis. A permanent vertical trellis in front of the wall with climbing plants or plant materials.

d. Pedestrian plazas. Pedestrian plazas may meet this requirement if the design complies with Section [18.16.080\(A\)](#), Maximum Setbacks Allowed.

e. Display windows. Display windows may be used to meet this requirement.

3. Retaining Walls. Retaining walls on Pedestrian Streets shall be considered blank walls and are subject to the regulations in this Section.

4. Exceptions. Where this Section is in conflict with the ~~Uniform~~ adopted Fire Code, the ~~Uniform~~ Fire Code shall govern.

5. Approval. All proposed blank wall treatments are subject to City approval. The applicant must submit architectural plans and elevations showing proposed treatments for approval.

G. Primary Building Entrance ("A" and "B" Streets).

1. Intent. Allow people to arrive on foot, by transit, or by other means (in addition to by car), and to increase pedestrian and street activity. Create a prominent entry that conveys a clear sense of arrival and that uses high quality products that contribute to the richness and detail of the facade.

2. Primary Building Entrance Requirements.

- a. The primary entrance to all buildings must face the street.

- b. All primary building entrances must be clearly visible from the sidewalk.
- c. Direct access shall be provided either:
 - i. From the sidewalk if the building facade is adjacent to the sidewalk; or
 - ii. From a pedestrian plaza if the building facade is not directly adjacent to the sidewalk.
- d. ~~For properties west of Yauger Way, the~~ Primary Building Entrance Requirements may be altered upon approval of a development agreement if it is determined that an entry from a location other than the wall facing a "B" street provides equal or better building orientation and human scaled design elements to integrate into the mixed use neighborhood.

H. Surface Parking Lots ("A" Streets).

- 1. Intent. Prohibit the disruption of the continuous building edge along the street.
- 2. Surface Parking Lot Requirements. Surface parking lots are limited to 20 percent of the street frontage; ~~additional surface parking may be prohibited on lots abutting pedestrian streets, except when they are located behind buildings.~~
- 3. ~~Exception. Properties west of Water Street and east of Budd Inlet, and properties west of Yauger Way may have surface parking directly abutting twenty (20) percent of the street frontage.~~

I. Street Frontage - Active Street Edge Requirements ("A" Streets).

- 1. Intent. Provide interest and activity that contribute to the pedestrian streets, reinforce existing service business uses (retail, office, commercial), and establish new activity along ~~the main pedestrian links between downtown and the surrounding neighborhoods~~ and around the other pedestrian oriented streets designated west of Yauger Way (see Figure 16-1**b**).
- 2. Development Standards. Seventy-five (75) percent of the street frontage will look like a storefront by including one or more of the following: direct at-grade sidewalk entries, high ceilings, recessed doors, storefront windows, awnings, canopies, large room spaces, and similar features in the building. Building entries and lobbies along the street wall are exempt from the street level use requirement calculations;
- 3. Exemption.
 - a. Structured parking or that portion of a project used as structured parking are not subject to this requirement. See Section J below for structured parking requirements.
 - b. See 18.16.060(1)(B)(1) for residential experience.

J. Parking Structure Design ("A" and "B" Streets).

- 1. Intent. Design structured parking in a way that will fit the real and intended human scale of downtown and on other designated pedestrian oriented streets. Acknowledge that while structured parking provides convenient, less intrusive, less land consumptive parking than surface parking, the buildings themselves can be intrusive, since they are often large, monolithic structures with few refinements and little interest or activity.
- 2. Street Level Treatment. Retain the pedestrian oriented scale and character on structured parking and ground level covered parking facing a pedestrian street by breaking up horizontal openings and incorporating at least one of the following techniques:

- a. Provide at least one (1) of the five (5) pedestrian-friendly facade techniques in Section [18.16.080\(F\)](#), Blank Wall Limitations. Transparent windows shall be permitted only where pedestrian-oriented uses or businesses are located in a parking structure.
 - b. Provide enclosed occupiable space for "pedestrian-oriented uses or businesses" at least ten (10) feet in depth along all of the building frontage facing the Pedestrian Street, excluding vehicle and pedestrian entries. If there are multiple pedestrian street frontages, this option should be used on the dominant pedestrian street frontage.
 - c. Incorporate public art into the design or use decorative metal grille work or similar architectural detailing which provides texture and covers the parking structure opening. EXCEPTION: Parallel vertical bars (resembling a jail cell pattern or HVAC intake grills) are prohibited, and do not meet the intent of this requirement.
3. Parking structures over one-half block in size must provide enclosed occupiable space for "pedestrian-oriented uses or businesses" at least ten (10) feet in depth along the dominant pedestrian street frontage of the building facing the pedestrian street, excluding vehicle and pedestrian entries.
4. Vehicle Entry. The width of garage doors shall be limited to the width of the driveway plus five (5) feet. Vehicular entries shall be recessed at least six (6) feet from the primary facade plane in order to minimize their prominence in the facade.
5. Upper Level Treatment. Assure that upper levels of parking structures remain compatible with pedestrian oriented scale and character. Break up horizontal openings by:
- a. Providing relief, detail, and variation on the facade by employing well-proportioned openings that are designed to create shade and shadow detail.
 - b. Public art, decorative metal grille work or similar art or architectural detailing which provides texture and covers the opening in the facade.
 - i. Parallel vertical bars (resembling a jail cell pattern or HVAC intake grilles) are prohibited, and do not meet the intent of this requirement.

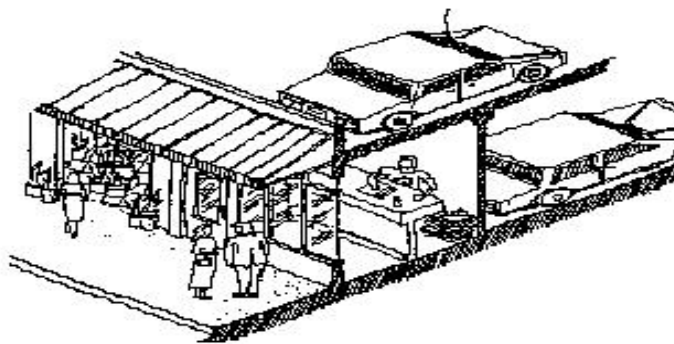
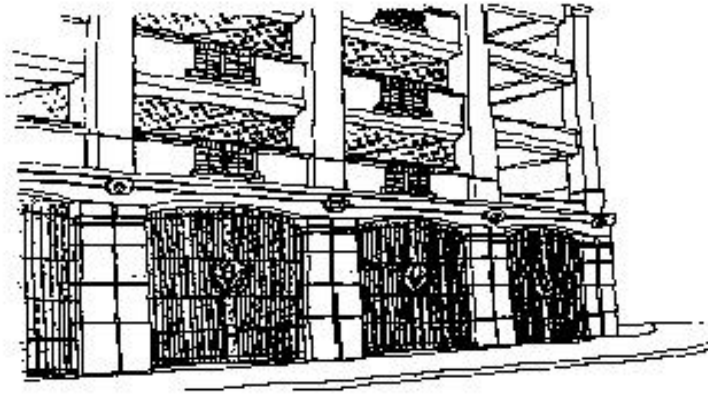


FIGURE 16-7



**Parking garage facade treated with decorative grill work.
FIGURE 16-8**

Section 10. Amendment of OMC 18.38.240. Olympia Municipal Code Chapter 18.38 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 Design Review, Chapter [18.100](#).

A. Structured Parking Design Requirements:

1. Structured parking adjacent to designated pedestrian oriented streets on properties not located in one of the Downtown Design Sub-Districts must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter Section 18.16.080(J).
2. For projects in one of the Downtown Design Sub-Districts, all above ground structured parking must meet the Above-Grade Structured Parking Requirements in Chapter 18.120.490.

A. ~~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).~~

B. ~~DOWNTOWN BUSINESS ZONE (DB):~~

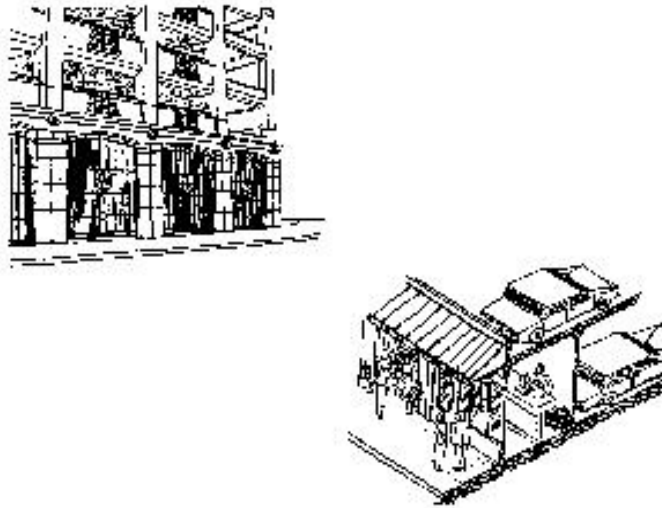
1. ~~Structured Parking Design Requirements. All structured parking must meet the Parking Structure Design Requirements in the Pedestrian Streets Overlay District Chapter, Section 18.16.080(J).~~

C. ~~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).~~

D. ~~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 11. Amendment of OMC 18.76. Olympia Municipal Code Chapter 18.76 is hereby amended to read as follows:

Chapter 18.76 DESIGN REVIEW BOARD

18.76.000 Chapter Contents

Sections:

- [18.76.010](#) Established--Purpose.
- [18.76.020](#) Membership and Appointment.
- [18.76.160](#) Voting.
- [18.76.180](#) Joint Review Committee.
- [18.76.200](#) Staff Review.

18.76.010 Established--Purpose

There is hereby established a Design Review Board (the Board) to promote those qualities in the natural environment which bring value to the community; foster the attractiveness and functional utility of the community as a place to live and work; preserve the special character and quality of Olympia by maintaining the integrity of those areas which have a discernible character or are of special historic significance; raise the level of community expectations for the quality of the built environment; encourage originality and creativity in site planning and architecture; communicate these purposes to applicants and assist applicants in achieving these purposes; preserve and enhance property value; ensure that new developments maintain or improve neighborhood character and livability; and consider applicants' needs and goals and the broader public impact of any proposal.

18.76.020 Membership and Appointment

Design Review Board Created - Composition. The Board shall consist of nine (9) members, as follows: two (2) should be architects, seven (7) shall be citizens-at-large.

18.76.160 Voting

The Board may recommend approval, approval with conditions, or denial of any application which comes before it. The Board shall provide its recommendation to the Director, the Hearing Examiner, or to the City Council for Master Planned Development applications. All recommendations shall be issued in writing stating the reasons for the recommendation. The recommendations of the Board shall be made by a majority vote of the quorum present at the time of the decision. A majority of the members shall constitute a quorum for the transaction of business; provided, that at least three (3) shall be required to constitute a quorum excluding any disqualifications. Action may be taken by a majority of those present when those present constitute a quorum at any regular or special meeting of the Board. Any number less than a quorum shall be authorized to convene a meeting at the time set for the purposes of adjournment, recess or continuation of a regular or special meeting to a date and time certain.

18.76.180 Joint Review Committee

A. A Joint Review Committee comprised of five (5) members from the Design Review Board and ~~four (4)~~five (5) members of the Heritage Commission shall act as the Design Review Board for all structures within the design review areas which are listed on the Washington Heritage Register, the National Register of Historic Places or the Olympia Heritage Register.

B. Members will be appointed to the Joint Review Committee from the Design Review Board and Heritage Commission for a term of one (1) year by the chairs of each body. Members may be reappointed for subsequent one (1) year terms.

C. The provisions, standards and criteria of OMC [18.12](#), [18.105.020](#), [18.105.030](#) shall apply to any project considered by the Joint Review Committee provided that when a structure listed on a historic register is reviewed, the provisions of Section [18.12.090](#) of the Olympia Municipal Code shall also apply.

18.76.200 Staff Review

The Department shall be responsible for the administration of this chapter and for providing staff to the Design Review Board and Joint Review Committee. All projects which require design review action shall be coordinated with other affected City departments through the Director as established in Chapter [18.60](#).

Section 12. Amendment of OMC 18.100. Olympia Municipal Code Chapter 18.100 is hereby amended to read as follows:

Chapter 18.100 DESIGN REVIEW

18.100.000 Chapter Contents

Sections:

[18.100.020](#) Statement of Policy.
[18.100.040](#) Purpose.
[18.100.060](#) Projects Subject to Design Review.
[18.100.080](#) Design Review Districts and Corridors.
[18.100.090](#) Design Review Process.

[18.100.100](#) How to Use Design Criteria.

[18.100.110](#) Submission Requirements.

18.100.020 Statement of policy

The City Council finds that new development can have a substantial impact on the character of the area in which it is located. Some harmful effects of one land use upon another can be prevented through zoning, subdivision regulations and building codes. Other aspects of development are more subtle and less amenable to exacting rules promulgated without regard to specific development proposals. Among these are: the general form of the land before and after development, the spatial relationships of the structures and open spaces on adjacent land uses, and the appearance of buildings, signs and open spaces. Such matters require the timely exercise of judgment in the public interest by people qualified to evaluate the design of a new development.

18.100.040 Purpose

The purposes of design review are:

- A. To promote those qualities in the natural environment which bring value to the community;
- B. To foster the attractiveness and functional utility of the community as a place to live and work;
- C. To preserve the special character and quality of Olympia by maintaining the integrity of those areas which have a discernible character or are of special historic significance;
- D. To raise the level of community expectations for the quality of the built environment;
- E. To encourage originality and creativity in site planning and architecture;
- F. To communicate these purposes to the applicant and to assist the applicant in achieving these purposes;
- G. To preserve and enhance property value;
- H. To ensure that new developments maintain or improve neighborhood character and livability; and
- I. To consider the applicants' needs and goals and the broader public impact of any proposal.

18.100.060 Projects Subject to Design Review

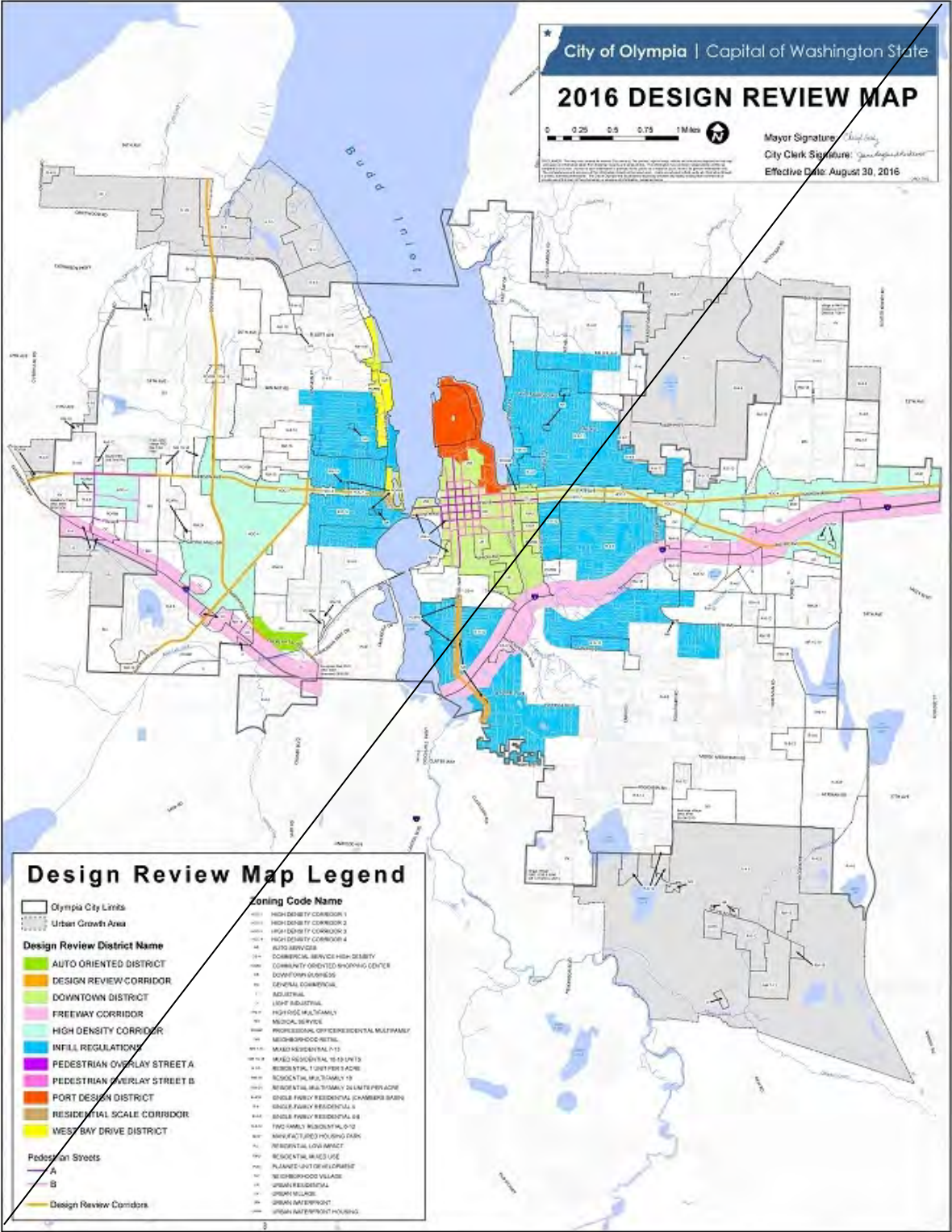
- A. The following projects are subject to design review:
 - 1. Projects within designated design review districts and corridors, as shown on the Official Design Review Map (See OMC Section [18.100.080](#));
 - 2. Commercial projects adjacent to residential zones;
 - 3. Commercial or residential projects for Heritage Register properties or those within an historic district;
 - 4. Projects with a building area greater than 5000 square feet that require a Conditional Use Permit in a residential zone;
 - 5. Multifamily projects;
 - 6. Single family housing, including designated manufactured homes, on lots less than 5000 square feet or on substandard lots;

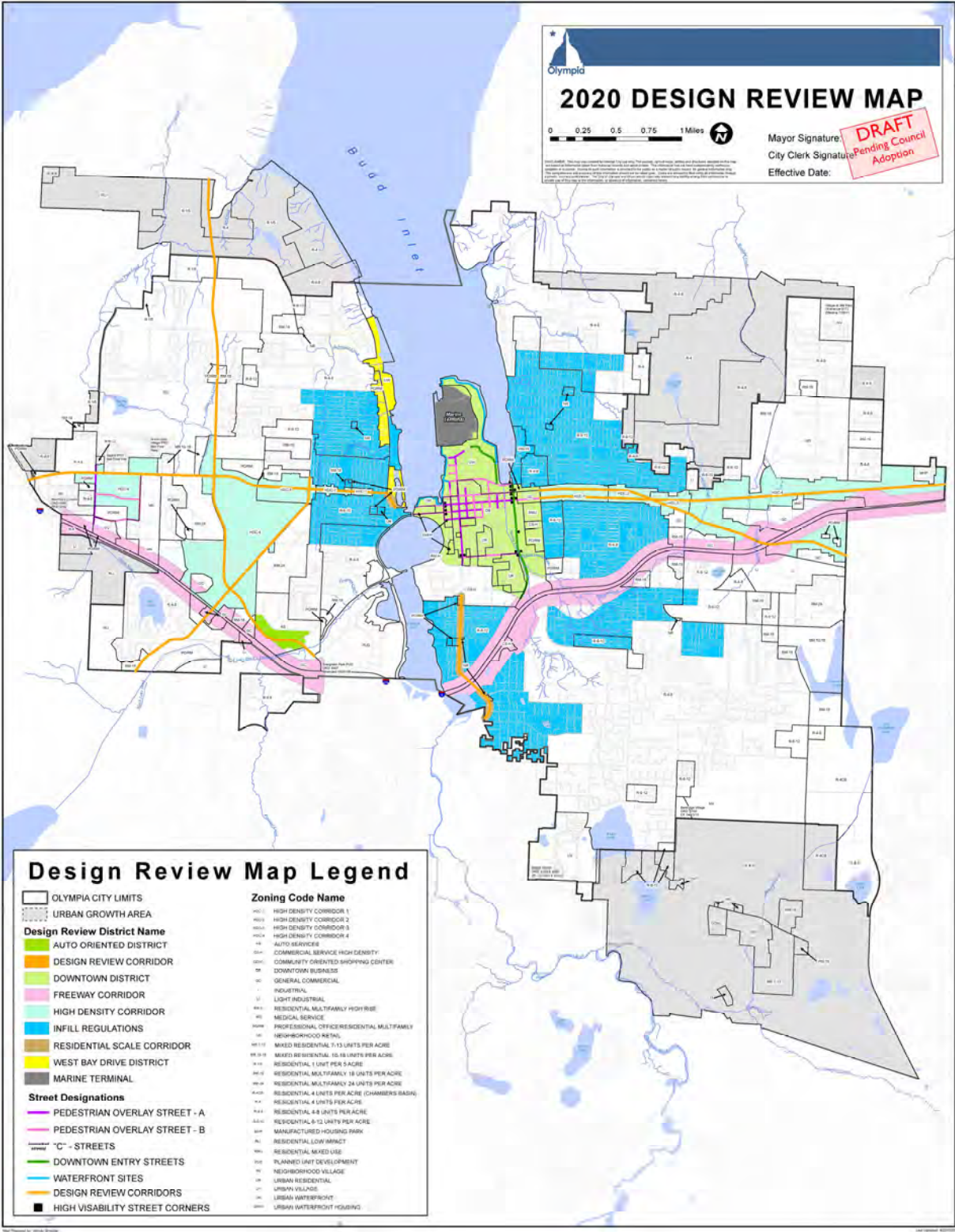
7. Dwellings proposed on lots within the area depicted on Figure 4-2a, "Areas Subject to Infill Regulations";
 8. Master Planned Developments;
 9. Manufactured housing parks;
 10. Duplexes, triplexes, fourplexes, townhouses, accessory dwelling units, and cottage housing;
 11. All projects within scenic vistas as identified on the official maps of the City (See OMC Section [18.100.110](#)); and,
 12. Signs within designated design review districts and corridors or associated with a project that is subject to design review.
13. For the purpose of design review, projects within one of the Downtown Design Sub-Districts will be reviewed for consistency with the criteria in OMC Chapter 18.120 only.

B. Exceptions: Evergreen Park PUD; interior work; and projects which do not affect the character, use, or development of the surrounding properties, or the architectural character of the structure, such as fences, parking lots with less than twenty (20) spaces or minor repair or renovation of, or minor additions to, existing structures.

18.100.080 Design Review Districts and Corridors

The following districts and corridors are hereby established as Design Review Districts and Corridors: Downtown, Port Peninsula, High Density Corridor 1, 2, 3, and 4 (HDC), High Density Corridor-4 Capital Mall Area, Freeway Corridor, West Bay Drive, Residential Scale, Auto Oriented, and Infill Districts. Said districts and corridors are defined on the "Official Design Review Districts and Corridors Map," on file with the City Clerk and generally described in the illustration below. In the event of a conflict between this illustration and the official map, the official map shall govern.





18.100.090 Design Review Process

All projects subject to design review shall be reviewed either by the Design Review Board (DRB), the Joint Review Committee (JRC) or by staff as noted below. The DRB, JRC, or staff shall provide a recommendation to the review authority. The review authority shall give substantial weight to the recommendation of the DRB or JRC. (A project reviewed by the JRC shall not also be reviewed by the Heritage Review Committee.)

A. Projects subject to review by the Design Review Board or Joint Design Review Committee, as described in OMC 18.76.180:

1. Any proposed development project located within the following design districts:
 - a. Downtown District; and,
 - b. Residential Scale Design District.
2. Any proposed building development over 5,000 square feet in gross floor area, located within the following design districts and corridors:
 - a. High Density Corridors;
 - b. West Bay Drive District;
 - c. Auto Mall District;
 - d. Port Peninsula District;
 - e. Freeway Corridor; and,
 - f. Design Review Corridors.
3. Any multifamily building with five (5) units or more, any townhouse building with five (5) units or more, and any multifamily development with twenty (20) units or more.
4. All Master Planned Developments.
5. Projects with a building area greater than 5,000 square feet that require a Conditional Use Permit in a residential zone.

B. Projects subject to review by Staff:

1. Single family dwellings on lots within the area depicted on Figure 4-2a.
2. Minor additions or alterations to residential or commercial projects on a Heritage Register or within a Historic District.
3. Any proposed development of 5,000 square feet or less in gross floor area, and signs in the following design districts and corridors:
 - a. High Density Corridors;
 - b. West Bay Drive District;
 - c. Auto Mall District;
 - d. Port Peninsula District;
 - e. Freeway Corridor; and,

f. Design Review Corridors.

4. Any other project subject to design review not described in "A" above.

18.100.100 How to Use Design Criteria

A. Requirements and Guidelines. Each section of the design review chapters consists of a requirement and possibly several guidelines. Compliance with each requirement is necessary; the guidelines provide methods to achieve compliance with the requirement. Applicable guidelines must be incorporated into the project design except in cases where proposed design solutions are considered by the Board and/or staff to be equal to or better than the guidelines, and meet the intent of the requirement. If the project does not conform to the design criteria, the Board and/or staff will indicate the requirements that have not been met.

B. Illustrations. Illustrations contained within specific criteria sections are intended to be in harmony with the text of the same section. In the event of conflict between text and an illustration, the text shall govern.

C. Design Review Criteria Chapters. Design criteria are separated into chapters, depending on whether the development is commercial or residential, and the location or type of that development, as outlined below.

18.105 Historic Structures and Buildings within the Historic Districts. This Chapter applies to structures listed on the Olympia Heritage Register, Washington Heritage Register, and the National Register of Historic Places, and all structures within a Historic District.

18.110 Basic Commercial Design Criteria. This chapter applies to all commercial projects throughout the City that require design review, in addition to the district-specific requirements found in the following chapters, as applicable. It also applies to projects with a building area greater than 5,000 square feet in gross floor area that require a Conditional Use Permit in a residential zone, to commercial projects adjacent to residential buildings, to commercial or residential projects. The design districts are shown on the Official Design Review Districts and Corridors.

18.120 ~~Commercial Downtown Design Criteria—Downtown District~~. This chapter applies to all commercial, mixed use, and residential projects that require design review that are located in one of the Downtown Design Review Sub-Districts. ~~In addition, commercial projects in the Downtown Design District may also be subject to the requirements of Chapter 18.16, Pedestrian Streets.~~

18.130 Commercial Design Criteria - High Density Corridors. This chapter applies to all projects that require design review that are located in the HDC districts.

18.135 Commercial Design Criteria - Residential Scale District. This chapter applies to all projects that require design review that are located in the Residential Scale District.

18.140 Commercial Design Criteria - Auto Oriented District. This chapter applies to all projects that require design review that are located in the Auto Oriented District.

18.145 Commercial Design Criteria - Freeway Corridor. This chapter applies to all projects that require design review that are located in the Freeway Corridor District.

18.150 Commercial Design Criteria - Port Peninsula. This chapter applies to all projects that require design review that are located in the Port Peninsula design review district. This chapter contains the only design criteria that apply to the Port Peninsula.

18.155 Commercial Design Criteria - West Bay Drive District. This chapter applies to all projects that require design review that are located in the West Bay Drive District.

18.170 Residential Design Criteria - Multifamily. Design criteria contained in this chapter (Sections 18.170.030 - 18.170.160) apply to all multifamily residential buildings with five or more units and any multifamily development with twenty (20) units or more throughout the city. Projects of this type and size are reviewed by the Design Review Board.

18.175 Residential Design Criteria - Infill and other residential. Sections 18.175.020 through 18.175.060 of this chapter apply to single-family dwellings, including designated manufactured housing, proposed on lots within the area depicted on Figure 4-2a, on lots less than 5000 square feet, or on substandard lots, duplexes, triplexes, fourplexes, and townhouse buildings of four (4) units or less throughout the city. Sections 18.175.080 and 18.175.090 apply to accessory dwelling units throughout the city. Section 18.175.100 applies to cottage development.

18.180 Residential Design Criteria - Manufactured home parks. This chapter applies only to manufactured home parks.

18.100.110 Submission Requirements

- A. Conceptual Design Review. Applications for review of the Conceptual Design shall be filed with the Department as part of a land use review application on forms provided by the Department.
- B. Detailed Design Review. Applications for review of the Detailed Design shall be submitted to the Department prior to or at the same time as a building permit application on forms provided by the Department.
- C. Combined Conceptual & Detailed Design Review. For those projects which have had a presubmission conference, do not have any apparent environmental issues, (such as those listed in the Critical Areas Ordinance, Title 14.10, or transportation issues), and which do not require a public hearing, upon request by the applicant and with the concurrence of staff, the Design Review Board may conduct both Conceptual and Detailed Design Review of a project at the time of Land Use Review.
- D. Time Limitations. Except in cases where the applicant agrees to an extension of time, the Design Review Board shall have a public meeting on an application for a major project within thirty (30) days after an application is deemed complete pursuant to OMC 18.72.

Section 8: Repeal of OMC 18.150. Olympia Municipal Code Chapter 18.150 is hereby repealed.

~~Chapter 18.150~~ **~~PORT PENINSULA~~**

~~18.150.000 Chapter Contents~~

~~Sections:~~

- ~~18.150.020 Design guidelines.~~
- ~~18.150.030 Site design - Pedestrian connections.~~
- ~~18.150.040 Site design - Lighting.~~
- ~~18.150.050 Site design - View corridors.~~
- ~~18.150.060 Building design - Creation of human scale.~~
- ~~18.150.070 Building design - Color and materials.~~
- ~~18.150.080 Landscape design.~~
- ~~18.150.090 Building design - Landscape design - Suitability of materials.~~

~~18.150.020 Design Guidelines~~

~~The following guidelines apply to the Port of Olympia's Urban Waterfront zoned properties on the Port Peninsula, and are the only City design guidelines which apply to the Port Peninsula. These guidelines were developed in a cooperative effort between the City and the Port. A map indicating the Urban Waterfront zoned properties is shown on Figure 18.150.020.~~

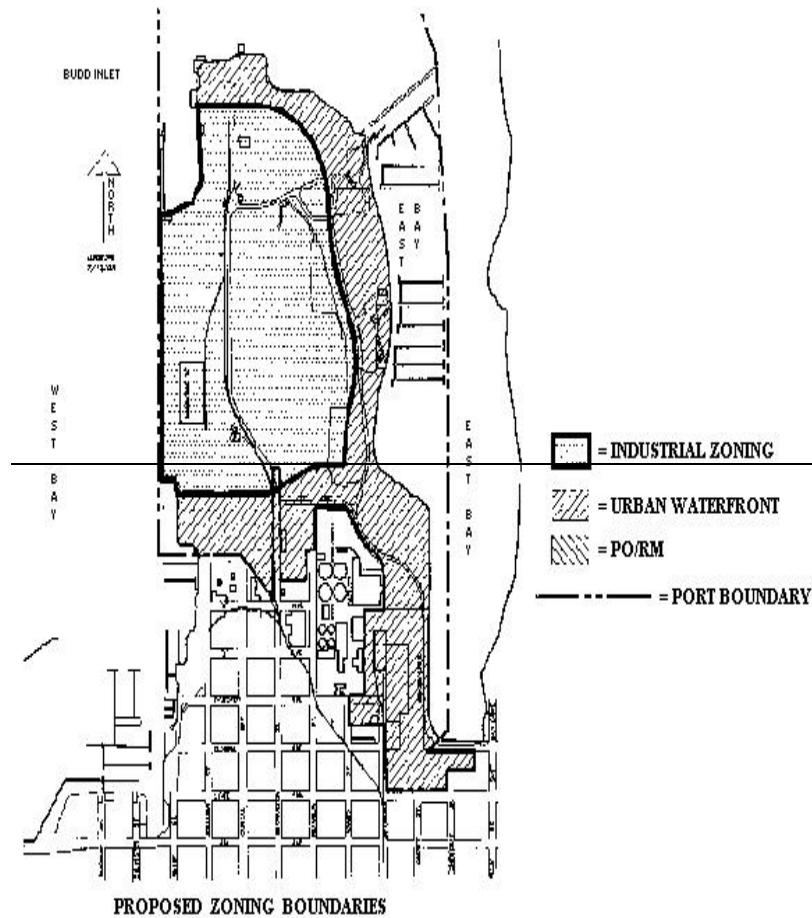


FIGURE 18.150.020

18.150.030 Site design—Pedestrian Connections

A.—**REQUIREMENT:** Incorporate pedestrian access into the site plan where pedestrian access exists and where site security is not in questions.

B.—**GUIDELINE:**

- 1.—Incorporate cross-site pedestrian connections within projects where feasible.
- 2.—Coordinate signing to facilitate movement of pedestrians through the site and vehicles around the site.
- 3.—Provide walkways through parking bays and adjacent to planters.
- 4.—Define walkways with vertical plantings, such as trees or shrubs.

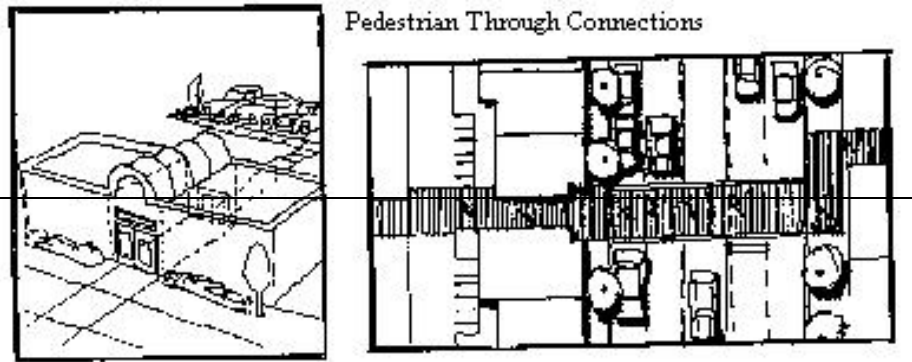


FIGURE 18.150.030

18.150.040 Site design—Lighting

A. ~~REQUIREMENT: Accent structures, as well as provide visibility, security, and conserve energy with lighting.~~

B. ~~GUIDELINE:~~

- ~~1. Use lighting to accent key architectural elements or to emphasize landscape features.~~
- ~~2. Add adequate lighting to sidewalks and alleys, to provide for well lighted pedestrian walkways in accordance with Chapter 4 of the Engineering Design and Development Design Standards.~~
- ~~3. Locate lighting so as not to have a negative impact on adjacent properties such as shining off site into adjacent buildings.~~

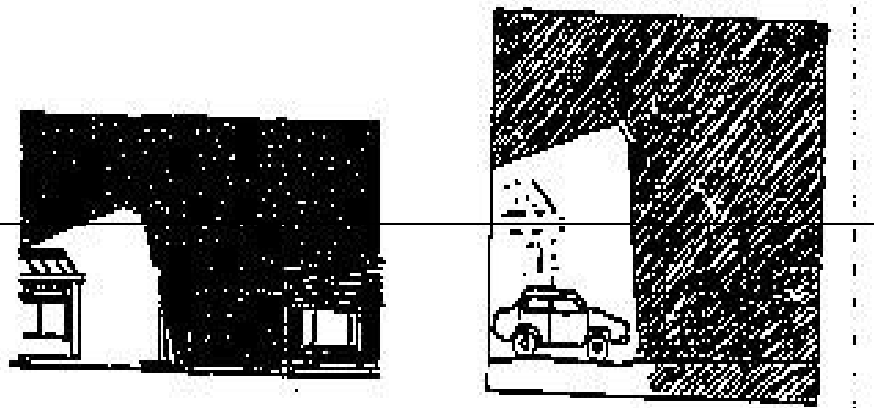


FIGURE 18.150.040

18.150.050 Site Design—View Corridors

A. ~~REQUIREMENT: Provide for public view corridors of the Capitol Building, Olympic Mountains and Budd Inlet.~~

B. ~~GUIDELINE:~~

- ~~1. Intermittent or partial views to the scenic vistas mentioned above may not be deemed necessary to incorporate into the site and building design.~~

2. ~~Refer to the Scenic Vista overlay zoning maps available at the Community Planning and Development Department.~~

18.150.060 Building Design—Creation of Human Scale

A. ~~REQUIREMENT: Use design elements that result in buildings with a perceived size that maintains a human scale street that is comfortable for pedestrians and attractive to them.~~

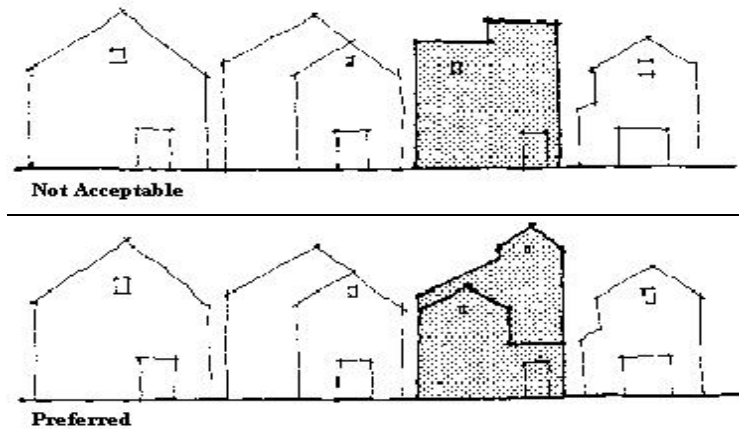
B. ~~GUIDELINE:~~

1. ~~Use articulation on building facades to achieve smaller building massing. Methods include:~~

a. ~~Modulation;~~

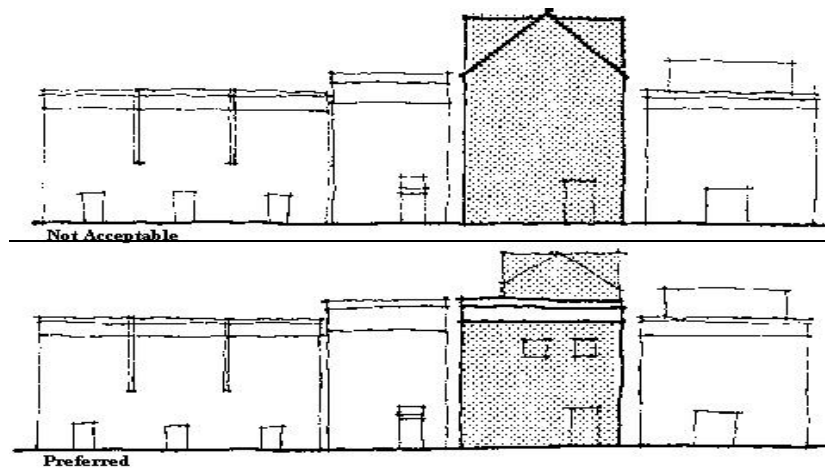
b. ~~Broken rooflines; and~~

c. ~~Building elements such as balconies, chimneys, porches or other entry details, and landscaping.~~



~~Rooflines can reinforce the architectural character of a street.~~

FIGURE 18.150.060 A



Architectural features like cornices can relate to adjacent buildings, lowering the apparent, conflicting height of the building.

FIGURE 18.150.060-B

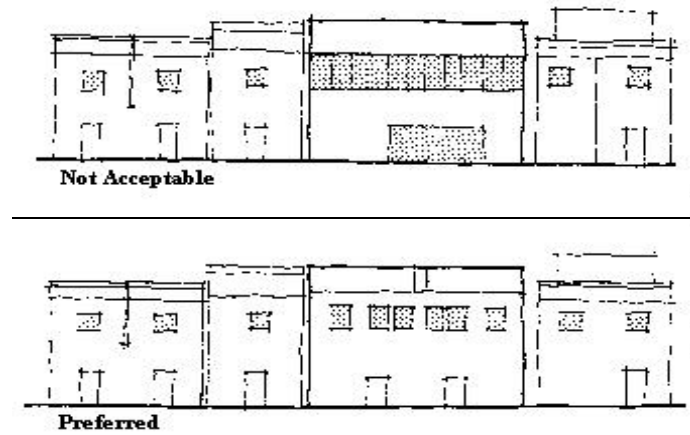
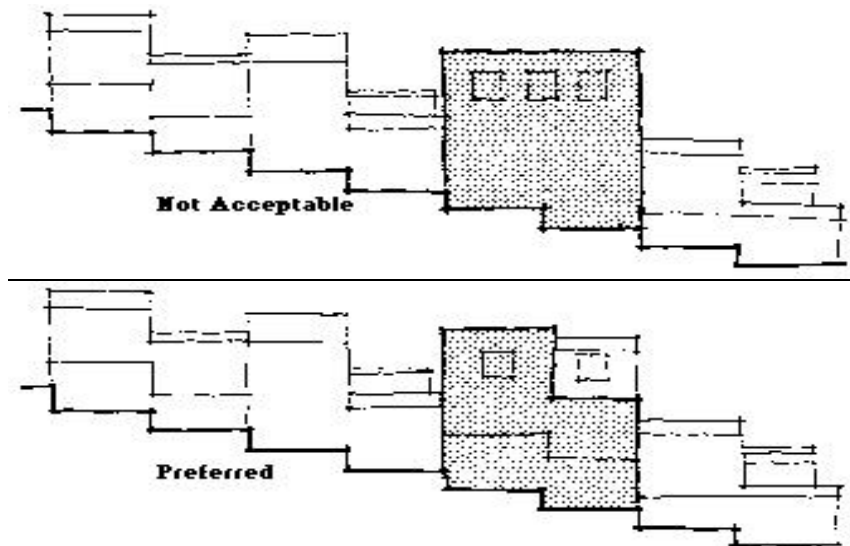
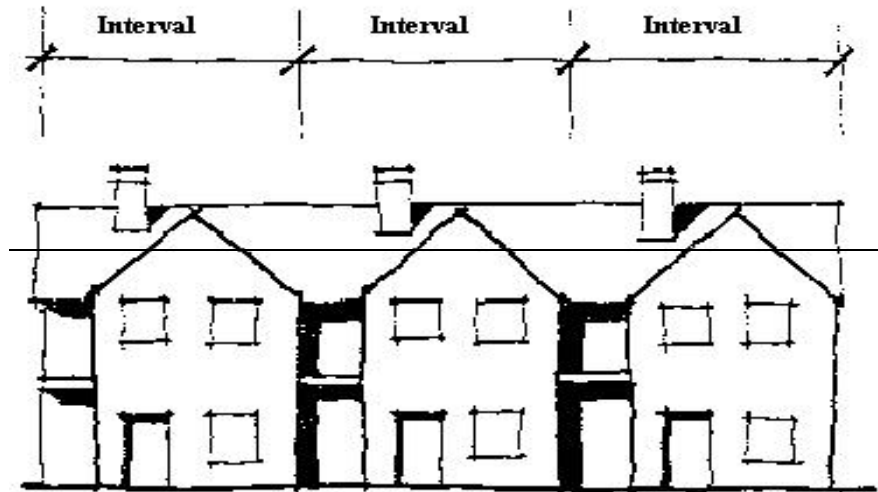


FIGURE 18.150.060-C



The pattern and proportion of windows, doors and other glazed areas (fenestration) is important in determining the buildings architectural character. Following the proportion and pattern of neighboring buildings will increase the consistency of the overall streetscapes.

FIGURE 18.150.060-D



This building is articulated into intervals. Articulation methods include modulation, broken rooflines, building elements (chimneys, entries, etc.) and landscaping.

FIGURE 18.150.060-E

18.150.070 Building Design—Color and Materials

A.—REQUIREMENT: Using appropriate color and material on new and remodeled buildings. Use subdued colors on exterior building walls and large surfaces.

B.—GUIDELINE:

- 1.—Reserve bright colors for trim or accents.
- 2.—Avoid large expanses of highly tinted or mirrored glass (except stained glass windows). Use of tinted glass as an accent is acceptable.
- 3.—Avoid use of reflective exterior materials (except windows) where glare would shine into nearby buildings.

18.150.080 Landscape Design

A.—REQUIREMENT: Use plants as screening, canopy, and as space defining elements.

B.—GUIDELINE:

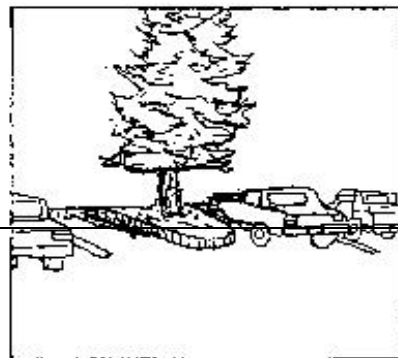
- 1.—Plantings and paving can serve to define the appropriate location for pedestrian and vehicle traffic.
- 2.—Plantings such as street trees, hedges and screening hedgerows can be used to create and reinforce the functional definition of the site plan.
- 3.—Repeating landscape material throughout the project can unify the development.
- 4.—Parking lots can be divided into smaller lots with separations created by grouping landscaping and trees as buffers between parking areas. Where large planting areas are impractical or inefficient, canopy trees can be planted in protected planting locations.

18.150.090 Building Design—Landscape Design—Suitability of Materials

A. ~~REQUIREMENT: Plant materials shall be suited to the climate and at their mature, natural size, suitable for their planting location.~~

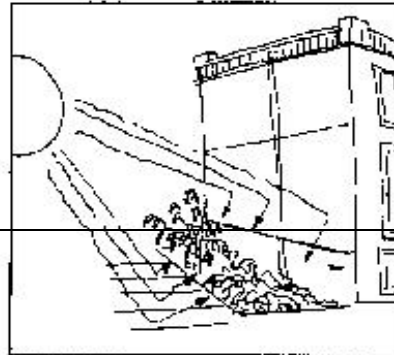
B. ~~GUIDELINE:~~

- ~~1. Select trees for parking lots and sidewalk areas which do not interfere with the visibility and movement of vehicles or pedestrians.~~
- ~~2. Avoid trees which may create problems by dropping fruit or seeds, have brittle wood, and/or cause pavement or other hard surfaces to heave.~~
- ~~3. Use shrubs or vines trained to grow upright on wires or trellises (espaliers) next to blank walls with narrow planting areas.~~
- ~~4. Projects must also comply with the adopted Street Tree Plan, and the Landscaping and Screening Chapter of the Olympia Zoning Code 18.36 for more information on landscaping requirements.~~
- ~~5. Choose hardy plant materials that can survive the effects of building or large paved areas (in terms of heat, shade, wind, etc.)~~



Acceptable

Trees should not interfere with visibility for vehicles and pedestrians.



Not Acceptable

Plant choices should be suited to the site conditions.

FIGURE 18.150.090

Section 13. Olympia Municipal Code. Copies of the Olympia Municipal Code are and shall be retained on file with the office of the City Clerk.

Section 14. 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 15. 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 16. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 17. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:

EXHIBIT A

Chapter 18.120 **DOWNTOWN DESIGN CRITERIA**

18.120.000 Chapter Contents

Sections:

18.120.100 Introduction.

18.120.200 Site planning.

18.120.300 Site elements and design.

18.120.400 Building Design.

18.120.100 Introduction

Section Contents:

18.120.110 Purpose.

18.120.120 Applicability and procedures.

18.120.130 Downtown design sub-districts.

18.120.140 Designated street types.

18.120.110 Purpose

The purpose of Chapter 18.120 is to implement the Comprehensive Plan by:

1. Promoting high quality urban design.
2. Enhancing the pedestrian environment.
3. Activating the streetscape.
4. Reinforcing unique character areas.
5. Preserving the Downtown's historic character.

18.120.120 Applicability and procedures

A. PROJECT REVIEW PROCEDURES

The guidelines within these chapters apply to all properties within the area shown in Figure 18.120.130.A.1.
The applicability and review procedures for these guidelines are as described in OMC Chapter 18.100, except
as follows:

1. Design guidelines do not apply to public projects within the public right-of-way.
2. Where two or more Sub-Districts are indicated in Figure 18.120.130.A.1, the applicant may select which Sub-District will apply. All regulations for that Sub-District will then apply.
3. In the event there is a conflict for a property that is located within the historic district, or an individually listed historic property, 18.12.090 takes precedent (see language of Chapter 18.12.040.c).

EXHIBIT A

B. DEFINITIONS. Some terms are only used in the context of these design guidelines. These terms are as follows:

1. Architectural Scale: The perceived height and bulk of a building relative to that of neighboring buildings.
2. Blank wall: Any wall or portion of a wall that has a surface area of 400 square feet of vertical surface without a window, door, or building modulation or other architectural feature or any ground level wall surface or section of a wall over 4 feet in height at ground level that is longer than 15 feet as measured horizontally without having a ground level window or door lying wholly or in part within that 15-foot section.
3. Building Details: Smaller building components such as lights, furniture, artwork, signs, and door and window moldings that are perceived from a short distance from the building (less than 80 feet away).
4. Building Elements: Larger building features such as balconies, cornices, bay windows, and turrets that can generally be seen from a distance (80 feet or more).
5. Building Modulation: The stepping back or extension forward of a portion of a building façade.
6. Custom, Decorative, or Hand-Crafted: Distinctive or "one-of-a-kind" elements or unusual designs that require a high level of craftsmanship. However, these terms do not necessarily mean that the elements are ornate. They may be simple if finely detailed or manufactured. It is more important that the façade details fit the style and character of the building.
7. Fenestration: The design, proportioning, and disposition of windows and other exterior openings of a building.
8. Human Scale: Addresses the relationship between a building and the human body. Human scale design is optimized for human use, with elements sized with the human body in mind.
9. Massing: A unified composition of two-dimensional shapes or three-dimensional volumes, especially one that has or give the impression of weight, density, and bulk.
10. Pilaster: A column that is built into the façade but projects out from it.
11. Street wall: A relatively continuous building edge along or near the back of the sidewalk.
12. Transom Window: A strip of smaller windows located above display windows.
13. Woonerf: A "living" street which includes shared spaces, traffic calming design and techniques, and very low speed limits. It is shared pedestrian, bicyclist, and vehicular space, with preference to non-motorized users.

18.120.130 Downtown design sub-districts

A. INTENT

These Guidelines were informed by Olympia's Downtown Strategy and establish Downtown Design Sub-Districts (Sub-Districts). The purpose of the Sub-Districts is to achieve greater variety of uses and design character as well as greater design unity within specific Sub-Districts and along streets within the Downtown. These Sub-Districts are identified in Figure 18.120.130.A.1.

EXHIBIT A

storefront building design and wider pedestrian pathways. Within the historic retail core, design elements should complement the surrounding historic architecture with sensitivity to neighboring buildings' proportions and rhythms; "classic main street" furnishings, finishes, and styling; and materials drawing inspiration from surrounding historic materials like sandstone, brick, terracotta, and granite. New buildings may exhibit contemporary styled architecture but must not detract from the overall historic character of the Sub-District. New buildings should complement the Sub-District's character through design features and qualities such as materials, scale, façade composition, and proportion, but not try to replicate historical styles.

2. Art/Tech: General objectives: Utility is a design driver for the informal Art/Tech Sub-District, suggesting opportunities for adaptive reuse of existing buildings, and street improvements that promote new pedestrian and bicycle uses. The incorporation of "warm industrial" materials such as weathered wood or metal, and design elements such as garage doors or large entryways that engage the street or parklets are examples of how architecture and streetscape designs might complement the area's do-it-yourself character. The retention of historic materials when present is encouraged.
3. Entertainment: General objectives: Art, creativity, and imaginative expression defines this hub of dining, nightlife, and the performing arts. Design elements here may reflect aspects of the Core and Art/Tech Sub-Districts, but a focus on art, theatricality, imagination, and night lighting that enhances building design and public spaces will distinguish this area. Buildings and streetscapes such as wider sidewalks, consistent lighting, and clear wayfinding that support entertainment needs.
4. Waterfront: General objectives: Better connection of Downtown to its waterfront location—visually, physically, and symbolically—is a primary goal of this Sub-District. Elements that reflect the shoreline ecology, local maritime activities, Northwest Native American history, historic industrial uses, sailing and boating, fishing and aquaculture, and commercial trading are encouraged. Examples include those design elements found at Percival Landing such as furnishings, light fixtures, marine hardware, wood pilings, boardwalks, and rope may be incorporated into streetscape improvements and new developments to help draw the aesthetics of the waterfront deeper into Downtown.
5. North Capitol Way: General objectives: One of the Olympia Downtown Strategy's important urban design concepts is to improve the visual connections and pedestrian experience along Capitol Way between the Capitol Campus and Farmers Market. In the North Capitol Way Downtown Design Sub-District, this means providing streetscape improvements in the public right-of-way that are, consistent with other segments of Capitol Way. New development should include a variety of architectural and landscaping treatments that feature attractive, inviting building fronts and that accommodate a variety of uses so that all buildings present a welcoming face to the street. Maintain a mix of historic and new pedestrian-friendly development.
6. Business Corridor: General objectives: This Sub-District along Capitol Way and portions of the Plum Street SE corridor is currently characterized by older hotels, small commercial buildings, parking lots, banks, and older office buildings. Substantial redevelopment is envisioned that adds human activity and upgrades the pedestrian routes between Downtown and the Capitol Campus. This will take the form of substantial, urban scale commercial, institutional, and mixed-use buildings with refined façades that complement Campus and Downtown Core buildings. Buildings will include active ground floor uses and inviting facades with weather protection. Enhancements to the streetscape to improve uniformity will include amenities such as lighting, paving, and landscaping to create a strong visual connection between the Campus and Downtown Core.

EXHIBIT A

7. Residential Neighborhood: General objectives: This Sub-District is envisioned as an urban residential neighborhood with a mix of uses and architectural variety in building types with landscape plantings in streetscapes, medians, and on private property. Office development is expected where zoning allows. New development is anticipated, and is expected to be compatible with the residential character. Retaining historic buildings is encouraged.

18.120.140 Designated street types

In order to provide attractive pedestrian oriented streetscapes, Downtown streets are classified in the designated streets described as follows and as indicated in Figure 18.120.140.A.1. These descriptions are for design review only.

EXHIBIT A

- A. Type A Pedestrian Oriented Streets are the most important Downtown pedestrian routes with the greatest volume and concentration of pedestrian activities and attractions. The intent is to ensure these streets maintain that level of pedestrian traffic and amenity. Guidelines for Type A Pedestrian Oriented Streets emphasize a high level of façade transparency (amount of clear ground floor window area), wide sidewalks, non-residential uses on the ground floor, limited vehicle access and parking, and maintenance of a prominent street wall.



Figure 18.120.140.A.2: Type A Pedestrian Oriented Street.

- B. Type B Pedestrian Oriented Streets are also important pedestrian connections but with less pedestrian traffic, amenities, and attractions. The intent is to ensure Type B Pedestrian Oriented Streets are attractive pedestrian connections with sufficient interest at street level to encourage pedestrian traffic. Guidelines for Type B Pedestrian Oriented Streets require some transparency and access limitations.



Figure 18.120.140.A.3: Type B Pedestrian Oriented Street.

- C. Type C Streets are unmarked on figure 18.120.140.A.1. All streets in Downtown that are not designated Type A Pedestrian Oriented Streets, Type B Pedestrian Oriented Streets, or Downtown Entry Streets are Type C Streets. The intent of guidelines in Section 18.120.220.E is to ensure Type C Streets are functional, attractive, and can accommodate a wide variety of uses. Guidelines for Type C Streets typically include a defined edge at the back of the sidewalk (that is either a building, landscaping or pedestrian oriented space rather than an unscreened parking lot), and provide efficient pedestrian access to building entries.



Figure 18.120.140A.4: Type C Street.

EXHIBIT A

- D. Downtown Entry Streets are arterials with relatively high vehicle traffic volumes that bring travelers into the Downtown. Because they are highly visible, the intent of the guidelines for Downtown Entry Streets in OMC 18.120.120.C emphasize creating an attractive street front even if the uses may be auto oriented.



Figure 18.120.130.A.5: Downtown Entry Street.

- E. Waterfront Sites are those that directly face the shoreline; guidelines support an attractive and active pedestrian esplanade.



Figure 18.120.140A.6: A Waterfront Site.

- F. High Visibility Street Corners are located at prominent intersections; the guidelines call for an enhanced design feature to support the importance of these corners.

18.120.200 Site planning

Section contents:

- 18.120.210 Introduction.
- 18.120.220 Street fronts.
- 18.120.230 Pedestrian circulation.
- 18.120.240 Buildings with ground-related residential units.
- 18.120.250 Multi-building and multi-block sites.
- 18.120.260 Solid waste facilities, service areas, and mechanical equipment.
- 18.120.270 Multifamily open space.
- 18.120.280 Security.

EXHIBIT A

18.120.210 INTRODUCTION

Site Planning addresses the visual qualities of Downtown streetscapes and developments such as building orientation and location, service areas, and pedestrian and vehicular access.

18.120.220 STREET FRONTS

A. INTENT

This section focuses on the relationship between the street and site with the intent to:

1. Assist in the implementation of City and regional transportation plans by establishing a pedestrian street overlay designation that results in a network of active, aesthetically pleasing, and interesting streets that link the Downtown retail core, the Capitol Campus, the waterfront, and residential neighborhoods.
2. Increase architectural and historic continuity between the retail core and the remainder of Downtown.
3. Increase walkability by creating a high quality, compact, pedestrian-oriented environment so that people will be encouraged to work, shop, play, and live Downtown.
4. Provide strong, continuous edges that clearly define public open spaces and rights-of-way.
5. Contribute to the streetscape by incorporating human scaled, artistic elements or public art, or historically inspired elements into building design.
6. Provide direct visual contact between activities occurring inside buildings and the street environment.
7. Establish attractive Downtown Entry Streets that enhance the visual appearance of entrances and prominent corridors into and around Downtown.
8. Acknowledge the need to accommodate arrival by vehicle while supporting increased arrival by transit, carpool, bike, and on foot.

B. APPLICABILITY AND STREET TYPE DESIGNATIONS

Street Front requirements apply to façades of buildings facing Type A Pedestrian Oriented Streets, Type B Pedestrian Oriented Streets, Type C Streets, Waterfront Sites, and Downtown Entry Streets as indicated in Figure 18.120.140.A.1.

C. REQUIREMENTS FOR TYPE A PEDESTRIAN ORIENTED STREETS

The following requirements apply to building façades facing Type A Pedestrian Oriented Streets:

1. Facade details. The building façade must conform to the "Pedestrian Oriented Façades" requirements set forth in OMC 18.120.460.
2. Ground floor use. On ground floors, only non-residential uses are allowed; residential uses are not allowed, except that hotel and multifamily residential lobbies, common rooms, and entries are allowed.

EXHIBIT A

3. Ground floor setbacks. The building façade must have ground floor setbacks at least 12 feet from the face of curb. The building façade on upper stories may extend to the property/right-of-way line. On the ground floor, pilasters or similar façade extensions may be located out toward the curb a maximum of 12 inches if the pilasters are no more than 3 feet wide measured parallel to the front building façade. Surfacing materials on ground floor facades must be approved by the City for compatibility with the sidewalk materials.

Exceptions:

- i. Buildings on properties with street frontage less than 100 feet, measured horizontally along the right-of-way, are not subject to the requirements of this subsection 3.
 - ii. The requirements of this subsection 3 do not apply to the redevelopment of an existing building.
4. Street wall definition. The ground floor street wall must extend to the property/right-of-way boundary unless the setback from the curb required in subsection 3, above, is applicable (for example, align the building along the right-of-way unless the resulting sidewalk area is less than 12 feet wide from back of curb to the first floor building wall at grade).

Exception: Up to 80% of a building front (measured parallel to the right-of-way line) may be set back up to 60 feet from the right-of-way if the setback is occupied by pedestrian-oriented open space as described in OMC 18.120.330 and the façades facing the open space meets the Pedestrian Oriented Façades and Weather Protection requirements in OMC 18.120.460.

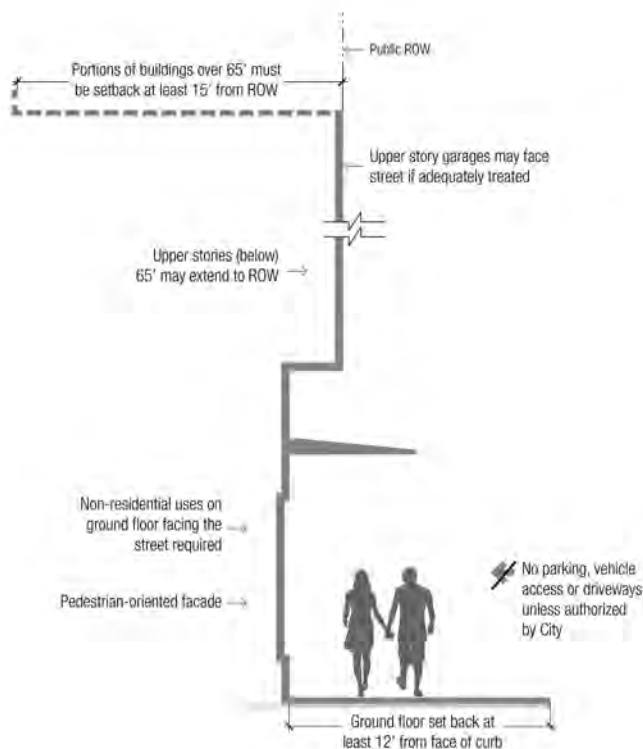


Figure 18.120.220.C.1: Summary of requirements for building facades facing a Type A Pedestrian Oriented Street. This diagram is for illustrative purposes only. See OMC 18.120.220.C for applicable requirements.

5. Vehicle parking. Surface vehicle parking directly fronting a Type A Pedestrian Oriented Street and ground floor structured parking directly adjacent to a Type A Pedestrian Oriented Street

EXHIBIT A

are prohibited. The City may allow upper story parking facing the street if the façade is suitably treated to appear as an occupied building or incorporates articulation treatments that break up the massing of the garage and add visual interest as described in OMC 18.120.440.B.1.

6. Vehicle access (driveways). All vehicle access must be from another street or alley unless approved by the City. For example, if the property is on the corner of two Type A Pedestrian Oriented Streets or fronts a designated Arterial and a Type A Pedestrian Oriented Street, the City will determine which street fronts may feature vehicle access (a driveway).
7. Stepbacks. Upper story stepbacks for building elements or stories over 65 feet above grade must be set back at least 15 feet from the public right-of-way.

Exception: Architecturally treated parapets and roof garden railings may extend up to 5 feet above the 65 feet façade face limit.

D. TYPE B PEDESTRIAN ORIENTED STREET REQUIREMENTS

The following requirements apply to building façades facing Type B Pedestrian Oriented Streets and to building façades in the Waterfront Sub-District parallel to the shoreline that are visible from a public pathway, including those visible from Percival Landing:

Exception: As an alternative to meeting the requirements of this subsection D, a building façade subject to this subsection is acceptable if it meets the requirements applicable to Type A Pedestrian Oriented Streets.

Note: If the building includes ground-related residential units, the building must also meet the requirements for ground-related residential units in OMC 18.120.240.

1. Façade details. The building must provide pedestrian oriented façades as described in OMC 18.120.460, unless the building façade has ground-related residential units.

Exceptions: In lieu of the building having a pedestrian oriented façade, the City may allow a departure from OMC18.120.460 provided the applicant demonstrates to the City's satisfaction that alternative design features are equal or superior for the pedestrian environment. Examples of such solutions include a trellised area with seating, a plaza, or substantial artwork.



Figure 18.120.220.D.1: The Hands-On Children's Museum is an example of a pedestrian-friendly site that employs a unique solution rather than strict conformance to Pedestrian Oriented Street requirements.

2. Ground floor setbacks. The building façade must have ground floor setbacks at least 12 feet from the face of curb. The building façade on upper stories may extend to the property/right-of-way line. On the ground floor, pilasters or similar façade extensions may extend out toward

EXHIBIT A

the curb a maximum of 12 inches if the pilasters are no more than 3 feet wide measured parallel to the front building façade. See Figure 18.120.220.D.2. Surfacing materials on ground floor facades must be approved by the City for compatibility with the sidewalk materials.

Exceptions:

- i. Buildings on properties with street frontage less than 100 feet, measured horizontally along the right-of-way, are not subject to the requirements of this subsection 2.
- ii. The requirements of this subsection 2 do not apply to the redevelopment of an existing building.

3. Street wall definition. The ground floor of buildings must extend to the property/right-of-way boundary unless the façade features ground-related residential units or the setback from the curb required in subsection 2 is applicable.

Exception: A building front may be set back up to 60 feet from the right-of-way if the setback is occupied by pedestrian oriented open space as described in OMC18.120.330 and the façade facing the open space meets the Pedestrian Façades and Weather Protection requirements in OMC 18.120.460.

4. Vehicle parking. All vehicle parking must be accessed from a lesser street type or alley unless the applicant demonstrates to the City's satisfaction that there is no other way to provide safe vehicle parking. Surface vehicle parking directly fronting a Type B Pedestrian Oriented Street is prohibited.

5. Vehicle access (driveways). All vehicle access must be from a lesser street type or alley unless approved by the City. For example, if the building site fronts on two or more Pedestrian Oriented Streets or on a Pedestrian Oriented Street and a designated arterial, the City will determine which street front may feature vehicle access (driveway).

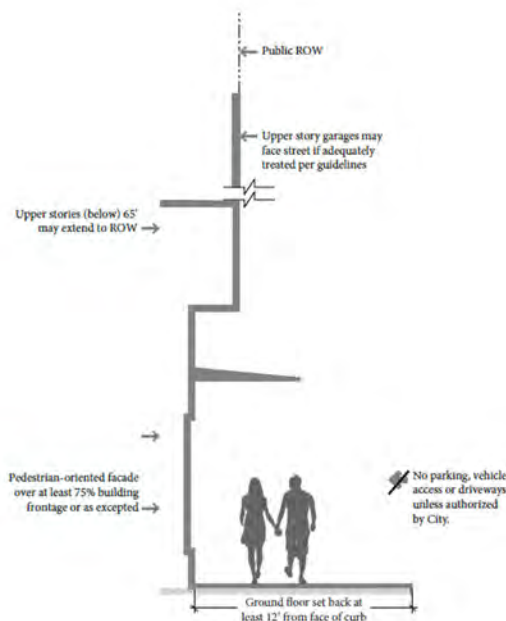


Figure 18.120.220.D.2: Summary of requirements for building facades facing a Type B Pedestrian Oriented Street (this diagram is for illustrative purposes only. See Section 18.120.220.D for applicable requirements).

EXHIBIT A

E. TYPE C STREET REQUIREMENTS

The following requirements apply to building façades facing Type C Streets:

Exceptions:

- a. As an alternative to meeting the requirements of this subsection, a building façade subject to this subsection is permitted if it meets the requirements applicable to Type A Pedestrian Oriented Streets or Type B Pedestrian Oriented Streets.
 - b. A building with ground-related residential units is also subject to the requirements of OMC 18.120.240, in addition to the requirements of this subsection.
1. Street Edge: The street edge must be physically defined with building(s), landscaping, or other features as approved by the City.

Exception: A building in the Residential Neighborhood Sub-District may feature a front yard along the street edge that includes lawn or other landscaping, a pedestrian-oriented open space, or other treatment as approved by the City. No definition between the street and the site is required if the front yard is a public pedestrian-oriented open space such as a plaza, courtyard café seating area, or similar feature.
 2. Ground Floor Setback: The building façade must have ground floor setbacks at least 10 feet from the face of the curb to provide sufficient room for a sidewalk at least 10 feet wide or sidewalk plus planting strip (total 10 feet wide). Pilasters or similar façade extensions may extend out toward the curb a maximum of 12 inches if the pilasters are no more than 3 feet wide measured parallel to the front building façade (See Figure 18.120.220.E.1). Surfacing materials on ground floor facades must be approved by the City for compatibility with the sidewalk materials.

Exceptions:
 - i. Buildings on properties with street frontage less than 100 feet, measured horizontally along the right-of-way, are not subject to the requirements of this subsection 2.
 - ii. This subsection 2 does not apply to the redevelopment of an existing building.
 3. Surface Parking. Surface parking areas adjacent to the street must be screened as required by OMC 18.120.340

EXHIBIT A

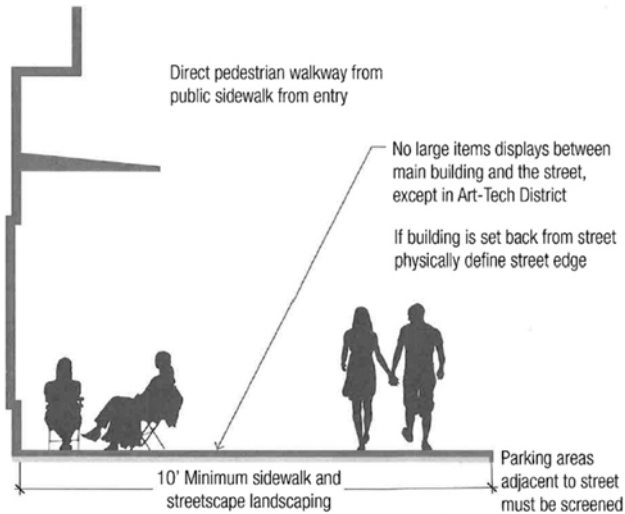


Figure 18.120.220.E.1: Requirements for development adjacent to Type C Streets (this diagram is for illustrative purposes only. See section 18.120.220.E for applicable requirements).

4. Sidewalk access. Primary building entries must face the street and provide direct access to the public sidewalk. Side entries must provide connectivity to the street by a pedestrian pathway and must be visible from the street.

Exceptions:

- a. Properties fronting directly on the shoreline in the Waterfront Sub-District are not subject to this requirements of this subsection 4.
- b. A departure from the requirements of this subsection 4 may be approved by the City if the applicant demonstrates to the City's satisfaction that the design provides direct access to the street to the greatest extent possible and that alternative design features are equal or superior at achieving the design intent.

5. Display items. Large item display areas are prohibited between the main building and the street front (e.g. auto sales in the front yard area). Sidewalks may not be enclosed as space for retailing. Small, temporary displays, and outdoor seating are permitted if pedestrian sidewalk traffic is not impeded as set forth in the City's Street use regulations.

Exceptions: Large item display areas are permitted between the main building and the street front in the Art/Tech Sub-District and properties north of Market Street.

F. REQUIREMENTS FOR WATERFRONT SUB-DISTRICT SITES FRONTING DIRECTLY ON THE SHORELINE

Buildings on sites fronting directly on the shoreline and not separated by a street as identified in Figure 18.120.140.A.1 must comply with the following requirements:

1. Shoreline facing façades. Building façades facing the shoreline must have a Pedestrian Oriented Façade as required by OMC 18.120.460.
2. Façades perpendicular to the shoreline. Building façades roughly perpendicular to the shoreline must comply with provisions for Type B Pedestrian Oriented Streets unless the applicant demonstrates to the City's satisfaction that there is a compelling reason to waive this requirement due to unusual use or site constraints.

EXHIBIT A

G. DOWNTOWN ENTRY STREET REQUIREMENTS

The following requirements apply to developments proposed for sites fronting designated Downtown Entry Streets (see Figure 18.120.140.A.1).

Exception: As an alternative to meeting the requirements of this subsection G, a building subject to this subsection is acceptable if it meets the requirements applicable to Type A Pedestrian Oriented Streets or Type B Pedestrian Oriented Streets.

1. Non-residential buildings. Commercial and mixed-use building façades facing Downtown Entry Streets located within 15 feet of the right-of-way must conform to the following:
 - a. The building must have at least 50% transparency (clear window area) on the ground floor façade between 2 feet and 8 feet above street level.
 - b. The building must have a front entrance visible from the public street and a direct walkway between the public sidewalk and the main entrance.
 - c. The building must have weather protection over the front entry as required by OMC 18.120.450.B.2. The weather protection must be at least 5 feet deep over at least 75% of all portions of the façade adjacent to a pedestrian path or walk.
 - d. The building may not have fences or screens (except for parking lot screening) taller than 4 feet or retaining walls higher than 30 inches within 15 feet of the right-of-way of the Downtown Entry Street, unless the applicant demonstrates to the City's satisfaction that there are unusual site constraints and the departure is the minimum necessary to alleviate that constraint.

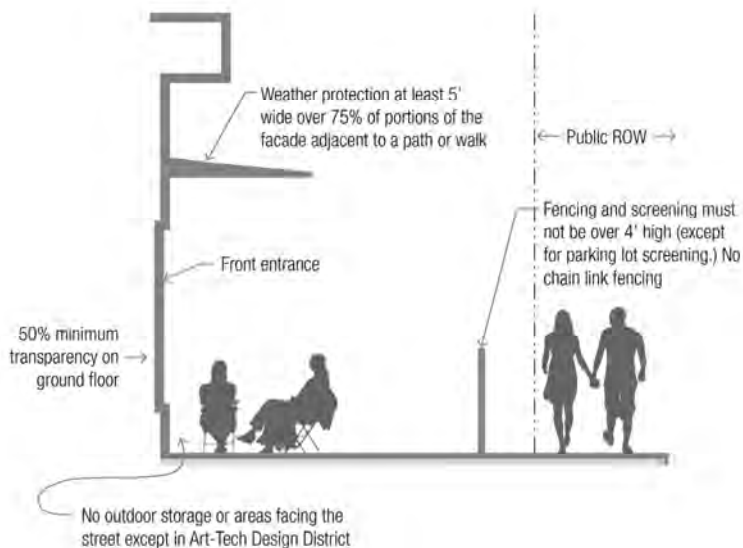


Figure 18.120.220.G.1: Requirements for non-residential buildings within 15 feet of an Entry Street right-of-way (this diagram is for illustrative purposes only. See OMC 18.120.220.G for applicable requirements).

2. Residential buildings. Residential buildings located within 30 feet of the right-of-way must conform to the following:

EXHIBIT A

- a. The building must have at least 15% transparency on the ground floor.
- b. The building must have a covered porch, stoop, or patio for individual ground floor unit entries, or a clearly recognizable, covered shared entry pursuant to OMC 18.120.450.B.2.
- c. The development may not have fences over 4 feet or retaining walls taller than 30 inches within 15 feet of the Downtown Entry Street right-of-way, unless the applicant demonstrates to the City's satisfaction that there are unusual site constraints and the departure is the minimum necessary to alleviate that constraint. Fences and walls are permitted when used to for parking lot screening.
- d. Garages and storage spaces are prohibited along the ground floor front facade facing the Downtown Entry Street.

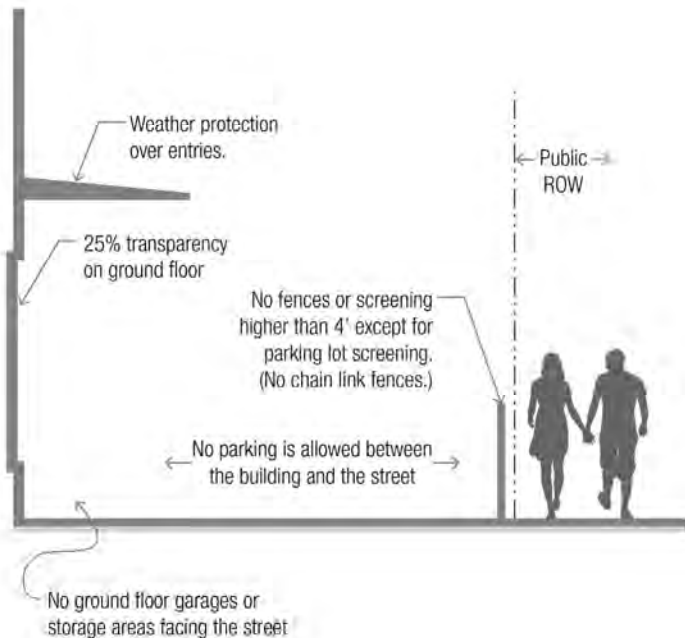


Figure 18.120.220.G.2: Requirements for residential buildings within 30 feet of an Entry Street right-of-way. This diagram is for illustrative purposes only. See OMC 18.120.220.G for applicable requirements.

3. Location of surface parking. Surface parking must be located behind, underneath, or to the side of the ground floor use facing the Downtown Entry Street; parking is prohibited between the building and the street.

Exceptions: If the parking is on the side of a building, or there is no building, parking may not exceed 65 feet of the street frontage. If the lot is wider than 130 feet, parking may occupy up to 50% of the width of the lot facing the street.

EXHIBIT A

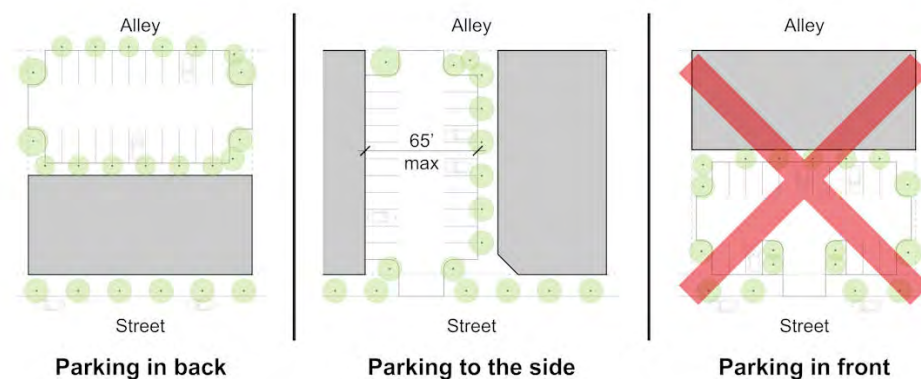


Figure 18.120.220.G.3: Requirements for surface parking location (This diagram is for illustrative purposes only. See OMC 18.120.220.G for applicable requirements).

4. Outdoor display areas. Large item display areas are prohibited between the main building and the street front. Sidewalks may not be enclosed as a space for retailing. Small, temporary displays and outdoor seating are permitted if pedestrian sidewalk traffic is not impeded as set forth in the City's Street use regulations.

18.120.230 Pedestrian circulation

A. INTENT

The requirements of this section are intended to:

1. Provide convenient pedestrian circulation connecting all on-site activities to adjacent pedestrian routes and streets.
2. Improve the pedestrian environment by making it easier, safer, and more comfortable for people to walk between businesses and residences, to transit stops, and through parking areas.
3. Provide people access to transit services.

B. REQUIREMENTS

The following requirements apply to all new development or substantial redevelopment in all Downtown Design sub-districts:

1. Pathways. Developments with multiple residential ground-related units or entries must have pathways between dwelling units and the street.

EXHIBIT A



Figure 18.120.230.B.1: A good example of pedestrian connections between units. The pathway leads to the street. Note the positive security measures including bollard lighting, open landscaping with no hiding spaces, passive surveillance from windows, and sense of enclosure that implies ownership of the space.

2. The pedestrian circulation system must connect all main (primary) entrances on the site. For townhouses or other residential units fronting the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities must be provided.
3. The pedestrian circulation system must have pedestrian walkways to adjacent public rights-of-way, trails, existing or planned bus stops, site features such as mailboxes, solid waste storage areas, and other shared facilities, and to adjacent properties where access exists or reasonable connections are possible.
4. Elevated walkways. External elevated walkways which provide pedestrian access to dwelling units located above the ground floor are prohibited, unless the applicant demonstrates to the City's satisfaction that there is a compelling reason to the contrary and if the walkway(s):
 - a. Do not compromise the privacy of the individual units (no walkways adjacent to residential unit windows).
 - b. Do not compromise visual access from dwelling units into a courtyard.

Note: This section is not intended to prohibit skywalks, pedestrian bridges between buildings, or external stairways to access an upper story.



Figure 18.120.230.B.2: Elevated external walkways such as this are not allowed.

18.120.240 Buildings with ground-related residential units

EXHIBIT A

DEFINITION. As used in this Chapter, “ground-related residential unit” means a residential unit such as a townhouse, ground floor apartment, cottage housing unit, etc. that faces a public right-of-way and has a ground floor at or near the street grade. A residential units that has pedestrian access directly from a street or pathway without passing through a lobby or common room is also a ground-related residential unit.

A. INTENT

The requirements of this section are intended to:

1. Provide for the privacy, comfort, and livability of the residential units.
2. Provide an attractive streetscape.
3. Allow for friendly communication between residents in an outdoor space and pedestrians on the sidewalk.
4. Provide an inviting entry into the units.



Figure 18.120.240.A.1: Desirable ground-related residential example with raised unit, landscaping, and small porches to enhance privacy while providing a welcoming streetscape. Units front on the street. Garages are off the alley.

B. REQUIREMENTS

The following requirements apply to all buildings in all Downtown Sub-Districts with ground-related residential units. Where the requirements of this section conflict with the requirements of OMC 18.120.220.C, .D, .E or .F (guidelines for designated street types), the guidelines of this section apply unless the City determines otherwise. Note: Ground-related residential units are not allowed on Type A Pedestrian Oriented Streets or in the Waterfront Sub-District.

1. Street access. Each ground-related residential unit fronting a street must have its own individual entry accessible from the street.
2. Setback or elevate units for privacy. Ground-related residential units must have all of the following elements that provide for internal privacy for people living in each such unit:

EXHIBIT A

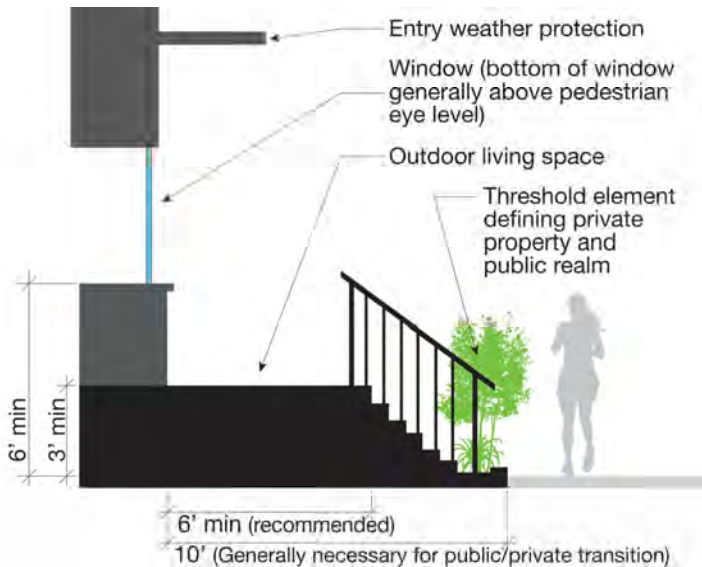


Figure 18.120.240.B.1: Dimensional relationships to maintain privacy and provide a successful transition between public and private realms.

- a. The unit must be set back at least 10 feet from a public right-of-way or elevated at least 3 feet above the sidewalk grade (or, preferably, both). If the building front is less than 10 feet from the public right-of-way, the bottom of the ground floor windows facing the street must be at least 6 feet above sidewalk grade.
- b. The unit must have a physical "threshold" feature such as a hedge, retaining wall, rockery, stair, gate, railing, or a combination of such elements on private property that defines and bridges the boundary between public right-of-way and private entry, porch, yard, or patio. Thresholds may screen but must not block views to and from the street. Retaining walls may not be taller than 30 inches. If additional height is required to accommodate grade conditions, then terraces edged by stepped retaining walls, each no more than 30 inches high, are permitted. Fences and screens may not be higher than 4 feet above the sidewalk.
- c. The unit must have an outdoor space at least 6 feet in depth and 6 feet wide (36 square feet minimum) in the front yard, such as a porch, patio, deck, or similar space. Where feasible, this space must be at the same level as the interior of the unit. This space may include landscaping areas and may count as part of the entry space required below. The City may allow an exception for an outdoor space with other dimensions if the space meets the intent of providing a transition between the street and the private space. If there is an entrance facing the street, the front door and entry area must be designed to enhance privacy. Windows and transparent doors must be located and sized so that pedestrians on the sidewalk cannot see directly into the lower half of the ground floor living space of the unit.
- d. The unit must have a covered area, porch, or protected entry space, or other architectural weather protection at least 4 feet deep that provides cover for a person entering the unit and a transitional space between outside and inside the unit.

EXHIBIT A



Figure 18.120.240.B.2: Ground floor residential units often lack privacy and livability of outdoor spaces is limited. Locating the ground floor at grade or below the sidewalk with insufficient setback results in an uninviting space even with the planter. This should be avoided.

- e. Garage configuration. Where the primary pedestrian access to the unit is on the same façade as vehicular access, the width of the driveway must be no more than 12 feet. Entry into the garage must be set back at least 5 feet from the front of the street-facing building wall. All interior vehicle storage areas (garages) must have a door. Where there is storage space for more than one vehicle, a , single-width "tandem" parking configuration is required to minimize the impact of garage doors on the streetscapes.

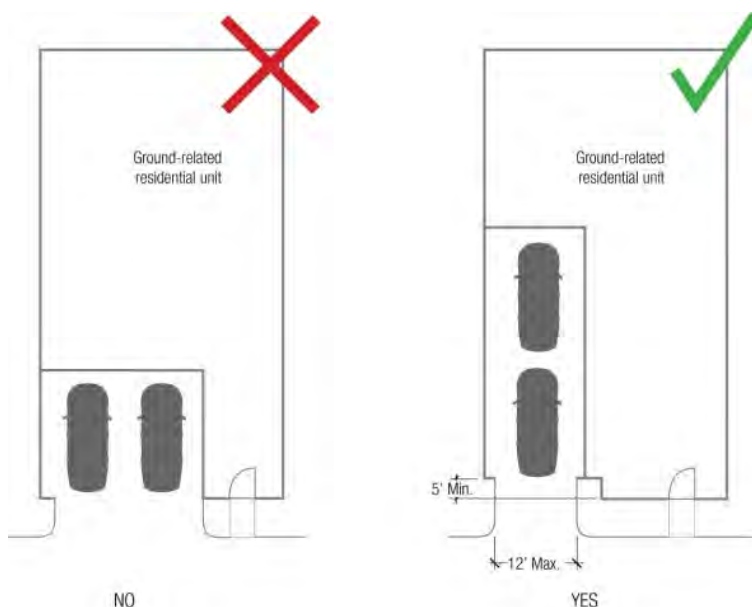


Figure 18.120.240.B.3: Driveways serving ground-related residential units must be no more than 12 feet wide. Tandem parking is allowed. This diagram is for illustrative purposes only. See OMC 18.120.240 for applicable requirements.

18.120.250 Multi-building and multi-block sites

A. INTENT

The requirements of this section are intended to:

EXHIBIT A

1. Create integrated development plans and phasing strategies.
2. Reduce negative impacts to adjacent properties.
3. Enhance pedestrian and vehicular circulation while maintaining the City's street connectivity engineering standards.
4. Provide usable open space.
5. Create focal points for pedestrian activity for developments.
6. Enhance the visual character of the community.

B. REQUIREMENTS

The following requirements apply multi-building and multi-block developments in any Downtown Sub-District:

1. Unified site plans. A development that includes two or more buildings must be based on a unified site plan that meets the following criteria:
 - a. The site plan must incorporate pedestrian pathways or open space with landscaping as a unifying element.
 - b. The site plan must provide for safe, efficient internal vehicular circulation that does not isolate the buildings.

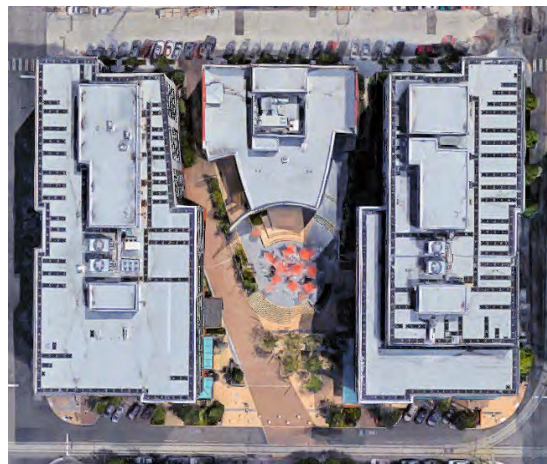


Figure 18.120.250.B.1: Two examples of unified site plans illustrating the provisions of Guideline 18.120.250.B.1: Note the incorporation of a public passageway in the left example and the use of open space as an organizing feature in the right example.

- c. To achieve direct, safe, and comfortable pedestrian connections, the site plan must provide for building entrances that are not focused around a central parking area, but instead are connected by a pathway system or open space(s), or both, unless the applicant demonstrates to the City's satisfaction that this is infeasible or undesirable and the applicant demonstrates to the City's satisfaction that the alternative design is equal to or better at achieving the design intent.
- d. The site plan may provide for a major public entry serving several spaces rather than providing a separate storefront entry for each space. If the development employs the

EXHIBIT A

combined-entry option, then the entry must be prominent with special features such as recessed entries, transparency, prominent canopies, landscaping, lighting, and expression of the entry in the facade's upper stories. See Figure 18.120.250.B.2 below.

- e. The site plan must provide for publicly accessible pedestrian connections between public streets where the City determines that such connections would not adversely impact the development.



Figure 18.120.250.B.2: Prominent entries meeting the intent of Guideline 18.120.250.B. Note the recessed entries, transparency, prominent canopies, landscaping, lighting, and expression of the entry in the facade's upper stories.

18.120.260 Solid waste facilities, service areas, and mechanical equipment

A. INTENT

The requirements of this section are intended to:

1. Minimize adverse visual, olfactory, and noise impacts of mechanical equipment, utility cabinets, and service areas at ground and roof levels.
2. Provide access for service vehicles to remove waste and maintain service elements.
3. Provide adequate, durable, well-maintained, and accessible service and equipment areas.
4. Protect residential uses and adjacent properties from impacts due to location and utilization of service areas.

B. REQUIREMENTS

The following requirements apply developments in all Downtown Sub-Districts:

1. Location and screening. In order to avoid negative visual, auditory, olfactory, and physical impacts on the streets, sidewalks, or residential environment, site service areas and mechanical equipment areas must be sited as follows:
 - a. Service areas and mechanical equipment areas must be located to have the least negative visual, auditory, olfactory, and physical impact on the street and sidewalk environment and adjacent residential properties. Service areas must be sited to be accessible from an alley, if available.

EXHIBIT A

b. Screening: Service areas must be located so that they are, to the greatest extent possible, not visible from any street, sidewalk, or adjacent property. If a service area or equipment is located so that it is visible from a street, sidewalk, or adjacent property, it must be fully screened with a structural enclosure constructed of masonry, heavy-gauge metal, or decay-resistant composite wood. The City may approve other materials for the structural enclosure if the City deems them to be of similar quality and consistent with the approved building materials. The walls of the enclosure must provide full screening from the street, sidewalk, or adjacent properties. Gates must be made of a heavy-gauge, site-obscuring material. The materials, colors, and design of the enclosure must be compatible with those of the principal structure. Art work such as paint schemes or coverings may be used to help blend equipment into the background. Gates must be kept closed except at time of servicing.

Exceptions:

- Development in the Art/Tech Sub-District need not meet the location and screening requirements of subsections B 1 a and b, above (Note: Screening requirements of OMC 18.36 and 18.40 apply).
- While exterior service areas must be screened, screening requirements may be reduced by the City at access points for service areas inside buildings.

c. Service areas used by residents must be located and configured to avoid entrapment areas and other conditions where personal security is a concern. The City may require pedestrian-scaled lighting or other measures to enhance security.

d. In the Residential Neighborhood Sub-District, exterior loading areas for commercial uses must not be located within 20 feet of a residentially zoned property, unless the applicant demonstrates to the City's satisfaction that there are unusual site constraints that would prohibit adequate service vehicle access. In such cases, the loading area and vehicle access drive must be separated from the residential lot by a masonry wall at least 8 feet high.

e. Ground-mounted mechanical equipment, utility meters, electrical conduit, and other service and utilities apparatus must be located and screened to minimize visual and noise impacts to streets, sidewalks, and adjacent properties.

f. Roof-mounted mechanical equipment must be located and screened on all sides so the equipment is not visible from the ground level of any street, sidewalk, or adjacent property within 20 feet of the structure. The color of roof mounted equipment must match with the exposed color of the roof to minimize visual impacts when equipment is visible from higher elevations nearby.

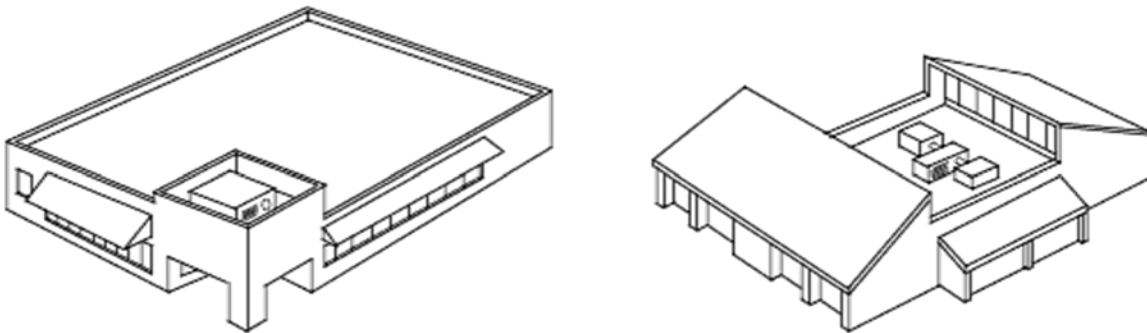


Figure 18.120.260.B.1: Examples of how to screen roof-mounted mechanical equipment.

EXHIBIT A

- g. Utility meters, electrical conduit, and other service and utilities apparatus must be located and screened so they are not visible from any street, sidewalk, or adjacent property.
- h. All service connections and on-site utilities, including wires and pipes, must be located underground unless the applicant demonstrates to the City's satisfaction that there is a compelling public purpose to the contrary. Utility meters may be attached to buildings and screened. The applicant is required to coordinate with the local electric utility provider to locate electrical service facilities in the least obtrusive way.
- i. The locations of all mechanical equipment and utility vaults must be shown on both site plan and landscape plans no later than the conceptual design review stage of the permitting process.



Figure 18.120.260.B.2: Place utility meters in less visible locations. Note that this example is acceptable on a service alley but not near a street or residential walkway.

C. REQUIREMENTS FOR SOLID WASTE STORAGE AND REMOVAL FACILITIES

The location and configuration of solid waste storage must conform to the Engineering Department Development Standards (EDDS).

18.120.270 Multifamily open space

A. INTENT

The requirements of this section are intended to:

1. Promote the health and well-being of downtown residents.
2. Create usable space that is suitable for leisure or recreational activities for residents.
3. Create open space that contributes to Downtown's residential setting.
4. Provide open spaces for new developments with five or more residential units.

B. REQUIREMENTS

The following requirements apply to multi-family residential buildings in any Downtown Sub-District:

EXHIBIT A

1. Amount of required residential open space. All new multifamily buildings with five or more residential units must have on-site open space of at least 100 square feet per dwelling unit or 10% of the residential unit floor area, excluding hallways and common areas, that provides functional leisure or recreational activities. The lesser amount of the two calculations is acceptable. Required setback areas may count as part of the required open space requirement if the applicant demonstrates to the City's satisfaction that they meet the requirements in OMC 18.120.270.B.

Exceptions: This subsection does not apply to remodeling of existing residential units or additions to existing residential structures.

- a. Common outdoor open space. "Common outdoor open space" includes landscaped courtyards or decks, entrance plazas, gardens with pathways, children's play areas, pools, water features, accessible areas used for storm water retention, or other multipurpose recreational or green spaces. The following special requirements apply to common outdoor open spaces:
 - i. Only spaces with a minimum dimension of at least 15 feet in depth qualify as common outdoor open space. This is to ensure that the area can provide space for functional leisure or recreational activity.

Exception: The City may exempt special purpose recreation facilities such as bocce or tetherball courts, play areas, and vegetable gardens from this dimensional requirement provided the space is appropriate and configured with appurtenances/equipment for the use.
 - ii. Common outdoor open space must have paths or walkable lawns, landscaping, seating, lighting, play structures, sports courts, raised garden beds, or other pedestrian amenities to make the space more functional and enjoyable for a range of uses.
 - iii. Common outdoor open space must be oriented to receive sunlight by facing east, west, or preferably south, when possible.
 - iv. Landscaped internal pathways may be counted as common outdoor open space if they meet the other criteria within this subsection.
 - v. Common outdoor open space must be separated from ground level windows, streets, service areas, and parking lots with landscaping, low-level fencing, or other treatments as approved by the City that enhance safety and privacy for both the common outdoor open space and dwelling units.
 - vi. Common outdoor open space must be accessible to all building residents and must be oriented to encourage activity by building residents.

EXHIBIT A



Figure 18.120.270.B.1: The privacy and identity of these ground-related residences are achieved by the fencing, landscaping, and slight elevation of the porches.



Figure 18.120.270.B.2: Good examples of common open space including a pedestrian corridor, street level courtyards, and a children's play area.

- b. Balconies. To qualify as open space, balconies or patios must be at least 35 square feet, with no horizontal dimension less than 5 feet.
- c. Rooftop decks and terraces. Decks and terraces accessible to all building residents may be used to meet open space requirements, if the following conditions are met for the space:
 - i. The deck or terrace must be accessible to all building residents.
 - ii. The deck or terrace must provide amenities such as seating areas, landscaping, or other features that encourage use.
 - iii. The deck or terrace must feature surfacing that enables residents to walk on and use the open space.
 - iv. The deck or terrace must incorporate features that provide for the safety of residents, such as enclosures and appropriate lighting levels.

EXHIBIT A



Figure 18.120.270.B.3: An attractive roof deck.

- d. On-site indoor recreation areas such as exercise studios, lounges, and play areas may be used to meet the required open space if the following conditions are met:
 - i. The space must be accessible from all dwelling units.
 - ii. The space must be designed for and include equipment for a recreational use (e.g., exercise or group functions).



Figure 18.120.270.B.4: An indoor recreation space. Other less intensive spaces may also meet common space requirements provided they are primarily for leisure, social, physical, or recreational activities.

18.120.280 Security

A. INTENT

Crime Prevention through Environmental Design (CPTED) principles address elements of the built environment ranging from small-scale elements such as the strategic use of shrubbery and other vegetation to larger scale considerations such as the configuration of buildings, open spaces, and human experience of an entire urban neighborhood. This section incorporates CPTED principles with the intent to:

1. Increase personal safety and property security.
2. Assist law enforcement within the Downtown.
3. Provide an indication that unlawful and uncivil behavior is not permitted.

EXHIBIT A

ii. REQUIREMENTS

The following requirements apply to all developments and substantial re-developments in all Downtown Sub-Districts:

1. Entrapment areas. The development design must ensure that the development does not include "entrapment areas," where a person could become trapped with no exit route. The design must provide for two or more means of egress from all outdoor spaces or a wide and visible exit to allow a person to avoid a threat. The design must ensure entrapment conditions are minimized in the design of rooftop decks, parking areas, waste recycling stations, and other shared areas.

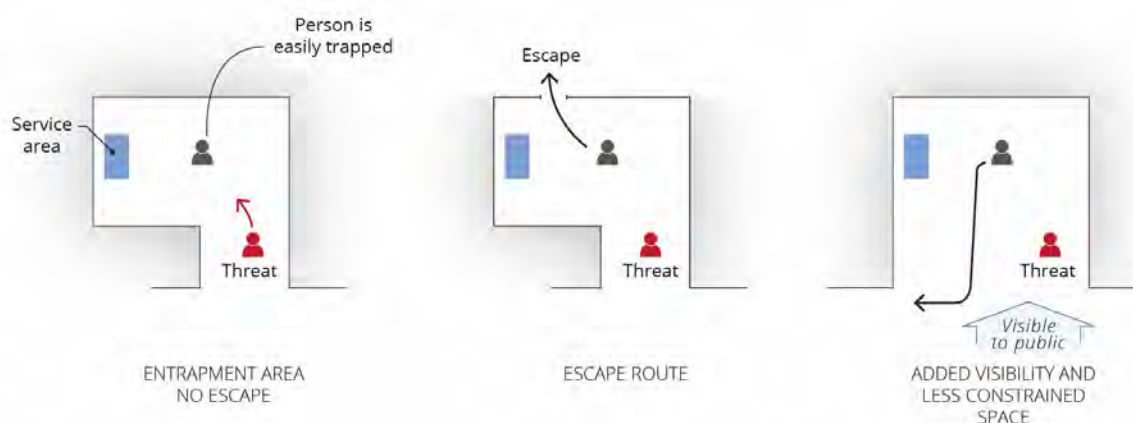


Figure 18.120.280.B.1: Measures to avoid entrapment areas.

2. Visibility. The development design must ensure that all physically accessible areas are well lit or visible from a publicly owned space or public right-of-way. The design must have lighting that complies with OMC 18.120.360 Site Lighting.
3. Visual obstruction. Vegetation and fences must be sized to allow visibility into open space, pathways, and building entries. Structures, vegetation, opaque fences, or other objects (e.g. a storage enclosure) that blocks visibility into a space or provides places to hide are prohibited



Figure 18.120.280.B.2: Fences that prevent visibility from public right-of-way and open spaces can decrease security.

EXHIBIT A

4. Motorists' view. Screening and landscaping must not block motorists' views of pedestrians crossing streets, driveways, and vehicular circulation areas. Where visibility is necessary to avoid creating an unsecure area and to reduce the potential for pedestrian/vehicle collisions, vegetation that will not obstruct views between 3' and 8' above the ground is required. (See Figure 18.120.020.H.2.c.)

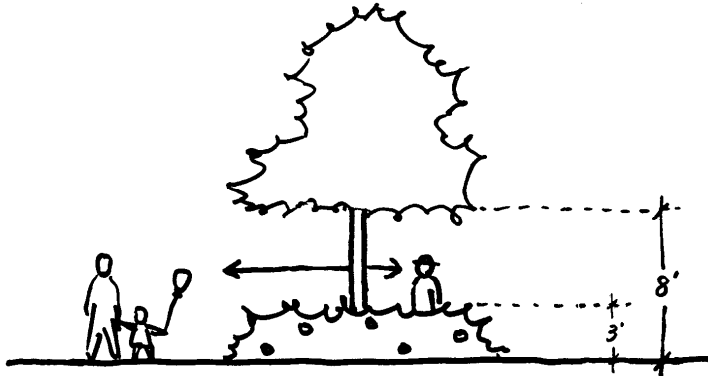


Figure 18.120.280.B.3: Keep landscaping open between 3 feet and 8 feet above grade where there is the need for visibility.

5. Passive surveillance. Structures and site elements must be designed to provide for "passive surveillance," the ability of people occupying buildings and public spaces to view all parts of accessible spaces.

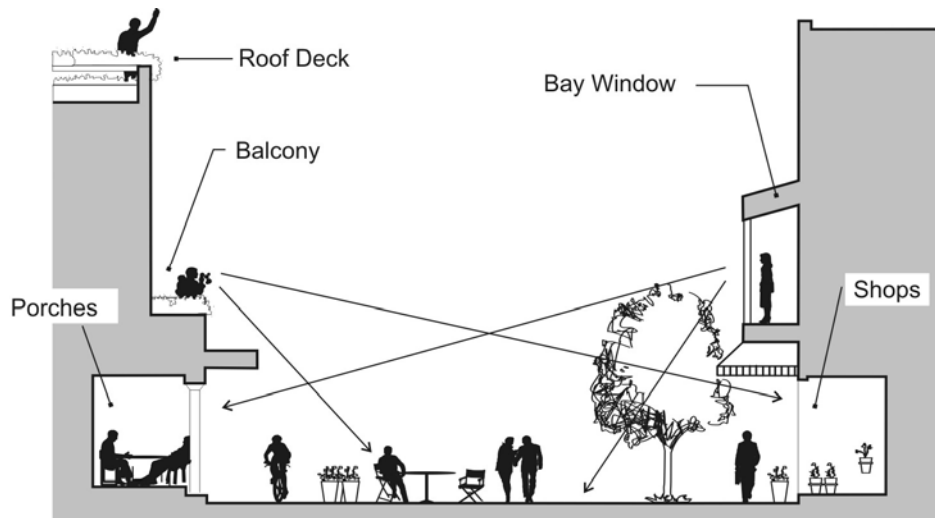


Figure 18.120.280.B.4: Passive surveillance, or the ability of people in buildings or traveling along roadways to see outdoor spaces, increases security.

6. Access control. The development design must have appropriate natural access control. The design must employ features, as necessary, that delineate where the general public should not enter without an invitation. For example, a low fence or hedge can indicate that people should not enter a yard or open space except through a gate or opening. Access control should not limit visibility or passive surveillance.
7. Territorial definition. The development design must clearly indicate through site planning and design measures which parts of the site are and are not open to the public. See Figure 18.120.280.B.5 below for an example of this technique.

EXHIBIT A



Figure 18.120.280.B.5: Note the use of both territorial definition in the foreground seating area and access control in the gate towards the rear of this picture. The gate, even if unlocked, indicates that the courtyard in the background is private while the benches indicate that people are welcome to use the courtyard in the foreground.

8. Maintainability. The development design must incorporate easily maintained and vandal-resistant elements. See also OMC 18.120.450.B.2, which addresses durable building materials.



Figure 18.120.280.B.6: This residential complex incorporates passive surveillance, territorial definition, and good visibility and lighting to provide a more secure pathway and open space.

18.120.300 Site elements and design

Section contents:

- 18.120.310 Introduction.
- 18.120.320 Parking areas.
- 18.120.330 Pedestrian oriented open space.

EXHIBIT A

- 18.120.340 Landscaping.
- 18.120.350 Walkways and circulation elements.
- 18.120.360 Lighting.
- 18.120.370 Other site features.

18.120.310 Introduction

This subchapter addresses the size and design of site elements such as landscaping, parking areas, walkways, open spaces, site furniture, and fences. Whereas OMC 18.120.200 (Site Planning) addresses the location and configuration of such elements within the framework of site planning, this chapter specifies requirements for their physical characteristics. This subchapter does not apply to site features in the public right-of-way.

18.120.320 Parking areas

A. INTENT

The requirements of this section are intended to:

1. Reduce the visibility of parked vehicles from Downtown streets, public spaces, and adjacent properties.
2. Increase pedestrian access.

B. REQUIREMENTS

The following requirements apply to all new development or substantial redevelopment in all Downtown Design Sub-Districts. Note: The requirements in this section are in addition to the requirements of OMC18.36.180 (parking lot landscaping and screening) and 18.38.220 (parking design standards). See also OMC 18.120.220 for parking lot location requirements on designated streets in the Downtown.

1. Walkways through parking areas. Developments must have specially marked or paved walkways through parking areas. Generally, walkways must be provided at least every four rows or at least every 180 feet, whichever will yield more walkways. Walkways must be aligned to connect with major building entries or other sidewalks, walkways, and destinations. Walkway must be a minimum of 4 feet wide (unobstructed clear width excluding vehicle overhang).



Figure 18.120.320.B.1: Parking area walkway examples. Note that clear walkway width must account for vehicle overhang.

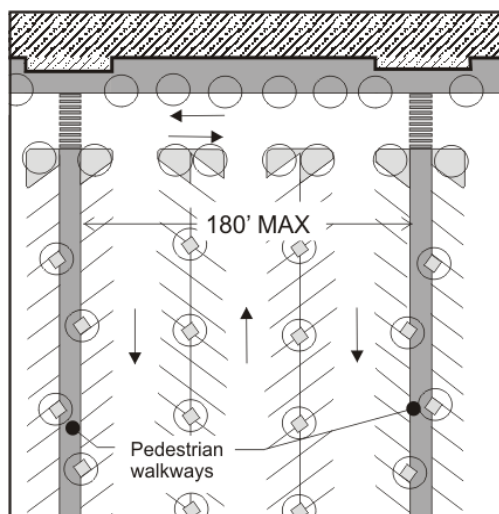
EXHIBIT A

Figure 18.120.320.B.2: Example parking area walkway configuration.

2. Bumper overhang next to walkways and landscaping. Where angle or perpendicular parking abuts a landscape strip or walkway, a 2 feet-wide paved area must be provided to prevent a vehicle's bumper overhang from infringing on the walkway or landscaping. Alternatively, wheel stops may be utilized to prevent a vehicle's bumper overhang from infringing on the walkway or landscaping, for example in locations where a walkway is at the same grade as the adjacent parking stalls.

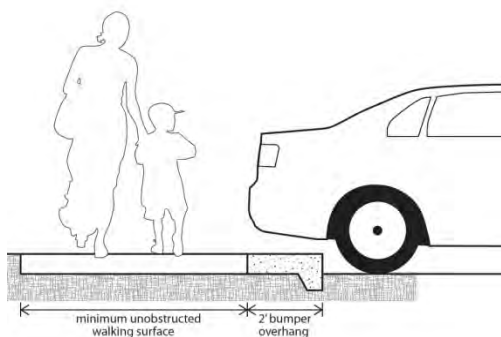


Figure 18.120.320.B.3: Concrete extension to accommodate bumper overhang.

18.120.330 Pedestrian oriented open space

A. INTENT

The requirements of this section are intended to:

1. Ensure that accessible open spaces, whether public or private, are safe, comfortable, usable, and attractive.
2. Provide spaces for informal activities such as picnicking, relaxing, meeting friends, and as appropriate, children's play.
3. Establish the minimum standards for how pedestrian oriented open space will be developed when it is proposed to satisfy provisions of OMC 18.120.220 C, D, and E or when it is proposed as part of a new development or redevelopment project.

EXHIBIT A

B. REQUIREMENTS

The following requirements apply to all new development or substantial redevelopment in all Downtown Design Sub-Districts:

1. Pedestrian oriented space elements. Providing "Pedestrian Oriented Open Space" is an option for satisfying some requirements in OMC sections 18.120.220.C, D, and E. (Allows buildings on Type A Pedestrian Oriented Streets, Type B Pedestrian Oriented Streets, and Type C streets to be set back from a public right-of-way if the setback area meets pedestrian oriented open space standards). When Pedestrian Oriented Open Space is used to satisfy these requirements, it must meet the following standards:

- a. A Pedestrian Oriented Open Space must meet the following requirements:

- i. Location: A Pedestrian Oriented Open Space must be located adjacent to areas with significant pedestrian traffic to provide interest and security, such as adjacent to, or visible from, a building entry. Such areas must provide visual and pedestrian access into the site from a street, private access road, or non-vehicular courtyard.
- ii. Surface: A Pedestrian Oriented Open Space must have paved walking surfaces of either concrete, walkable crushed rock, or unit paving as approved by the City.
- iii. Seating: A Pedestrian Oriented Open Space must have at least 2 feet of seating area (a bench or ledge at least 16 inches deep and appropriate seating height) or one individual seat per 60 square feet of plaza area or open space.
- iv. Landscaping: A Pedestrian Oriented Open Space must have components that add visual interest, but do not act as a visual barrier. This could include planting beds, potted plants, or both.
- v. A Pedestrian Oriented Open Space may not have unscreened adjacent (immediately next to or adjoining) parking areas or service areas (e.g., trash areas). Such features must be separated with Type I screening as described in OMC 18.36.060.
- vi. A Pedestrian Oriented Open Space may not be immediately next to or adjoining a chain-link fence.
- vii. A Pedestrian Oriented Open Space may not be immediately next to or adjoining a blank wall, as defined in OMC 18.120.120 B 2, without blank wall treatment as required by OMC 18.120.480.
- viii. A Pedestrian Oriented Open Space must be designed to exclude motor vehicles from the area, except for emergency vehicles, maintenance vehicles, and those related to open space activities, such as food trucks. This requirement does not apply to approved woonerfs that meet design principles for shared spaces.

EXHIBIT A

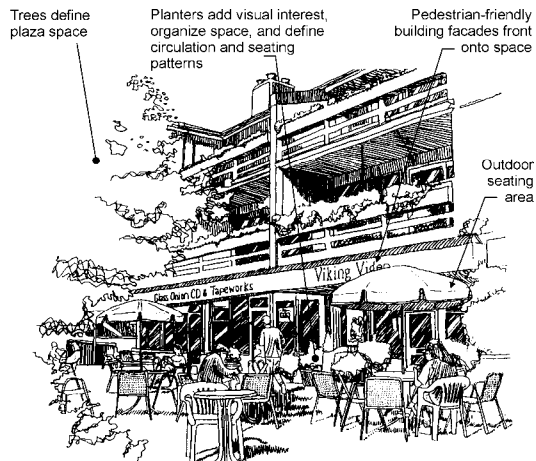


Figure 18.120.330.B.1. Illustration of favorable elements of a Pedestrian Oriented Open Space and example of a successful space on the right.

18.120.340 Landscaping

A. INTENT

The intent of this section is to:

1. Support the provisions of Chapter 18.36 OMC: Landscaping and Screening.
2. Ensure landscaping, including plantings, ground forms, natural elements, paving and hardscape, site furniture, and other site features are an integral part of the overall site and community design.
3. Complement the architecture, other site elements, and the visual appearance of the neighborhood, as well as the Northwest environment.
4. Encourage compositions of plant materials and site features that create an appropriate visual character such as formal, informal, or natural.
5. Use landscape design to help define a distinctive design character that distinguishes different Downtown Design Sub-Districts and Downtown as a whole.
6. Reduce the summertime heat and glare buildup within, and adjacent to, parking lots.
7. Reduce landscape maintenance requirements and help ensure that the landscape elements are attractive and healthy over time.

B. REQUIREMENTS

The requirements of this section do not supersede OMC Chapter 18.36, which establishes development standards for landscaping as part of site development. The requirements in this section augment OMC Chapter 18.36 with design requirements specific to the Downtown. Where there is a conflict between the provisions of this section and OMC Chapter 18.36, the City will determine which provisions apply based on which best meets the intent of the design guidelines. The requirements of this section do not apply to public projects within the public right-of-way. For the purpose of this section, "landscaping" and "landscape elements" include plant materials and their beds, pavements, walls and fences, water features (except shorelines covered by the City's Shoreline Master Program), site furnishings, trellises, planter boxes, "green walls," and related elements.

EXHIBIT A

1. Landscaping Requirements for the Core, Business Corridor, and North Capitol Way Sub-Districts:

The following landscaping requirements apply to new developments and substantial re-developments in the Core, Business Corridor, and North Capitol Way Sub-Districts:

- a. General Character and Intent: These Sub-Districts are envisioned to be intensively developed, therefore landscaped areas are likely to be limited. Developments must incorporate landscape elements to enhance building forms and provide smaller scale visual interest. Developments must emphasize uniform plantings in a linear or geometric pattern, with plants pruned into regular shapes and symmetric landscape layouts with straight walkways rather than naturalistic landscape layouts.
- b. Plant Materials: Landscaping must consist of durable, well-suited ornamental trees and shrubs to complement buildings. Plantings may be structural, space-defining features.
- c. Pavements: Hardscaped elements of landscaping must consist of high quality pavements such as concrete and pavers. Asphalt and gravel are prohibited.
- d. Furniture and Site Furnishings: Site fixtures must complement the materials and character of the development's building. Furniture and lighting must reflect the historic character of the Sub-District.



Figure 18.340.B.1: Relatively formal space defining landscaping is appropriate where there is room in the Core and along Capitol Way.



Figure 18.120.340.B.2: Small scale landscape enhancements are appropriate if maintained.

EXHIBIT A



Figure 18.120340.B.3: Landscaping can be effective in enhancing and softening formal building elements, especially in more intense areas such as the Core and along Capitol Way.

2. Landscaping Requirements for the Waterfront Sub-District

The following landscaping requirements apply to new developments and substantial re-developments in the Waterfront Sub-District:

- a. General Character and Intent: The Waterfront Sub-District, especially in the Percival Landing segment, features a variety of landscape characters ranging from naturalistic compositions of grasses and driftwood to lawn areas with floral edges. This Sub-District may also feature seasonal displays that enhance specific areas (typically outdoor dining areas) and add color. Landscaping must emphasize naturalistic plantings and, as an option, add seasonal displays in landscape improvements.



Figure 18.120.340.B.4: Existing landscaping in the Waterfront Sub-District features a wide variety of plantings and characteristics. Note the mix of seasonal floral and naturalistic plantings, and the backdrop of large evergreen trees.

EXHIBIT A

- b. Plant Materials: For properties on the West Bay waterfront and Percival Landing, a wide range of landscape characters may be incorporated depending on the available space, pedestrian activities, and adjacent buildings. For properties on the East Bay waterfront, plant materials must reinforce streetscape design and provide screening of unsightly areas. All plants on waterfront sites must be salt and ground water hardy.
- c. Pavements: Pavements along an esplanade must conform to standards established by the City. Other pedestrian walking surfaces must meet standards established by the City or feature decorative pavement to accentuate special areas, unless the applicant demonstrates to the City's satisfaction that site constraints warrant departure from this requirement and that the alternative will achieve the design intent.
- d. Furniture and Site Furnishings: Site furniture must be functional and weather resistant. If a more specialized design is desired, the design should reflect a maritime character.

3. Landscaping Requirements for the Art/Tech Sub-District

The following landscaping requirements apply to new developments and substantial re-developments in the Art/Tech Sub-District:

- a. General Character and Intent: The Art/Tech Sub-District is intended to provide for a mix of robust activities that may require frequent deliveries and outdoor work space. The character of landscaping in this Sub-District should reflect that quality, so landscape features should be hardy and limited to those areas not needed for active uses. The visual character of the area can be greatly enhanced with compact landscape screening and plantings in areas where people will pass or congregate such as building entrances and outdoor seating areas. Because of the envisioned variety of site uses and conditions, individual, site-specific landscape solutions may be necessary and desirable.

Some developments in the Art/Tech Sub-District, such as those shown below in Figure 18.120.440.B.5, include extensive garden areas in an otherwise industrial setting. Such gardens with plantings, special features, and art are encouraged where they do not conflict with site activities.



Figure 18.120.340.B.5: Some informal landscaping treatments that would be appropriate in the Art/Tech area but not necessarily in other Sub-Districts.

The guidance below is primarily for sites with more intensive industrial activities.

EXHIBIT A



Figure 18.120.340.B.6: Attractive gardens that provide excellent examples of oases within an otherwise light industrial setting. This intimate juxtaposition of workshop and garden experiences is quite unique to Downtown Olympia and a major asset.

- b. Plant Materials: Plant materials must be maintainable in the areas they are planted. Large scale trees, used to soften the “semi-industrial” character of this area, may be planted where there is room for the crown and the root system. On sites where vehicle traffic is expected, plantings and their root systems must be protected with measures such as raised beds, bollards, and special soil treatments.
- c. Pavements: Hardscape elements of the landscaping may consist of utilitarian pavements such as asphalt or concrete, but artistic pavements and details are permitted and encouraged, especially if they relate to on-site activities.
- d. Furniture and Site Furnishings: Site furnishings must reflect the activities and conditions on the site. For example, do not use delicate, residential quality furniture near industrial activities. Artwork installations are permitted.

4. Landscaping Requirements for the Entertainment Sub-District

The following landscaping requirements apply to new developments and substantial re-developments in the Entertainment Sub-District:

- a. General Character and Intent: There is generally very little space for substantial landscaping in the Entertainment Sub-District because most buildings front directly on the street. There are exceptions, such as City Hall, which has a small plaza with landscaping and site furniture. The intent of the requirements for the Entertainment Sub-District is to create an especially vibrant, colorful day- and night-time pedestrian environment with interesting details. Where possible, landscaping should emphasize small-scale features such as baskets and planters to enhance the pedestrian experience.



EXHIBIT A

Figure 18.120.340.B.7: Plant beds in front of City Hall. Note the raised beds that enable easy maintenance and the bands of ornamental pavement.

- b. Plant Materials: Where possible, landscaping should consist of small-scale ornamental plants to add color and texture to the area.



Figure 18.120.340.B.8: Small scale plantings that add pedestrian interest. Note how the simple planter with grass defines the space and makes it more inviting.

- c. Pavements: For hardscape elements of landscaping, standard concrete pavements are permitted. Where space allows, such as in entryways, small areas of unique and high quality pavements, such as tile and terrazzo, are permitted and encouraged to add pedestrian interest.
- d. Furniture and Site Furnishings: Furniture and site features, such as lighting, must be easily maintainable and made of durable materials and relate to the character of the building's architecture.

5. Landscaping Requirements for the Residential Neighborhood Sub-District

The following landscaping requirements apply to new developments and substantial re-developments in the Residential Neighborhood Sub-District:

- a. General Character and Intent: The Residential Neighborhood Sub-District includes two distinct types of land uses: 1) single and multifamily residences and 2) office buildings, often associated with the Capitol Campus. Additionally, small retail is encouraged in some areas.

For residences and mixed-use projects, landscaping must employ a mix of trees, shrubs, ground cover, and some lawn to both frame and enhance new development. Storefronts must feature pedestrian oriented façades so there may not be opportunities for landscaping if small retail shops are developed. Where appropriate, landscape screens must be installed to enhance privacy and reduce impacts on adjacent properties. Dense screens over 4 feet in height that prevent views from the street into front yards are prohibited as they present a security hazard. Landscape layouts may either be formal with symmetric, space-defining plantings, or may be informal with irregular plantings in a more "natural" composition.

EXHIBIT A



Figure 18.120.340B.9: Formal residential landscaping (left) and more informal landscaping (right).

New office buildings may either feature one of the residential options described above, or if there is sufficient open space on the site, new developments may emulate the Capitol Campus's Olmsted landscape character, which is typified by a layering of plant materials from lawn to low shrubs to trees around open areas, to create room-like spaces. Within these spaces, passive, palliative use is encouraged with curving pathways, furnishings, and features that take advantage of the site's natural assets such as view corridors, landforms, or specimen plants. If the Olmsted design character is selected, the design should feature asymmetric plantings of large (at maturity) trees, ample lawn areas, some ornamental shrubs or beds, and curvilinear walkways.



Figure 18.120.340.B.10: The Capitol Campus reflects the Olmsted Firm's design character with informal groupings of large trees, curvilinear walkways, and lawn areas.

- b. Plant Materials: A wide range of plant materials is appropriate for residential developments. Residential lots may feature formal or informal gardens, lawn areas, or more naturalistic landscaping emphasizing native species. Landscaping in residential developments must avoid large paved areas except for small plazas designed for outdoor living that feature ornamental plantings and furniture.

For non-residential developments, if the Olmsted landscape character is selected, large (signature) trees and curving lawn areas must predominate with shrubs and planting beds used as building enhancements and space-defining elements. Residentially scaled landscaping described above is appropriate for small spaces. The use of landscaping to facilitate the transition between large and small buildings or between residential and commercial developments is encouraged.

EXHIBIT A



Figure 18.120.340.B.11: An Olmsted-style landscape design approach applied to an urban setting.

- c. Pavements: Hardscape elements of the landscaping must consist of concrete pavements, unit pavers, or decorative elements such as tile.
- d. Furniture and Site Furnishings: Site furniture is not required in residential development, although trellises, canopies, attractive gateways, and other site features can enhance a residential complex and are permitted and encouraged.

6. Perimeter Landscaping Requirements for Parking Lot Landscaping for all Downtown Sub-Districts:

The following perimeter landscaping requirements apply to parking lots for new developments and substantial re-developments in all Downtown Sub-Districts:

Perimeter landscaping for parking lots must adhere to the requirements in OMC 18.36.180 (which requires a 10 foot wide landscape buffer in the front façade, or 5 feet on the side) or as an alternative, the applicant may elect to install parking lot perimeter screening consisting of the following (interior parking lot landscaping is still required):

- a. Provide a planting bed, at least 5 feet wide that incorporates a low masonry wall, 2-1/2 feet to 3 feet tall with landscaping or trellis (or both) as described below. When parking is adjacent to a right-of-way, the planting bed must be on the street-side between the parking area and street facing front of the wall. The planting bed must feature the following plantings:
 - i. Deciduous or evergreen trees (or both) spaced to create a continuous canopy (approximately 30 feet on center or as directed by the City). Alternatively, a trellis and shrubs, as in Figure 18.120.340.B.13 may be substituted for the trees.
 - ii. Shrubs spaced to provide complete coverage of the planting strip within three years of planting.
 - iii. The wall of the planting bed must be constructed of material approved by the City and consisting of brick, stone, decorative concrete or concrete block, or other permanent material that provides visual interest and helps to define the street edge. (See Figure 18.120.340.B.10 for an example). The wall and bed should be relatively continuous but may feature breaks at key points for pedestrian access.
 - iv. The City may require breaks in the wall and planter strip to facilitate pedestrians entering the site.

EXHIBIT A

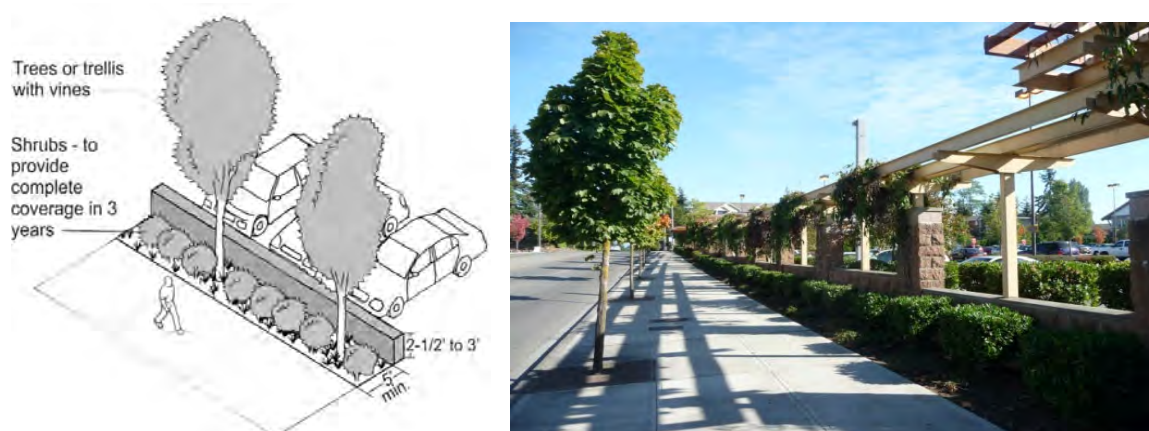


Figure 18.120.340.B.12: Parking area planting buffer with low wall and landscaping. Illustration with trees (left) and example with trellis (right).

7. **Green walls.** Green walls may be used in all Sub-Districts and on designated historic properties if the applicant demonstrates to the City's satisfaction that a green wall does not detract from the site's historic character. Green walls shall be properly irrigated and maintained.
8. **Stormwater management techniques.** Rain gardens and other landscape techniques to reduce stormwater runoff are encouraged in the South Capitol Way and Residential Neighborhood Sub-Districts.

18.120.350 Walkways and circulation elements

A. INTENT

The requirements of this section are intended to:

1. Provide safe and direct pedestrian access that accommodates pedestrians of all ages and abilities, minimizes conflicts between pedestrians and vehicular traffic, and provides pedestrian connections to neighborhoods.
2. Accommodate people riding bicycles.
3. Provide attractive internal pedestrian routes, promote walking, and enhance the character of the area.

EXHIBIT A

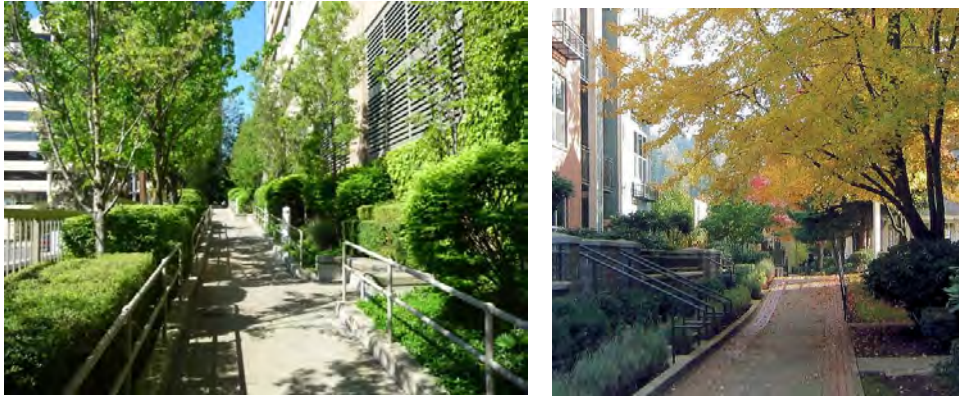


Figure 18.120.350.A: Well-designed pedestrian ways are important in urban areas.

B. REQUIREMENTS

The following requirements apply to all developments and substantial re-developments in all Downtown Sub-Districts. Note: This section does not apply to the areas added to sidewalks to meet the setback requirements to achieve a 12-foot or 10-foot wide sidewalk in 18.120.220. C, .D, and .E.

1. Walkway widths. Walkways (not within the public right-of-way) must be sufficiently wide to serve their intended purpose and level of use. All required walkways are to be clear of permanent obstructions. In addition, all walkways must meet the following specific requirements:
 - a. All walkways must be at least 4 feet wide with widened areas, at intervals approved by the City, for two wheelchairs to pass, except the width requirements of this subsection do not apply to walkways for very occasional use such as paths to a service area serving a single residential unit.
 - b. All walkways to main entrances to commercial businesses must be at least 6 feet wide.
 - c. All walkways to assembly type spaces such as theatres and auditoriums where heavy pedestrian traffic is anticipated must be at least 10 feet wide.
 - d. All walkways for which bicycle traffic is anticipated must be at least 10 feet wide with a 2 foot wide shoulder (12 feet total width) and signed and configured for safe pedestrian traffic as well as bicycle movement.
2. Walkway safety. The development must have clear visibility along all walkways (outside the public right-of-way). For safety and wayfinding, landscaping may not block visibility to and from a path in a way that conflicts with the requirements in OMC 18.120.280. A walkway must have maximize visibility, as approved by the City, where it crosses vehicle routes such as alleys and driveways so that pedestrians and drivers can clearly see each other.
3. Walkway enhancements. Where a walkway in a development (outside the public right-of-way) is within 5 feet of a blank wall, as defined in OMC 18.120.120 B 2, measured perpendicularly to the wall (see section 18.120.480), at least one of the following elements must be incorporated into the walkway:
 - a. Blank wall treatment per OMC Section 18.120.480, or

EXHIBIT A

- b. A landscaped strip, at least 3 feet wide between the wall and the walkway featuring shrubs, trees, or vines (or some combination of the three) as approved by the City.
- 4. Pedestrian circulation where façades face parking areas. Where a development includes building with a main entrance or a walkway to a primary entrance that faces an off-street parking area rather than the street, the development must have wide walkways with street trees and pedestrian lighting adjacent to the façades of retail and mixed-use buildings. Such a walkway must be at least 12 feet wide to allow for 8 feet minimum unobstructed width and landscaping and must include the following:
 - a. Trees, as approved by the City, spaced as directed by the City, considering the size of the trees at maturity. Trees must be placed in grates or landscaped planting beds. Breaks in the tree coverage will be allowed near major building entries to enhance visibility. However, the walkway must have no less than one tree per 60 lineal feet of building façade.
 - b. Pedestrian-oriented lights spaced no more than 40 feet on center.

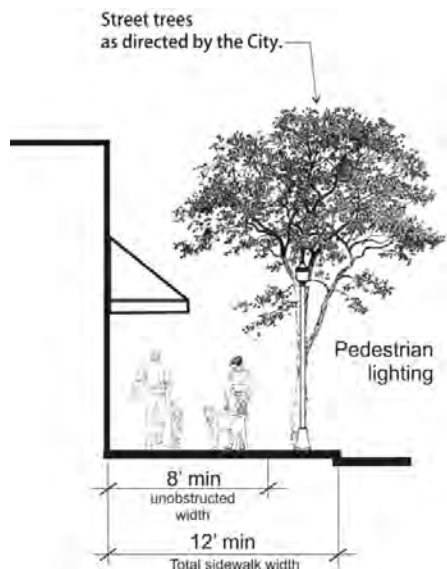


Figure 18.120.350.B.1: Left: Illustration of requirements for a building front facing a parking area. Right: Example of a successful pedestrian sidewalk between parking lot and storefront.

- 5. Separation between internal walkway and ground related residential units. For residents' privacy and to maintain a comfortable transition between the walkway and the interior of the residence, ground-related residential units, as defined in OMC 18.120.240, facing a walkway must be set back at least 10 feet from the walkway or raised at least 3 feet above grade (or, preferably, both). The area between the ground-related residential unit and the walkway must be either landscaped, stairs/an entry, or have a deck, porch, or other space for outdoor living.

EXHIBIT A



Figure 18.120.350.B.2: The raised floors and setbacks from a walkway provide privacy for the residents and an inviting transition from the public realm to the private living space.

18.120.360 Lighting

A. INTENT

The requirements of this section are intended to:

- 1. Encourage the use of lighting as an integral design component to enhance buildings, landscaping, or other site features.
- 2. Increase personal safety and security.
- 3. Increase night sky visibility and to reduce the general illumination of the sky.
- 4. Reduce horizontal light glare and vertical light trespass from a development onto adjacent parcels and natural features.
- 5. Enhance the night time pedestrian environment, especially in the Entertainment Sub-District.
- 6. Increase design consistency within the development.

B. REQUIREMENTS

The following requirements apply to all developments and substantial re-developments in all Downtown Sub-Districts:

- 1. Site lighting levels. All publicly accessible areas must be lighted with lighting levels as follows:

<u>Condition</u>	<u>Lighting levels in foot-candles on the ground</u>		
	<u>Minimum</u>	<u>Maximum</u>	<u>Preferred</u>
<u>Low- or non-pedestrian and vehicular traffic areas, private parking lots, secure storage areas, etc.</u>	<u>.5</u>	<u>2</u>	<u>1</u>

EXHIBIT A

Condition	Lighting levels in foot-candles on the ground		
	Minimum	Maximum	Preferred
<u>Moderate pedestrian areas and building entries, most walkways, some pedestrian oriented open spaces, etc.</u>	<u>1</u>	<u>4</u>	<u>2</u>
<u>High pedestrian areas such as building entries and areas where personal security is a concern</u>	<u>2</u>	<u>4</u>	<u>3</u>
<u>Public parking lots</u>	<u>1</u>	<u>2</u>	<u>1</u>

The maximum exterior light level anywhere within the development is 5 foot candles, measured on the ground. Lighting must be provided at consistent levels, with an average lighting level to minimum lighting level uniformity ratio no less than 3:1, to create gradual transitions between varying levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas are prohibited.

2. Light quality, height, and shielding. Lighting must meet the following light quality, height, and shielding requirements unless the applicant demonstrates to the City's satisfaction that there is a compelling reason these requirements cannot be met:
 - a. Parking area lighting fixtures must be fully shielded, Dark Sky Approved, and mounted no more than 20 feet above the ground (no more than 15 feet above the ground in the Residential Neighborhood Sub-District), with lower fixtures preferable so as to maintain a human scale.
 - b. Exterior lighting may not spill onto adjacent properties.
 - c. Pedestrian lighting may not exceed a height of 15 feet above the ground, except in parking areas as noted in subsection a above.
3. Architectural lighting. Steady, non-flashing lighting of building features, artwork, and special landscape elements may be allowed, if the applicant demonstrates to the City's satisfaction that the light causes no significant adverse impact.
4. Character of light fixtures and mounting. The design character of site and building-mounted lighting must be consistent with the site's architecture. Alternatively, the design of site and building-mounted lighting may be unobtrusive without embellishment or specific character, provided the lighting fixture's visibility is minimized.

18.120.370 Other site features**A. INTENT**

The requirements of this section are intended to:

1. Ensure that site features such as walls, fences, poles, gates, and screens are well constructed and easily maintainable.
2. Enhance the pedestrian environment and the general appearance of Downtown.

B. REQUIREMENTS

The following requirements apply to all developments and substantial re-developments in all Downtown Sub-Districts:

EXHIBIT A

1. Fences and walls.

- a. Except where used for screening of service areas, utilities, mechanical equipment, or other facilities, fences must not obscure building fronts or site features.
- b. Fences and walls must be made of durable, easily maintainable, and vandal-resistant materials.
- c. Except in the Art/Tech Design Sub-District and for Port of Olympia properties, chain link fences are prohibited along the street-facing fronts of properties in the Downtown. Chain link fences may be used for temporary purposes, such as construction or short-term security. Where permanent chain link fences are used, they must be black vinyl coated.
- d. Wooden fences are prohibited in the Core, Entertainment, and South Capitol Way Sub-Districts as they are less permanent and do not contribute to the historic and urban character desired there.
- e. Where a retaining wall adjacent to a public sidewalk is necessary, the wall must be stepped back so that the top of the wall surface closest to the sidewalk is no more than 30 inches high. If greater height is required, terraces must be constructed no more than 30 inches high with at least 18 inches horizontal steps between each terrace riser. See Figure 18.120.360.B.1. The City may allow other configurations, such as a higher wall set back from the sidewalk and landscape, if the applicant demonstrates to the City's satisfaction that such a wall is necessary for development and the objectives of this section are achieved.

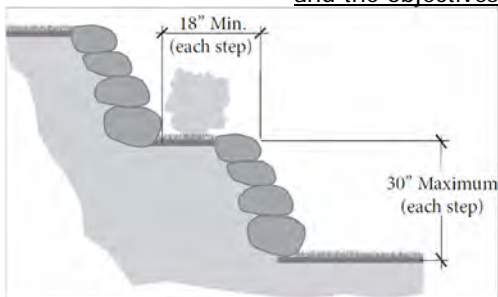


Figure 18.120.370.B.1: Allowable terrace configuration for wall or rockery adjacent to a public sidewalk. Note that this illustration shows a stone wall but other masonry and concrete walls are acceptable as well.

2. Poles and other vertical elements outside of the public right-of-way. Poles and other vertical site elements must be minimized on property outside of a public right-of-way.
 - a. Wires and other hanging features are prohibited except for otherwise-allowed temporary features such as permitted signs.
 - b. See also requirements for service areas and mechanical equipment, OMC 18.120.260.

Exception: The requirements in this subsection 2 do not apply to desirable vertical elements intended to enhance the pedestrian environment, such as weather protection, flag poles, banners, art installations, artistic lighting, supports for hanging flower baskets, trellises, and supports for green walls.
3. Alcove (recessed entry) gates.

EXHIBIT A

- a. Alcove gates must be made of durable, easily maintainable and vandal-resistant materials. To reduce the likelihood of graffiti, gates with smooth surfaces are prohibited unless they can easily be repainted or cleaned.
- b. Chain link or wooden alcove gates are prohibited along the front of properties. The City may make exceptions for creative applications.
- c. Alcove gates must be installed in a manner that can be easily removed in the future with minimal damage to the building.
- d. For historically designated properties or properties within the Downtown Historic District, see OMC 18.105, Historic Structures and Buildings within Historic Districts, and 18.12.090, Historic Preservation, for additional requirements.

18.120.400 Building design

Section contents:

- 18.120.410 Intent and exemptions.
- 18.120.420 Building character.
- 18.120.430 Registered historic district and sites.
- 18.120.440 Architectural composition, massing, and articulation.
- 18.120.450 Human scale building elements and details.
- 18.120.460 Pedestrian oriented façades and weather protection.
- 18.120.470 Materials and colors.
- 18.120.480 Blank wall treatments.
- 18.120.490 Above-grade structured parking.

18.120.410 Intent and exemptions

A. INTENT

This subchapter addresses the function, quality, and character of building exteriors. The purpose of this subchapter is to:

1. Improve the pedestrian environment.
2. Increase the distinctiveness and individuality of the Downtown Design Sub-Districts.
3. Retain and preserve historic resources.
4. Produce buildings that are more durable, easily maintainable, vandal resistant, and compliment the history of Olympia and its historic resources that give the City a unique sense of place.
5. Enhance buildings' functionality, especially as it relates to the function of façades and entries.
6. Add to Downtown's overall visual quality.

EXHIBIT A

B. EXEMPTIONS

Structures within the Downtown Historic District and any properties within the Downtown Design District that are individually registered as historic sites are subject to requirements in OMC 18.120.430 and are exempt from all other requirements found in OMC subchapter 18.120.400.

18.120.420 Building character

A. INTENT

The requirements of this section are intended to:

1. Reinforce a distinct building design character for each of the Downtown Sub-Districts.
2. Retain Downtown's diversity of design character and to retain and preserve historic resources.
3. Create more design continuity and compatibility between the facades of nearby buildings.
4. Encourage preferred uses in each of the Downtown Sub-Districts.
5. Coordinate with street design measures to create attractive and functional streetscapes.
6. Allow for creativity in the design of new buildings.



B. REQUIREMENTS

Figure 18.120.420.B.1: While emphasizing the entry is laudable, the classical arch and columns clash with the other more contemporary facade elements.

The following requirements apply to all new development or substantial redevelopment in all Downtown Design Sub-Districts:

1. Design character of building elements and details. A building's elements and details must be consistent with the building's architectural style and character. For example, ornate historic elements are prohibited on a contemporary styled building and single family residential details on large buildings are prohibited.
2. Compatibility with the architectural character of individual Design Sub-Districts. Where a development is located in more than one Design Sub-District, the applicant must identify which Design Sub-District identified in 18.120.130 B the applicant has chosen as the applicable Sub-District for the development That Sub-District will be the basis for all the requirements in this section. The development must incorporate the architectural design

EXHIBIT A

elements and characteristics described in the subsection for the applicable Sub-District. The City will require revision of an application if it does not meet the applicable design requirements.

Exception: If the project application is for a building remodel or addition to an existing structure, the applicant may either demonstrate that the proposal meets the design requirements of the applicable Sub-District or that the new building elements positively relate to the architectural character of the existing building.

Existing Character Defining Buildings	Buildings with Desired Characteristics
	 
<u>Classic styled building with regular patterns of vertically oriented windows</u>	<u>Contemporary styled buildings with vertical façade with top, middle, and base</u>
	 
<u>Nicely detailed commercial building with modulation and window groupings</u>	<u>Traditionally styled buildings with brick on the front facade</u>

Figure 18.120.420B.2: Desired building characteristics in the Core Sub-District.

- a. Core.
 - i. Description. The early 20th century architecture of the historic retail core sets the design foundation of this Sub-District. The architectural design objective for the Core Sub-District is to reinforce its historic character, which features excellent examples of classically detailed buildings and early 20th century storefronts (see Olympia Downtown Historic District National Register Listing, available online or at City Hall).
 - ii. Requirements. A building in the Core Sub-District may be modern in appearance, materials, and detailing but must reflect the historic qualities by incorporating at least two of the following design characteristics and elements:
 - 1. A vertical façade composition with a top, middle, and base.
 - 2. Building modulation or upper story setbacks (or both).
 - 3. Groupings or regular patterns of vertically oriented windows.

EXHIBIT A

4. Traditional materials such as brick, tile, and concrete in the front facade.

b. Business Corridor.

i. Description. The architectural design objective for development along South Capitol Way and other Business Corridor Sub-District buildings is to enhance the visual connection between the State Capitol Campus and the Core. Capitol Way is a Type A Pedestrian Oriented Street (See OMC18.120.140). Similarly, the objective along Plum Street (which is a Downtown Entry Street as described in OMC 18.120.140) is to encourage high quality buildings and an attractive streetscape as an entry into Downtown.

ii. Requirements: A Building in the Business Corridor Sub-District must have at least two of the following design characteristics and elements:

- 1. Welcoming entries or plazas with landscaping or special features.
- 2. Artwork or other qualifying pedestrian amenities.
- 3. Ground floor pedestrian activities, especially on Capitol Way.
- 4. Building modulation or upper story setbacks (or both).
- 5. Special corner treatment (e.g. corner entry or building element) at intersections.

<u>Existing Character Defining Buildings</u>	<u>Buildings with Desired Characteristics</u>
	
<u>New mixed-use building</u>	<u>Hotel with corner feature</u>
	
<u>Mixed-use building</u>	<u>Mixed-use building</u>

EXHIBIT A

	
Mixed-use building	Mixed-use building with corner feature

Figure 18.120.420.B.3: Desired building characteristics in the Business Corridor Sub-District. Note that high visibility corners, as noted in Figure 18.120.140.A.1 are also subject to provisions in section 18.120.450.B.5.

- c. North Capitol Way.
- i. Description. The North Capitol Way Sub-District is an important pedestrian connection that has significant development opportunities. Currently there is a wide variety of building types in the Sub-District with the industrial vernacular of the new market buildings standing out. The architectural design objective of the North Capitol Way Sub-District is to enhance pedestrian connections between the Core and the Olympia Farmers Market.
 - ii. Requirements. A building in the North Capitol Way Sub-District must have at least two of the following design characteristics and elements:
 - 1. Ground floor exterior materials with texture (such as brick or wood siding).
 - 2. Relatively high level of transparency at the ground floor. (See OMC 18.120.220.C and .D) Buildings with ground-related residential units meet this requirement by satisfying OMC 18.120.240.
 - 3. Compliance with Type A Pedestrian Oriented Street requirements as described in OMC 18.120.220.B.
 - 4. Building modulation or upper story setbacks (or both).

Existing Character Defining Buildings	Buildings with Desired Characteristics
	
Market – Utilitarian with nice detailing	Small office with ground floor building materials with texture, building modulation, and upper story setbacks
	

EXHIBIT A

<u>Industrial vernacular adapted to pedestrian-oriented commercial, ground floor materials with texture</u>	<u>Mixed use with storefronts with high transparency at the ground floor</u>
	
	<u>Ground floor residential</u>

Figure 18.120.420.B.4: Desired building characteristics in the North Capitol Way Sub-District.

d. Art/Tech.

- i. Description. The architectural design objective of the Art/Tech Sub-District is to create new or rehabilitate existing buildings that are functional for commercial, light manufacturing, and artisanal activities. The incorporation of "warm industrial" materials—weathered wood, metal, etc.—and design elements—garage doors or large entryways that engage the street, parklets, etc.—are encouraged.
- ii. Requirements: A building in the Art/Tech Sub-District must have at least three of the following design characteristics and elements:
 1. An eclectic character that accommodates "workshops" (e.g., light manufacturing, commercial kitchens, technical, art, and artisan studios) as well as other similar activities.
 2. Adaptive reuse of an existing, structurally sound building or buildings.
 3. Simple architectural elements, loading areas, and minimal detailing that echo the character of existing, older warehouse stock; solid massing conveying perimeter walls to the lot line, and expansive interior volumes; and roof systems designed to span large volumes including barrel vault and truss form roofs often with prominent front parapets.
 4. Industrial fixtures and materials that are durable, including metal and wood siding, masonry, and durable panel systems.
 5. Views into the building so that people can observe the enclosed activities.
 6. Unique or colorful lighting.

EXHIBIT A

Existing Character Defining Buildings	Buildings with Desired Characteristics
	
<u>Repurposed warehouse space – an example of adaptive reuse of a structurally sound building</u>	<u>Expanded older building with industrial fixtures and durable materials</u>
	
<u>Industrial building with mural – an example of eclectic character</u>	<u>New mixed use building with simple architectural elements and minimal detailing</u>
	
<u>Adaptive use</u>	<u>New office building with views into the building</u>

Figure 18.120.420.B.5: Desired characteristics of buildings in the Art-Tech Sub-District.

- e. Waterfront.
 - i. Description. The architectural design objective of the Waterfront Sub-District is to better connect Downtown to its waterfront location— visually, physically, and symbolically. Design elements found at Percival Landing like furnishings, light fixtures, marine hardware, wood pilings, boardwalks, and rope should be incorporated into new developments to help draw the aesthetics of the waterfront deeper into Downtown. Designs and materials might reflect additional waterfront themes of shoreline ecology, Northwest Native American history, historic industrial uses, sailing and boating, fishing and aquaculture, and commercial trading at the Port.
 - ii. Requirement. A building in the Waterfront Sub-District must have at least two of the following design characteristics and elements:
 - 1. Wide (over 6 feet) overhangs facing the shoreline for weather protection.

EXHIBIT A

- 2. Large windows (6 feet wide or wider) on the ground floor facing the water. Windows may be multi-paned.
- 3. Simple building forms with sloped roofs.
- 4. A simple palette of façade materials. Materials with texture such as wood or metal siding are encouraged.

<u>Existing Character Defining Buildings</u>	<u>Buildings with Desired Characteristics</u>
 <p><u>Waterfront restaurant with maritime character with large windows on ground floor facing the water</u></p>	 <p><u>Wide esplanade with shelter with wide overhangs providing weather protection</u></p>
 <p><u>Hands-on Children's Museum, a building with a simple palette of façade materials with texture</u></p>	 <p><u>Building assemblage with maritime elements</u></p>
 <p><u>Simple building forms with sloped roofs</u></p>	 <p><u>Traditional maritime industrial buildings with simple building forms and sloped roofs</u></p>

Figure 18.120.420.B.6: Desired building characteristics in the Waterfront Sub-District.

- f. Entertainment.
 - i. Description: The architectural design objective for the Entertainment Sub-District is to foster artistic and creative expression and create a hub of dining, nightlife, and the performing arts. Architectural elements in this Sub-District should focus on art, theatricality, imagination, with decorative night lighting and expressive detailing. Buildings (and streetscapes) should support entertainment and pedestrian activities, intimate but safe pedestrian spaces,

EXHIBIT A

consistent and inviting lighting, windows that put “eyes on the street,” and clear wayfinding.

- ii. Requirements: A building in the Entertainment Sub-District must feature at least three of the following design characteristics and elements:
- 1. Expressive architectural style.
 - 2. Artwork placed at the street level or the exterior of the building.
 - 3. Pedestrian amenities in excess of what is required in OMC 18.120.450 .
 - 4. Human-scaled elements with colorful accents.
 - 5. Unique or colorful lighting.
 - 6. Transparency into ground floor activities in excess of what is required by other sections of the Downtown Design Criteria.



Existing Character Defining Buildings	Buildings with Desired Characteristics
	
<u>Landmark sign and ornate architecture with unique and colorful lighting</u>	<u>Contemporary building with human scaled elements</u>
	
<u>Ornate style with excellent street presence, providing transparency into ground floor activities</u>	<u>New storefront block with human scaled elements and colorful flower displays</u>
	
<u>Transparency into ground floor activities</u>	<u>Well maintained renovated buildings with pedestrian amenities</u>

Figure 18.120.420.B.7: Desired characteristics of buildings in the Entertainment Sub-District.

EXHIBIT A

g. Residential Neighborhood.

- i. Description. The architectural design objective for the Residential Neighborhood Sub-District is to create an urban residential neighborhood featuring a variety of residential types and building sizes. While architectural variety is important, emphasis is placed on ensuring the compatibility between old and new structures.
- ii. Requirements. Where permitted, new commercial and institutional buildings in the Neighborhood Residential Sub-District must be located and designed to minimize conflict with the Sub-District's residential emphasis. In the Residential Sub-District all new multi-family projects with 5 or more units and all new commercial buildings must emphasize a pleasant human-scaled character by having at least 3 of the following design characteristics and elements:
 1. Residential building elements, such as porches, balconies, and enhanced entries.
 2. Design elements that show compatibility between old and new buildings. Project plans must identify potential impacts to existing residences and the design elements intended to mitigate such impacts. Side yard setbacks and step backs of upper stories may be necessary to protect the privacy of neighbors.
 3. Front yard setbacks with landscaping.
 4. A variety of materials, building elements, and roof forms.
 5. Human scaled elements beyond those required in OMC 18.120.450.B.1.
 6. Permanent façade materials such as brick, tile, or highly finished concrete. (This is most applicable to commercial buildings but is also appropriated for some residential structures.)

EXHIBIT A






<u>Existing Character Defining Buildings</u>	<u>Buildings with Desired Characteristics</u>
 <p data-bbox="204 583 735 646"><u>Older house with a variety of building elements and roof forms</u></p>	 <p data-bbox="764 583 1235 646"><u>5-6 story multifamily building with design elements such as upper story stepbacks</u></p>
 <p data-bbox="204 930 719 993"><u>Institutional building with front yard setbacks and landscaping</u></p>	 <p data-bbox="764 930 1247 1024"><u>3 story multifamily building with residential building elements such as balconies and varied roof forms</u></p>
 <p data-bbox="204 1318 719 1379"><u>Brick façade materials with porches and front yard landscaping</u></p>	 <p data-bbox="764 1318 1247 1379"><u>Ground-related multifamily residences with a variety of materials and elements</u></p>

Figure 18.120.420.B.8: Desired building characteristics in the Residential Sub-District.

3. Exceptions and opportunities for flexibility. The City may allow a building with a special civic purpose (such as a public building, assembly building, museum, or facility built for public activities) that does not meet the requirements of this section but contrasts with its neighbors to create a distinctive and high quality landmark.

18.120.430 REGISTERED HISTORIC DISTRICT AND SITES

A. INTENT

The requirements of this section are intended to:

1. Support the provisions of OMC chapter 18.12 and the Secretary of the Interior's Standards for the Treatment of Historic Properties.

EXHIBIT A

2. Reinforce the historic character and pedestrian orientation of the Core Sub-District.
3. Maintain the Downtown Historic District as the "heart" of the community.
4. Allow new development with a contemporary design character provided new buildings do not detract from the overall historic character of the Downtown.
5. Honor the historic scale and massing of downtown buildings, new construction should follow original parcel size and dimensions within the historic district.

B. REQUIREMENTS

1. Properties within the Downtown Historic District are subject to review detailed in Table 120.01 of this section.
2. For the purposes of this section, a "substantial alteration" is defined as:
 - a. Adding building stories, except that adding one story (e.g.: penthouse) that is setback at least fifteen feet from all facades of the building that face a public street (not an alley) is a minor addition.
 - b. Adding new rooms, structures, or spaces to an existing building (not including an existing or former single-family residence) that are visible from a public street (not an alley).
 - c. Adding structural building elements to the building façade facing a public street (not an alley) that alter the building's exterior appearance, such as new alcoves, entries, storefronts, porches, balconies, windows, siding, etc.
 - d. Adding any other element to a building visible from a public street (not an alley) that the City may identify as a substantial addition that is not identified as a "minor alteration" below.
3. For the purposes of this section, a "minor alteration" is defined as:
 - a. Adding new rooms, structures, or spaces to an existing building that are not visible from a public street (not an alley).
 - b. Adding new rooms, structures, or spaces to an existing or former single-family residence.
 - c. Adding one story (e.g., penthouse) to an existing building if the added story is setback at least fifteen feet from all facades of the building that face a public street (not an alley).
 - d. Adding weather protection, such as a canopy, awning, or marquee, provided the addition meets all other applicable guidelines and regulations and when removed does not alter the exterior façade of the building.
4. This section sets forth design requirements applicable to properties that are individually designated historic properties or that are within a designated historic register district. The process for review of these properties is shown in Table 120.01. If there is any inconsistency or conflict between the provisions in this chapter and OMC chapter 18.105 or OMC 18.12.090, the provisions of OMC chapter 18.105 and 18.12.090 apply.

EXHIBIT A

Table 120.01: Review Process for Downtown Historic District. Review Authority includes the Olympia Heritage Commission (OHC) and the Joint Review Committee (JRC). For JRC standards see OMC 18.76.180.

<u>Historic Property Designation</u>	<u>Type of Development</u>	<u>Secretary of the Interior's Standards for Rehabilitation (18.105)</u>	<u>Downtown Design Criteria (18.120)</u>	<u>Review Authority</u>
<u>Individually Designated Register Property</u>	<u>Rehabilitation or Minor Alteration</u>	✓		<u>OHC</u>
	<u>Substantial Alteration</u>	✓	✓	<u>JRC</u>
<u>"Contributing" Property in Historic District</u>	<u>Rehabilitation or Minor Alteration</u>	✓		<u>OHC</u>
	<u>Substantial Alteration</u>	✓	✓	<u>JRC</u>
<u>"Non-Contributing" Property in Historic District</u>		✓	✓	<u>JRC</u>
<u>New Construction in Historic District</u>		✓	✓	<u>JRC</u>

18.120.440 Architectural composition, massing, and articulation

A. INTENT

The requirements of this section are intended to:

1. Reduce the perceived scale of large buildings and add visual interest from all observable scales.
2. Encourage development that is compatible with buildings on the same block in terms of "architectural scale." A building's apparent height and bulk may be reduced by articulating or modulating façades and other means as required by this section.
3. Create a skyline that is visually interesting.
4. Create clear and welcoming building entries.
5. Add visual interest to buildings.
6. Protect designated landmark views and to maintain light and air circulation.

B. REQUIREMENTS

The following requirements apply to all new development or substantial redevelopment in all Downtown Design Sub-Districts, except where otherwise provided. Note: Building elements or features used to meet the requirements in this section may also be used to concurrently meet the requirements in OMC18.120.450 (Human Scale Building Elements and Details) or OMC 18.120.460 (Pedestrian Oriented Façades and Weather Protection), or both, and vice versa, provided the elements or features are identified as options in the applicable sections.

1. Façade articulation for commercial and mixed-use buildings and uses. In order to reflect the original plat divisions and to provide visual interest and variety for a pedestrian walking down a block, at least four of the following elements must be included, at intervals no greater than 30 feet, on the ground floor façades of all mixed-use or non-residential buildings facing either Type A Pedestrian Oriented Streets or Type B Pedestrian Oriented Streets and must be

EXHIBIT A

included on the ground floor facades of all above-grade structured parking and parking garages.

Exceptions: Façade articulation is not required in the Waterfront or Art/Tech Sub-Districts.

- a. Window fenestration patterns or entries (or both).
- b. Non-continuous weather protection features.
- c. Vertical piers, pilasters, or columns.
- d. Change in building material or siding style.
- e. Vertical elements, such as a trellis with plants, green wall, or art element.
- f. Vertical building modulation of at least 12 inches in depth combined with a change in roofline modulation pursuant to OMC 18.120.440.B.4 or a change in building material, siding style, or color. The top right example of Figure 18.120.440.B.1 illustrates this option.
- g. Built-in pedestrian amenities such as planters or seating.
- h. Other design techniques that effectively reinforce a pattern of small storefronts, individual businesses, or uses.
- i. Building modulation
- j. Roofline modulation pursuant to OMC 18.120.440.B.4.



Figure

18.120.440.B.1: Façade articulation examples: Upper buildings use substantial modulation, separate awnings, change in façade materials, and a window fenestration pattern. The lower left building features vertical piers, and a strong window fenestration pattern (note the articulated entry). The lower right image incorporates a roofline change, façade details, and vertical piers with ornamentation to effectively articulate the façade.

2. Façade articulation for residential buildings and residential portions of mixed-use buildings. Residential portions of new buildings must include articulation elements at intervals no more

EXHIBIT A

than every 30 feet to break up the massing of the building and add visual interest and compatibility to the surrounding context. The building must have at least three of the following elements at intervals no greater than the width of the residential unit, facing the street, (typically 25-35 feet wide).

- a. Window patterns or entries or both.
- b. Change in roofline pursuant to OMC 18.120.440.B.4.
- c. Change in building material, siding style, or window fenestration pattern. (This option may not be used as an articulation option in the Core Sub-District.)
- d. Vertical building modulation of at least 12 inches in depth. Balconies may be used to qualify for this option if they are recessed or projected from the façade by at least 2 feet. "Juliet balconies" (balconies that are so shallow that they cannot be occupied) or other balconies that appear to be tacked on to the façade do not qualify. The depth of the modulation must be at least 3 feet if not accompanied by roof modulation or a change in materials.
- e. Vertical elements, such as a trellis with plants, green wall, or art element.
- f. Other design techniques that effectively break up the massing at no more than 30 foot intervals.

Exceptions: Façade articulation is not required in the Waterfront or Art/Tech Sub-Districts, regardless of use.

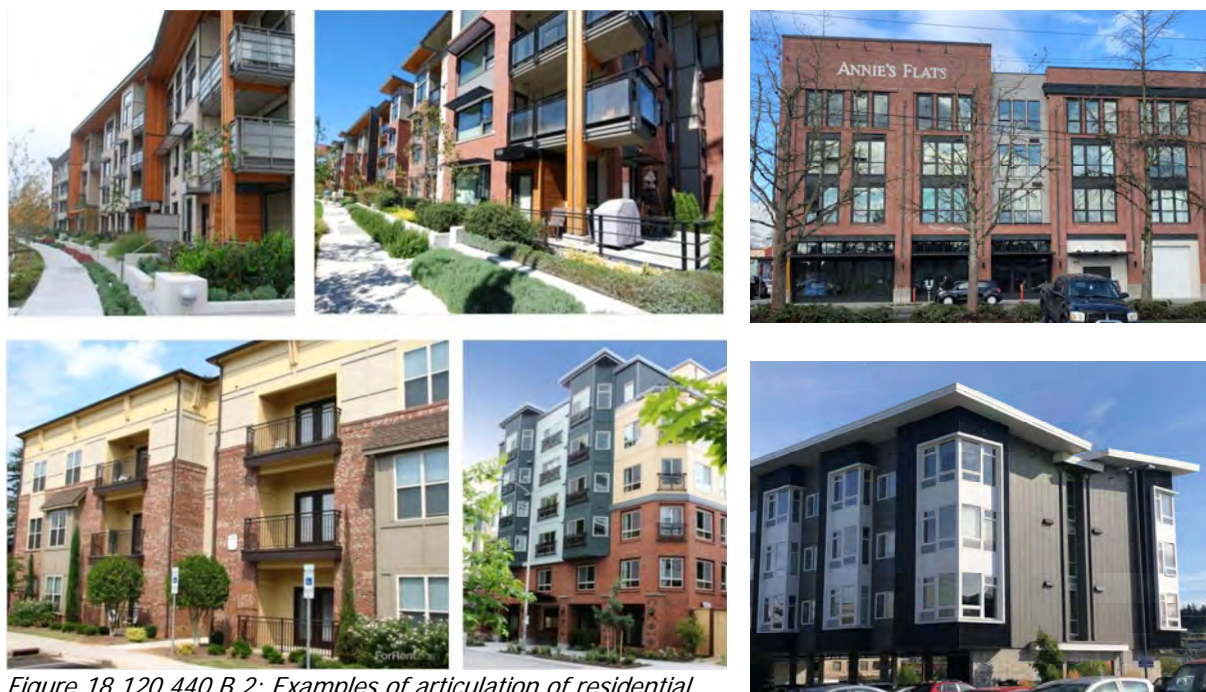


Figure 18.120.440.B.2: Examples of articulation of residential building facades. All examples use window fenestration and vertical building modulation elements. The upper examples use a mixture of material changes and detail components to further articulate the facades. In the lower left example, the balcony element's mix of color, material, and projection are effective. The lower middle and right examples show a combination of materials, color changes, and building modulation.

EXHIBIT A

3. Maximum façade width. Building façades wider than 120 feet that face a public street or park must include at least one of the following elements to break up the massing of the building and add visual interest.

Exceptions: The City may exempt buildings in the Art/Tech Sub-District from the maximum façade width requirement where the applicant demonstrates to the City's satisfaction that they require large spaces for fabrication, storage, industrial, or other special activities. Office and retail uses do not qualify for this exemption. Structured parking and parking garages are exempt from this section but are subject to OMC 18.120.490.

- a. Vertical building indentation at least 15 feet deep and 30 feet wide. For multi-story buildings, the modulation must extend through more than one half of the building floors.



Figure 18.120.440.B.3: Example of vertical indentation to visually break up the scale of a large building.

- b. A contrasting vertical modulated design element, such as a turret, glazed area, or set of columns or pilasters featuring all of the following:
- i. The element extends through all floors above the first floor fronting on the public street. Exception: upper floors that are set back more than 10 feet horizontally from the façade.
 - ii. The element utilizes a change in building materials that contrasts from the rest of the façade.
 - iii. The element includes roofline modulation pursuant to OMC 18.120.440.B.4
- c. A façade that includes different sections with contrasting articulation that make it appear like two or more distinct buildings. To qualify for this option, these contrasting façades must employ at least two of the following:
- i. Different building materials or configuration of building materials.
 - ii. Contrasting window design (sizes or configurations).
 - iii. Different ground floor articulation, entry features, and store front design.
 - iv. One or more other measures approved by the City, if the applicant demonstrates to the City's satisfaction that the measure satisfies the intent of this subsection.

EXHIBIT A



Figure 18.120.440.B.4: Examples of architecturally dividing a façade into sections that give the impression of a composition of smaller buildings.

4. Roofline modulation. In order to qualify as a façade articulation feature in OMC 18.120.440.B.2 and subsection 3, above, rooflines must have one or more of the following:
 - a. Different roof heights. For flat roofs or façades with horizontal eave, fascia, or parapet, the minimum difference between the two sections of roofline or cornice must be 3 feet for one- and two-story buildings and 5 feet for buildings with more than two stories.
 - b. A pitched roofline or gabled roofline segment. The pitched or gable roof must be at least 20 feet in width with a minimum slope of 4:12.
 - c. An arched roof line or a roof with a special geometry or an unusual or distinctive roof element such as an arch, tower, clock, or similar feature as an articulating feature.



Figure 18.120.440.B.5: Three local examples meeting the criteria for roofline modulation.

5. New buildings in the Residential Sub-District. New buildings in the Residential Sub-District must minimize shading and impacts to privacy for neighboring residences and must create a harmonious relationship between adjacent buildings and an attractive street front. To meet this requirement, the City may require a proposed building design to:
 - a. Step back stories four and above up to 15 feet (dependent upon the shade study submitted by the applicant) from the allowed side and rear yard building wall in order to minimize shading to adjacent properties. This requirement is most applicable if the new building's shadow extends 10 feet onto an adjacent property to the north or east when the sun's angle is at 45 degrees from the horizontal.

EXHIBIT A

- b. Replicate or approximate roof forms and pitch found on existing residential structures in the neighborhood.
 - c. Have window patterns and proportions similar to those on existing residential structures in the neighborhood, provided they also meet OMC 18.120.450.B.4.
 - d. Have building façade materials similar to those featured on existing buildings in the neighborhood. Such materials may be secondary or accent materials and need not cover the whole façade.
 - e. Maintain a relationship to the street that reflects other buildings on the block. This may be by:
 - i. Setting the building back a distance between the setbacks of buildings on either side of the project site.
 - ii. Employing landscaping as described in OMC 18.120.340.B.5.
 - iii. Use similar entry configurations (e.g. walks, porches, etc.) as found on adjacent properties.
 - iv. One or more similar methods approved by the City, if the applicant demonstrates to the City's satisfaction that the method satisfies the intent of this subsection.
6. Modulation required to enhance views. In order to enhance the quality of adopted landmark views from designated observation points, vertical modulation is required on the west face of new buildings over four stories on the properties in the following blocks (modulation is not required on the bottom four stories):
- a. The block bound by Capitol Way, Washington Street, 8th Avenue, and 9th Avenue.
 - b. The block bound by Franklin Street, Washington Street, 8th Avenue, and 9th Avenue.
 - c. The block bound by Franklin Street, Washington Street, 9th Avenue, and 10th Avenue.
7. If a building is located in one of the locations specified above for which vertical modulation is required, the vertical modulation must conform to the following:
- a. The west building façade must be articulated at intervals not greater than 60 feet measured horizontally.
 - b. The west building façade? must project out or in from the building face at least 5 feet in depth if the interval is 35 feet or less and 10 feet in depth if the interval is greater than 35 feet.
 - c. The modulation must be accompanied by roof modulation or the projection must feature a change in materials or colors.
8. A building located in one of the locations specified above for which vertical modulation is required that has west facing façades over 120 feet in length measured

EXHIBIT A

horizontally must have modulation projection of indentation at least 15 feet deep and 30 feet wide to break the building face into intervals of no more than 60 feet in width.

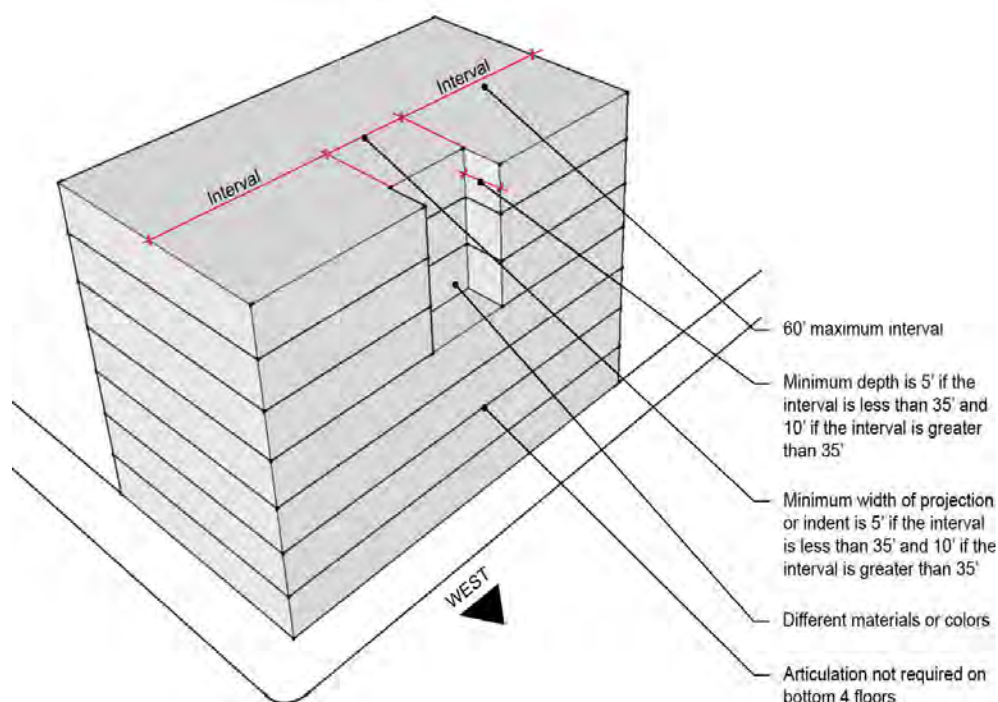


Figure 18.120.440.B.6: Modulation dimensional relationships for specific properties to enhance views. This diagram is for illustrative purposes. Refer to OMC 18.120.440.B.6, 7 and 8 for stated requirements.

9. Multiple sided buildings. A buildings must have a consistent visual identity from all sides visible to the general public, except building walls adjacent to alleys and walls immediately abutting neighboring properties (such as firewalls). A Building must have a comparable level of quality of materials, detailing, color schemes, and fenestration on all sides visible to the general public.

18.120.450 Human scale building elements and details

A. INTENT

Generally, buildings attain a good human scale when they feature elements or characteristics—such as doors, porches, and balconies—that are sized to fit human activities. This section emphasizes use of building elements which are larger building features seen from a distance, and building details which are smaller human scaled elements. The requirements of this section are intended to enhance the human scale of buildings by:

1. Providing attractive and welcoming building façades and pedestrian environments.
2. Increasing the design quality of buildings when viewed close up (roughly within 80 feet of the building).
3. Enhancing the quality of building façades.
4. Providing the building with an appropriate human scale that adds interest and a sense of well-crafted quality.

EXHIBIT A

5. Adding interest to the streetscape for those traveling in vehicles, bicycles, and those on foot.

B. REQUIREMENTS

The following requirements apply to all new development or substantial redevelopment in all Downtown Design Sub-Districts. Note: Building elements or features used to meet the requirements in this section may also be used to concurrently meet the requirements in OMC 18.120.440 (Articulation, Massing, and Composition) or OMC 18.120.460 (Pedestrian Oriented Facades and Weather Protection), or both, and vice versa, provided the elements or features are identified as options in the applicable sections.

1. Human scaled elements. New buildings on Type A Pedestrian Oriented Streets and B Pedestrian Oriented Streets, new buildings facing Capitol Way, a water body, or public park, and new buildings in the Core, Waterfront, and Residential Neighborhood Sub-Districts must have a minimum of four of the following human scale building elements.

Other new buildings for which the above paragraph does not apply must use at least two of the following human scale measures elements.

Human scale elements are:

- a. Balconies or decks on upper stories, if there is at least one balcony or deck per upper floor on the facades facing a public street (not an alley).
- b. Bay windows or other window treatments that extend out from visible facades of the building.
- c. At least 100 square feet of pedestrian oriented space, as described in OMC 18.120.330 (Pedestrian Oriented Open Space), for each 100 lineal feet of building façade facing a public street.
- d. Individual windows on the ground floor. Windows must be less than 32 square feet per pane with molding or trim around each window. Windows may not be in the same plane as the wall above or adjacent to them.
- e. A porch or covered entry on the façade facing a public street or public space.
- f. Spatially defining building elements, such as a trellis, overhang, canopy, or other element that defines space that can be occupied on the façade facing a public street or public space.
- g. Upper story setbacks, if one or more of the upper stories are set back from the façade of the building at a depth of at least 6 feet.
- h. Placement of smaller building elements near the entry of large buildings facing Type A Pedestrian Oriented Streets or Type B Pedestrian Oriented Streets. Figure 18.120.040.E.2.a illustrates how human scale can be achieved using elements such as multiple canopies, an extended café area, or upper deck.
- i. Landscaping components that meet the requirements of OMC 18.120.340 (Landscaping).
- j. Public art or hand-crafted or detailed ornamental signs that incorporate elements of a human scale (e.g., life size sculpture).

EXHIBIT A

- k. Upper story windows with molding at least 4 inches wide or clusters of adjacent windows separated by molding (ribbon windows and curtain walls do not apply).
- l. One or more similar elements if the applicant demonstrates to the City's satisfaction that such element meets the intent of this subsection.



Figure 18.120.450.B.1: Examples of elements that provide a human scale. Human scale elements include outdoor seating and furniture, landscaping, multi-paned windows, canopies, trellises, a porch, lighting fixtures, and traditional materials.

- 2. Building entries. Building entries must have all of the following:
 - a. All buildings must have a primary building entrance facing the street or opening onto a courtyard directly facing the public street. Exception: buildings that are situated immediately on a shoreline esplanade or public walkway must have a primary building entrance facing the shoreline.
 - b. All primary building entries must be covered with weather protection at least 6 feet wide and 5 feet deep.
 - c. All primary building entries must have lighting for visibility and security.
 - d. Primary building entries within the Core, North Capitol Way, Business Corridor, Waterfront, and Entertainment Sub-Districts must be enhanced with at least two of the façade details required by OMC 18.120.450.B.3, below
- 3. Facade details – non-residential and mixed-use buildings. All new buildings and all additions that change the character of an existing building or site must have at least one detail element from each of the three categories below (i.e. one from the “entry treatments” category, one from the “building façade details” category, and one from the “decorative or textural enhancements category”), as follows on all façades facing a public street or public space.

EXHIBIT A

Exception: Ground-related residential units in mixed-use buildings are exempt from the requirements of this subsection.

a. Entry treatments::

- i. Display windows divided into a grid of multiple panes.
- ii. Transom windows.
- iii. Roll-up windows or doors that promote outdoor activities.
- iv. Decorative entry door(s) or a recessed entry.
- v. Etched or stained decorative glass.
- vi. Multi-paned windows on upper stories (at least four panes per window).
- vii. One or more similar decorative or specially designed window or entry treatments if the applicant demonstrates to the City's satisfaction that such treatment meets the intent of this subsection.



Figure 18.120.450.B.2: Examples of special window treatments. Note transom windows in the lower right image's façade.

b. Building façade details:

- i. Custom-designed weather protection element, such as a steel canopy, cloth, or retractable awning.
- ii. Decorative, custom sign or signs with bottom edge no more than 12 feet above grade.
- iii. Custom, decorative, or hand crafted artwork.
- iv. Decorative building-mounted light fixtures.
- v. Bay windows, trellises, towers, or similar elements.

EXHIBIT A

- vi. One or more similar details or elements if the applicant demonstrates to the City's satisfaction that such detail or element meets the intent of this subsection.

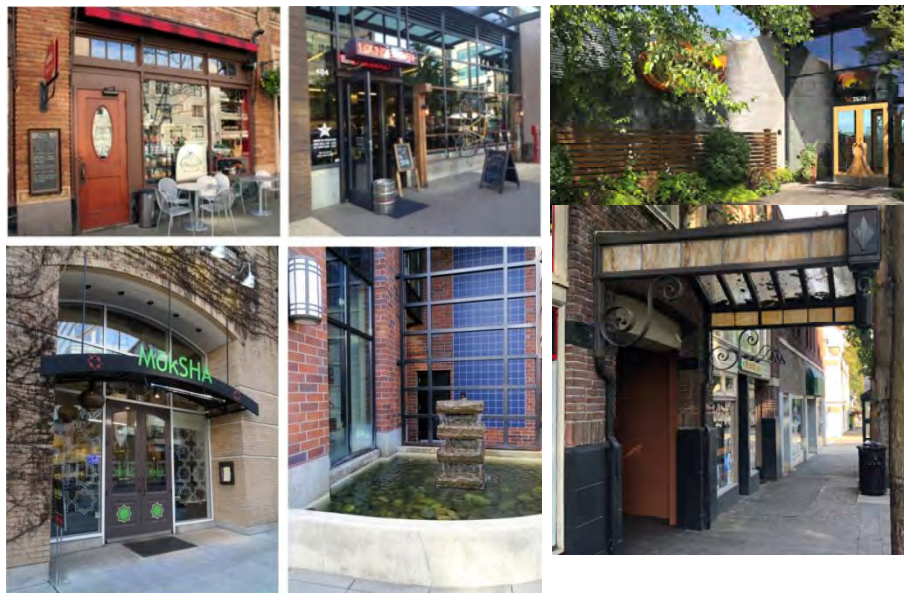


Figure 18.120.450.B.3: Examples of attractive building details including artwork, special lighting, interesting window patterns, special features, and pedestrian oriented signs.

c. Decorative or textural enhancements:

- i. Use of decorative or textural building materials such as decorative use of brick, tile, or stonework.
- ii. Artwork on the building (such as a mural or mosaic).
- iii. Decorative kick-plate, pilaster, masonry beltcourse (a horizontal line of distinctive masonry), or other similar feature.
- iv. Hand-crafted material, such as special wrought iron or carved wood.
- v. Etched or stained decorative glass.
- vi. One or more similar elements if applicant demonstrates to the City's satisfaction that such element meets the intent of this section.

EXHIBIT A



Figure 18.120.450.B.4: Examples of unique use of materials that add façade interest. High quality materials are most important at the ground floor, particularly for commercial and mixed-use buildings in the Core, Waterfront, North, Business Corridor, and Entertainment Sub-Districts where façades are near sidewalks and more exposed to damage and vandalism.

4. Window design. Buildings in all Downtown Sub-Districts, except the Art/Tech Sub-District, must use techniques to add quality and interest to fenestration on building facades. Whereas OMC 18.120..450 (Human Scaled Elements) is focused on storefronts, these requirement apply to upper story windows. At least one of the following techniques is required:
 - a. Recess or project individual windows above the ground floor at least 2 inches from the façade or incorporate other design treatments that add depth, richness, and visual interest to the façade.
 - b. Arrange the grouping of windows in a distinctive pattern.
 - c. Multi-paned windows (more than four panes per window).
 - d. Visually significant window trim or shading elements such as wider frames, lintels, or casings.
 - e. One or more similar techniques if the applicant demonstrates to the City's satisfaction that such technique meets the intent of this subsection.
5. High Visibility Street Corners. For all developments located at High Visibility Street Corners as listed below and as identified on the map at Figure 18.120.140.A.1, a building or structure must be located within 15 feet of the street corner and must include corner design features approved by the City that accentuate the street corner. Corner design features include a cropped building corner with a special entry feature, decorative use of building materials at the corner, distinctive façade articulation, sculptural architectural element, or similar decorative element if the applicant demonstrates to the City's satisfaction that such element meets the intent

EXHIBIT A

of this subsection. Alternatively, the building can be configured with a corner plaza. The following are High Visibility Street Corners:

- i. Intersection of Plum Street and Union Avenue – NE, NW, & SW corners.
- ii. Intersection of Plum Street and 4th Avenue – NE, NW, & SW corners.
- iii. Intersection of Plum Street and State Avenue – NE, NW, & SW corners.
- iv. Intersection of Plum Street and Olympia Avenue – NW & SW corners.
- v. Intersection of Plum Street at 8th Avenue – SE corner
- vi. Intersection of Union Avenue and Capitol Way – NE & NW corners.
- vii. Intersection of 5th Avenue and Water Street – NE & SE corners.
- viii. Intersection of 4th Avenue and Water Street – NE & SE corners.

Note: Figure 18.120.450.B.5 illustrates acceptable examples.

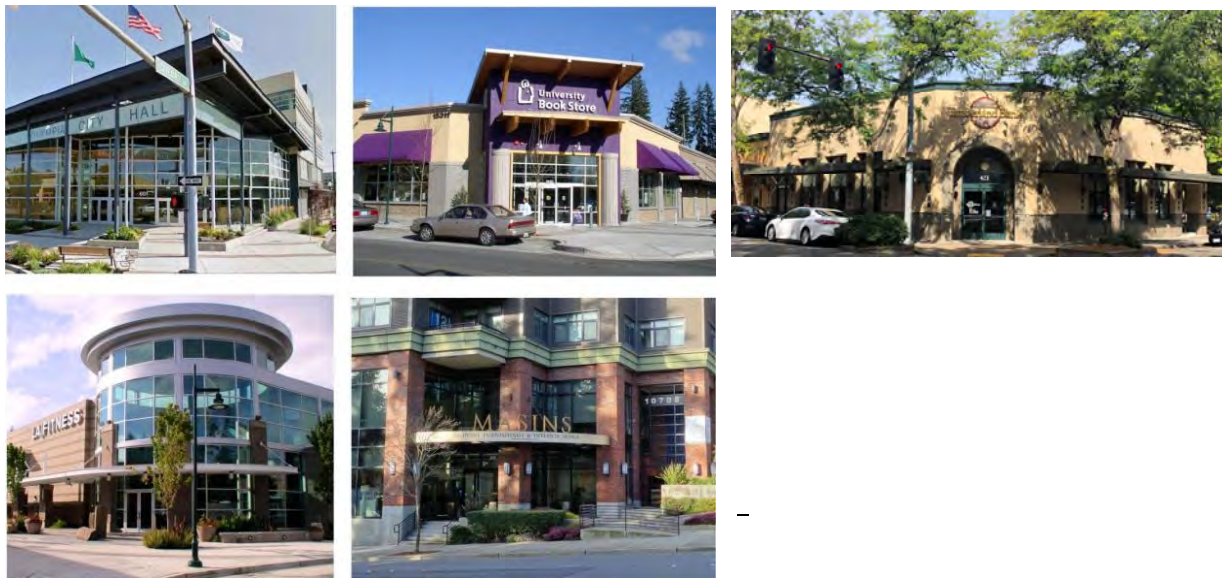


Figure 18.120.450.B.5: Examples of acceptable corner treatments with large scale building elements. Olympia City Hall features a curved glass curtain wall and landscaping. The lower middle example breaks down the building massing to a human scale and adds a corner entrance and canopy

18.120.460. Pedestrian oriented façades and weather protection

A. BACKGROUND AND INTENT

Requirements in OMC 18.120.220.C, D, and F include provisions for “Pedestrian Oriented Façades” on designated Type A and Type B streets and for buildings on sites directly fronting the waterfront. This section establishes the requirements for such Pedestrian Oriented Façades. The requirements of this section are intended to:

- 1. Provide a consistently interesting pedestrian environment.

EXHIBIT A

2. Encourage walking.
3. Strengthen retail activities in the Downtown.
4. Allow pedestrians to view the inside activities of businesses and associated non-residential uses.
5. Provide accessible ground floor space that is adaptable to a variety of uses.
6. Increase safety by adding "eyes on the street."

B. REQUIREMENTS

The following requirements apply to all new development or substantial redevelopment in all Downtown Design Sub-Districts:

1. Where Pedestrian Oriented Facades are required pursuant to OMC 18.120.220.C, D, or F, the building must have all of the following:
 - a. Transparent window areas or window displays over at least 75 percent of the ground floor façade between 2 feet and 8 feet above the sidewalk. The windows must look into the building's interior or be configured as merchandise display windows. Windows that look into service or storage areas or other similar service-oriented rooms do not satisfy this transparent window area or window display requirement.

Exception: For special purpose buildings not used primarily for the sale of merchandise, such as theaters, an alternate solution to providing an interesting pedestrian experience may be utilized if the applicant demonstrates, to the City's satisfaction that the alternate solution meets the intent of this section. Buildings housing offices, banks, or restaurants do not qualify for this exception because such buildings can provide the required transparency without compromising their functions. If the applicant's proposal includes windows that are not fully transparent to satisfy this requirement, the alternative materials must be approved by the City.
 - b. A primary building entry facing the public street front as required by OMC 18.120.450.B.2.
 - c. Weather protection (e.g. canopy, awning, or other cover from the rain) at least 5 feet wide over at least 65 percent of the front façade. The weather protection must be located between 8 feet and 15 feet above grade unless the applicant demonstrates to the City's satisfaction that there is a compelling reason to allow a deviation from this height requirement.
 - d. A ground floor height of at least 15 feet. If the applicant demonstrates to the City's satisfaction that there are special conditions, such as the provision of a mezzanine, the City may waive this interior height requirement.

Exceptions: Another method for providing an attractive ground floor building front may be approved by the City if the applicant demonstrates to the City satisfaction that such method meets the intent of this subsection.

EXHIBIT A

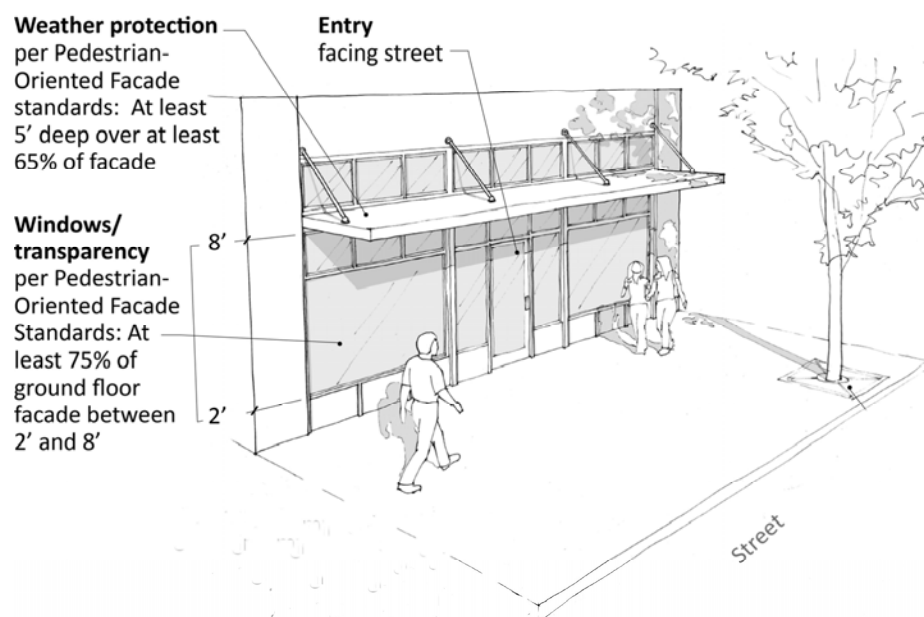


Figure 18.120.460.B.1: An example of a pedestrian oriented facade.

18.120.470 Materials and colors

A. INTENT

The requirements of this section are intended to:

1. Encourage the use of durable, high quality, and urban building materials that minimize maintenance cost and provide visual interest from all observable vantage points.
2. Promote the use of a distinctive mix of materials that helps to articulate facades and lends a sense of depth and richness to the buildings.
3. Place the highest priority for the quality and detailing of materials on the first two to three building floors.

B. REQUIREMENTS

The following requirements apply to all new development or substantial redevelopment in all Downtown Design Sub-Districts:

1. Quality building materials. All building facades must be constructed of high quality durable materials. At a minimum, stone, masonry, or architectural concrete must be used (excluding window and door areas) for first floor building exterior cladding on all non-residential or mixed-use buildings. Surfacing materials on building facades facing Type A Pedestrian Oriented Streets, Type B Pedestrian Oriented Streets, and Type C Streets are subject to City approval under OMC 18.120.220.C, D, and .E.
2. Flood proofing. If there is an unavoidable conflict between the guidelines in OMC chapter 18.120 and the City's requirements for flood proofing to address sea level rise, the flood proofing requirements apply.

EXHIBIT A

3. Specific material limitations. Buildings must meet the following conditions and limitations for the use of concrete block, metal siding, panel systems (e.g. Hardiplank or Hardie Board), exterior insulation, and finish system (EIFS) cladding.

- a. Concrete block (a.k.a. CMU) may be used as indicated in the Permitted Materials Chart in OMC 18.120.470.B.4 if special enhancements such as tile, special finishes and colors, or some other approach approved by the City are included to add a combination of textures or colors (or both).



Figure 18.120.470.B.1: Tile used as an appropriate CMU enhancement. Combining split or rock-façade with other masonry or colored tile units with smooth blocks can create distinctive patterns.



Figure 18.120.470.B.2: The above façade illustrates an acceptable alternative example, as CMU is used as the primary cladding material. Note the use of split-façade CMU above each of the awnings coupled with the use of smooth-façade CMU's on the vertical columns (which employ black accent tiles for added interest).

- b. Metal siding may be used as indicated in the Permitted Materials Chart in OMC 18.120.470.B.4 if it is incorporated with other permitted materials and complies with the following:
- i. The metal siding has visible corner molding and trim and does not extend to the ground level of non-residential and mixed-use buildings and extends no lower than 2 feet above grade for residential buildings. Masonry, concrete, or other durable material must be incorporated between the metal siding and the ground.
 - ii. The metal siding must be factory finished with a matte, non-reflective surface.
 - iii. Where the metal siding is the primary or secondary siding material on upper floors, the layout of the panels must be coordinated with the location and patterns of windows, balconies, and modulated building surfaces to provide an integrated appearance.

EXHIBIT A

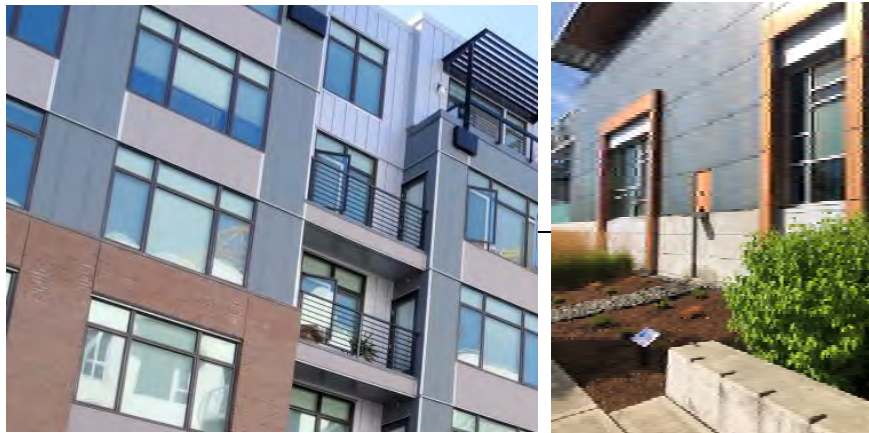


Figure 18.120.470B.3: Metal siding used appropriately in combination with other materials.

- c. The use of Exterior Insulation and Finish System (EIFS) is prohibited.
- d. Cement board paneling or siding (e.g. Hardie Plank) may be used where indicated in the Permitted Materials Chart in OMC 18.120.470.B.4. If cement board paneling or siding is the primary or secondary material, the paneling or siding joints must be arranged in a pattern that is consistent with windows, balconies, and modulated building surfaces and the cement board paneling or siding must be enhanced with façade details that add visual interest from the ground level and adjacent buildings.

Exception: The requirement above for the arrangement of the cement board paneling or siding does not apply in the Art/Tech Sub-District.

4. Sub-District specific materials requirements. The following chart identifies where materials are permitted in each of the Downtown Design Sub-Districts according to the following markings:

- a. The color green indicates the material is generally acceptable in the Sub-District. Yellow indicates there are some conditions or limitations for using the material. Red indicates the material is not permitted in that Sub-District.
- b. "Primary material" means any single material that covers more than 35 percent of the façade.
- c. "Secondary material" means any single material that covers 35 percent or less of the façade.
- d. "Accent material" means any single material used for a small building element such as a door, canopy, weather protection, light fixtures cornice, trim (e.g. window trim), signs, or artwork.
- e. Legend:
 - P = Permitted as a primary, secondary, or accent material
 - S = Permitted as a secondary or accent material
 - A = Permitted as an accent material
 - N = Not permitted
 - C = Conditional (see below)
- f. "C" means that the material may be permitted but the City may require added conditions in order to ensure the durability and quality of materials provide a high

EXHIBIT A

level of design, construction, finish, and increase consistency with the desired design character for Sub-Districts as described in OMC18.120.420.

- g. The City may allow materials otherwise prohibited or not listed if the applicant can demonstrate to the City's satisfaction that the material is durable, appropriate for the proposed purpose and application, and meets the objectives of this section.

PERMITTED MATERIALS CHART

<u>Materials</u>	<u>Core - bottom 2 floors</u>	<u>Core - above 2 floors</u>	<u>Business Corridor - bottom 2 floors</u>	<u>Business Corridor - above 2 floors</u>	<u>North Capitol - bottom 2 floors</u>	<u>North Capitol - above 2 floors</u>	<u>Waterfront</u>	<u>Art/Tech</u>	<u>Residential - ground floor</u>	<u>Residential - upper floors</u>	<u>Entertainment - ground floor</u>	<u>Entertainment upper floors</u>
<u>Brick, stone, masonry except for CMU</u>	P	P	P	P	P	P	PC	P	P	P	P	P
<u>CMU, Plain</u>	N	N	SC	SC	SC	SC	SC	P	AC	AC	AC	PC
<u>CMU with enhancements</u>	SC	SC	SC	SC	P	P	S	P	P	P	P	P
<u>EIFS</u>	N	N	N	N	N	N	N	N	N	N	N	N
<u>Metal siding</u>	N	N	AC	N	PC	P	P	P	AC	SC	AC	P
<u>Cement panels</u>	N	PC	N	PC	SC	P	PC	P	AC	P	AC	P
<u>Lap siding or similar</u>	AC	N	AC	N	P	P	P	P	P	P	PC	PC
<u>Wood panels with special finish and texture</u>	AC	N	AC	N	P	P	P	P	P	P	PC	PC
<u>Mirrored or highly reflective surfaces</u>	N	N	N	PC	N	PC	N	PC	N	N	A	N
<u>Plastic or sheet fiberglass</u>	N	N	N	N	N	N	N	N	N	N	N	N
<u>Chain link fence (site)</u>	N	N	N	N	N	N	N	PC	N	N	N	N
<u>Ceramic tile and similar</u>	P	P	P	P	P	P	P	P	P	P	P	P
<u>Concrete</u>	C	C	C	C	C	C	P	P	C	C	C	C
<u>Stucco</u>	C	C	C	C	C	C	C	C	C	C	C	C

5. Building color. Bright, highly saturated colors such as red, yellow, orange, bright green, bright blue, purple, and black may be used only as accent colors on small architectural features such as a door, canopy, weather protection, light fixtures, cornice, trim (e.g. window trim), signs, or artwork.

EXHIBIT A

18.120.480 Blank wall treatments

A. INTENT

The intent of limiting blank walls and requiring blank wall treatments is to:

1. Ensure that large expanses of uniform walls visible from a public street or public park do not detract from the Downtown's appearance or the pedestrian environment.
2. Add interest to local streetscapes.

B. REQUIREMENTS

The following requirements apply to all new development or substantial redevelopment in all Downtown Design Sub-Districts:

1. New blank walls. A blank wall, as defined in 18.120.120.B, facing a public street, pedestrian oriented space, common usable open space, or pedestrian pathway is prohibited unless treated as provided in this section. For a large blank walls, visible from a public street, pedestrian oriented space, common usable open space, or pedestrian pathway, more than one type of treatment may be required to meet the blank wall treatment requirements of this section. The following blank wall treatments satisfy the requirements of this section:
 - a. Display windows at least 16 inches of depth to allow for changeable displays. "Tack-on" display cases do not qualify as a blank wall treatment.
 - b. A vertical trellis in front of the wall with climbing vines or plant materials.
 - c. Building detailing that adds visual interest at a pedestrian scale. Such detailing must use a variety of surfaces.
 - d. Artwork.

One or more other blank wall treatments may be approved by the City if the applicant demonstrates to the City's satisfaction that such treatment or treatments satisfy the intent of this section.

Exceptions:

- i. The City may waive or relax the blank wall treatment requirements of this section for a development in the Art/Tech Sub-District if the proposed wall does not face a Type A Pedestrian Oriented Street or Type B Pedestrian Oriented Street, is not visible from a public street, pedestrian oriented space, common usable open space, or pedestrian pathway, and is not within 300' from Plum Street NE, Union Ave SE, Capitol Way, or 4th Ave SE.
- ii. The blank wall treatment requirements of this section do not apply to existing blank walls where improvements are not proposed.

EXHIBIT A

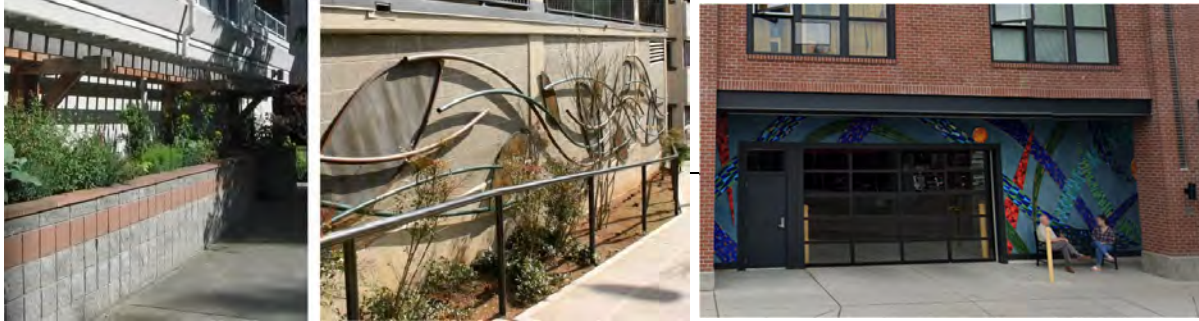


Figure 18.120.480.B.1: Examples of blank wall treatments.

18.120.490 Above grade structured parking

A. INTENT

The requirements of this section are intended to minimize negative visual impacts of parking garages or above grade structured parking in buildings.

B. REQUIREMENTS

The following requirements apply to all new development or substantial redevelopment in all Downtown Design Sub-Districts. These requirements apply to all above-grade structured parking including above-grade parking within buildings as well as stand-alone parking garages.

1. General requirements.

- a. Above-grade structured parking and parking garages must be designed to obscure the view from the ground of cars parked in the structured parking or garage. This does not require opaque screening that would create security issues in conflict with OMC 18.120.280.
- b. Where the wall of the structured parking or garage is within 10 feet of the sidewalk edge, the grade level façade of the structured parking or garage must have a combination of artwork, grillwork, special building material, design, or other treatments as approved by the City that enhance the pedestrian environment. Small setbacks with terraced landscaping elements are design elements that can be effective in softening the appearance of structured parking or parking garage.
- c. Above-grade structured parking and parking garages must have articulation treatments (not necessarily building modulation) that break up the massing of the parking structure or parking garage and add visual interest as described in OMC 18.120.440.B.1.

Exception: Structured parking and parking garages screened from public roadways by a building (i.e. a building located between the garage and the public street) are not required to comply with the above requirements.

2. Lighting requirements: Structured parking and parking garage lighting must be shielded to minimize or prevent direct view of light bulbs from the street level or sidewalk.

EXHIBIT A



Figure 18.120.490.B.1: The sides of the parking garages include decorative grillwork and landscaping to enhance the pedestrian environment. The photo on the right shows the use of artwork to obscure view of parked cars.



Figure 18.120.490.B.2: This building uses openings on its second level parking area to resemble windows.

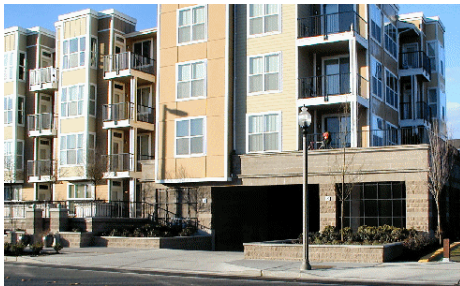


Figure 18.120.490.B.3: Design parking garages to obscure the view of parked cars. Note the landscaping that separates the garage from pedestrians.

Downtown Design Guidelines



What are design guidelines?

Design guidelines are regulations applied to development projects. They intend for projects to upgrade physical attractiveness; be compatible with neighbors; promote safety, security and livability; be environmentally responsible; and promote health and pedestrian activity.

What is the City doing?

The City is updating the design guidelines for downtown Olympia. This action was recommended in the [Downtown Strategy](#) to simplify the organization, promote a more urban design quality and be compatible with the Downtown Strategy's character areas.

What's happening now?

The public hearing was held on Feb. 10, 2020. The public hearing draft of the guidelines is available below. This draft considers public comments received on the first and second drafts and refines earlier language. The City provided briefings on the draft guidelines to the Planning Commission on October 7 and 21, November 4 and 18, and December 2, 2019.

How to comment

The public comment period for this proposal is now closed.

DRAFT Design Guidelines

 [Public Hearing Draft Design Guidelines](#)

 Related Code Amendments

 Comment on the Draft Guidelines

Summary Handouts

 Major Changes

 Historic Properties

 View Protection

 Residential Open Space

 Street Front Requirements

 Design Guideline Basics

 Development Codes Overview

 Other Topics & How They Are Addressed

Questions?

Contact Joyce Phillips at 360.570.3722 or jphillip@ci.olympia.wa.us

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The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources.

From: [Robert Hanlon](#)
To: [Joyce Phillips](#)
Subject: Downtown Design Guidelines Comments
Date: Wednesday, November 13, 2019 8:52:18 AM

External Email Alert!

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Hello,

Just wanted to say that the Downtown Design Guidelines after a quick read through seem to be well developed and address several issues I have with typical new construction; mainly not creating inviting communal space, and not warranting adequate privacy (groundfloor dwellings).

One concern/comment I had pertains to a specific issue I see here in Ballard (Seattle): The rapid emergence of corporate / chain shopping and consumer stores in areas which seemingly have no need. Ballard has, within 1 sq. mile, Walgreens / Bartells / Ballard Market / Safeway / QFC / Trader Joes / Ross / Fred Meyers / Office Max + countless other retail stores when extending another mile or so. Now, with 2 new development projects, they just added a Target/CVS in the downtown area, and apparently a HomeGoods store.

In an area with increasing homelessness, NO parking, and countless small businesses, how is this strategy of bringing more large stores sustainable, let alone equitable for the neighborhood? My super powers foresee a near future where many of the small businesses, especially boutique clothes / furniture / antiques and even the local Ballard Market could be adversely impacted and forced to close do to minions choosing to shop at Target and Home Goods...

Does Olympia have plans to consider limiting 'large' / corporate retail developments in growing areas similar to Ballard? OR plan these new retail developments closer to neighborhoods which do not presently have such an existing density?

Thanks for your amazing work in creating a more equitable development strategy!

--

Robert Hanlon
Curious Scientist & Passionate Engineer
(440) 667-4529



“the Earth is all powerful; it wasn’t made *for* Human beings, it is that we are *part* of it...”

From: [Anna](#)
To: [Joyce Phillips](#)
Subject: RE: Draft Downtown Design Guidelines
Date: Thursday, January 16, 2020 9:10:07 AM

External Email Alert!

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I would really love to see the section on building color revisited. We live in a community that is gray and dreary much of the year. Allowing vibrant colors as primary options as opposed to just accents adds to the vibrancy of our downtown and makes folks feel cheerful during the dreary season.

I commute from the westside into downtown daily and the increase in large-scale buildings that are drab shades of brown or gray makes me feel incredibly depressed every time. We need to go the opposite direction of buildings like 1234, rather than having everything mimic those shades.

Think about other communities with similar climates, like Scandinavian countries where the use of color enhances their towns and cities. We also have an incredibly artistic community and allowing them to play with color should be encouraged.

Thank-you!
-Anna



Candi Millar, Chair
Olympia Planning Commission
% City of Olympia
601 4th Ave E, Olympia, WA 98501

RE: Downtown Design Guidelines public comment

Dear Chair Millar, and members of the Planning Commission:

Thank you for the opportunity to comment on the Downtown Design Guidelines, I have reviewed the document and I attended the open house hosted by staff on January 23. While I appreciate the detail and thoroughness of the planning document, I have some serious concerns about what is missing from the Guidelines.

Specifically, Olympia and the world are in a Climate Emergency. I believe, and I think the City Council and majority of residents would agree, that Olympia should review *every* policy and decision through the lens of climate change mitigation and adaptation, and make appropriate changes to adapt to the crisis. As far as I can tell, climate change is not mentioned in the document anywhere; instead there should be a robust section describing the crisis and what it means for downtown building and infrastructure design.

Furthermore, the Guidelines themselves should be altered to reflect the growing threat posed by climate change.

The biggest concern I have is the focus on building modulation to achieve visual interest and reduce massing, without consideration of energy efficiency. One of the biggest factors affecting the energy efficiency of buildings is the surface to volume ratio, because lower surface to volume reduces exposure to cooler/hotter air outside thus preventing heat loss. Building modulation also increases the number of corners, edges, and windows, all of which increases framing, the number of details within the wall and most importantly opportunities for air leakage and heat loss. More framing lumber increases air infiltration and heat loss through gaps in insulation as well as thermal bridging through framing elements (conductive heat loss passing through wood which is more conductive than insulation). In residential buildings, building modulation (especially deeply recessed modulations, see 18.120.440.B.9) increases the number of windows which increases heat loss, since windows have far lower R-value (insulative quality) than walls.

Of course architectural interest, views and beauty are important goals which the guidelines should reflect. However, instead of relying heavily on modulation to create visual interest and enhance views, buildings should be required or encouraged to have a simple cubical form that minimizes the surface to volume ratio, the amount of corners and edges. Interesting visual articulation can be achieved in a number of other ways that do not compromise energy efficiency, such as balconies, walkways, porches, staircases, mechanical pods/chases that are extended outside of the building envelope, rather than intruding into it (thus increasing building complexity). The guidelines could lean more heavily on changes in materials, siding style, color, art, window patterns and styles, exterior vertical elements, *false* roofline modulation, and other design techniques.

Rather than saying “balconies that appear to be tacked on the facade will not qualify” (18.120.440.B.2), require balconies designed to appear as part of the facade, and allow them to qualify. Increase, rather than decrease maximum facade width, and reduce or eliminate requirements for modulation to break up building massing. Instead, require other architectural strategies mentioned in the previous paragraph to create a more varied visual appearance without compromising the simple cubical form ideal for energy efficiency.

A co-benefit of reducing or altering the requirements for building modulation/articulation would be decreased costs for builders and increased floor area, which could contribute to the financial viability of housing projects. With energy code requirements steadily increasing, forcing modulation that reduces energy efficiency will cause them to rely on more expensive measures to achieve the required levels of efficiency, such as more energy efficient windows and HVAC systems. While modulated buildings can be designed and built to very high levels of efficiency, it is more technically challenging for designers, contractors and workers, which increases services and labor costs to the builder (which are passed on to consumers). Money saved from reduced modulation could be spent instead on other ways of creating visual interest mentioned above.

I’m not saying we should eliminate building modulation entirely. You could provide three pathways for building designers to choose from, either:

- a) Simple cubical building form articulated with extended balconies, vertical features and variation in materials and facade patterning, which optimizes cost-effective energy efficiency
- b) Building modulation treatments. Be advised energy codes require effective airsealing, thermal breaks, insulation, high-performance windows and overall energy efficiency that will be significantly more costly than the previous pathway.
- c) A combination of the two that minimizes surface to volume ratio

There are a number of places in the guidelines where these principles should be applied, I will not attempt to enumerate them all. It’s the goal of enabling maximum energy efficiency that counts. By the way, other than enhancing views, more energy efficient buildings greatly

improve their healthfulness, as well as the comfort, productivity and satisfaction of people occupying those buildings.

Other design features that would contribute to greater energy efficiency:

- Reflective roofs
- Requiring “solar zones” on rooftops as reflected in 2015 International Residential Code, Appendix S - not adopted by City of Olympia but may be this year
- Passive solar design strategies to optimize solar gain in winter and minimize it in summer, by site orientation of buildings, use of shading overhangs over windows and balcony doors, use of clerestory
- Requiring buildings be designed to protect to the maximum extent practicable, the solar access of neighboring buildings.

Beyond energy efficiency, there are a number of other design guidelines which are missing or could be enhanced in the document that would improve overall environmental and public health outcomes of these buildings. I don't have time to detail them all prior to sending these comments to you, but I will continue to be engaged, bring more information forward, and support the process as it unfolds. These features include:

- Biophilic design (biomimicry and biomimetics) - incorporate living plants, natural elements (such as wood, stone and other natural materials), nature-inspired art, and green infrastructure into designs to improve. Another feature would be undulating (non-linear) articulation in building articulation, weather protection, walkways.
- Green roofs and rooftop gardens
- Require stormwater treatment on-site (See Low-Impact Development code) including pervious pavement on walkways, draining to bioretention cells or rain gardens, use of native drought tolerant plants in landscaping.
- Require bicycle parking and storage
- Incorporate food-growing capacity into multifamily and pedestrian open space

Some of these features could and should be addressed through the development code, but would be good to mention in the guidelines in order to reinforce the alignment with other codes.

Finally, the Downtown Design Guidelines should be considered and altered in relation to the principles and practices embodied in the EcoDistrict Protocol (see attached executive summary and visit www.EcoDistricts.org/protocol to download the full document). As you may know my organization and another non-profit, The Commons at Fertile Ground, have endorsed and are working to establish a Downtown Olympia EcoDistrict that would include the Downtown Core, Residential Neighborhoods and perhaps other areas of downtown into an overarching vision for a resilient, equitable, and climate-protective downtown area that achieves sustainability at a neighborhood scale through energy, water, transportation, open space, urban food production, and a number of other strategies. It would be ideal if the City were to officially endorse the Downtown EcoDistrict Initiative and incorporate the framework, imperatives and priorities into the Downtown Design Guidelines, development code and capital facilities plan.

Those are my comments for now. I will attend the February 10 Hearing on the Guidelines and offer additional comments and assistance at that time.

Thank you for your consideration,

Chris van Daalen, Chair
South Sound Chapter
NW EcoBuilding Guild
(360) 789-9669
southsoundchapter@ecobuilding.org

The EcoDistricts Protocol

EXECUTIVE SUMMARY

June 2014



Executive Summary



The district is the optimal scale to accelerate sustainability — small enough to innovate quickly and big enough to have a meaningful impact.

The EcoDistricts approach is a comprehensive strategy to accelerate sustainable development at the neighborhood¹ scale by integrating building and infrastructure projects with community and individual action. They are an important scale to accelerate sustainability — small enough to innovate quickly and big enough to have a meaningful impact.

District-scale projects, such as district energy, green streets, smart grid, demand management and resource sharing, are well known. However, the widespread deployment of these strategies has been slow to develop due to a lack of comprehensive policy or implementation frameworks at the municipal level.

EcoDistricts (formerly Portland Sustainability Institute) launched in 2009 as an initiative to help cities remove these implementation barriers and create an enabling strategy to accelerate neighborhood-scale sustainability.² Success requires a comprehensive approach that includes active community participation, assessment, new forms of capital and public policy support.

EcoDistricts include the following phases:

1. District Formation
2. District Assessment
3. District Projects
4. District Management

The EcoDistricts approach is a new model of public-private partnership that emphasizes innovation and deployment of district-scale best practices to create the neighborhoods of the future - resilient, vibrant, resource efficient and just.

The economic benefits of sustainability investments create significant competitive and livability advantages while providing long-term value for existing business communities and creative job opportunities for citizens. EcoDistricts bring together neighborhood stakeholders, property developers, utilities and municipalities. The goal is to achieve outcomes including improved environmental performance, deployment of emerging technologies, improved community participation, new patterns of behavior, economic development for local businesses and job creation.

Fundamentally, our approach is an effort to deploy high-impact, district-scale sustainable projects that drive experimentation and innovation. They are a replicable model for cities to accelerate neighborhood sustainability to achieve city-wide goals. Our work focuses on maximizing replicability through creating the following:

- A framework and implementation strategy
- Implementation toolkits with strategies for assessment, governance, finance and municipal policy support
- Training tools and services to promote widespread adoption of district- and neighborhood-scale sustainability
- A successful pilot program launched in the City of Portland in 2008, and extended across North America in 2014

To learn more visit www.ecodistricts.org
or contact info@ecodistricts.org



1. Why

Global challenges like climate change, resource scarcity and urbanization threaten the stability of life in metropolitan regions. For the first time in history, the majority of the world's population lives in cities, and these urban regions anticipate even greater growth. This concentration of people and resources means that cities are increasingly critical in addressing these challenges, compelling the search for and adoption of urban sustainability solutions. Fortunately, the most powerful venues for transformative solutions are cities themselves. Cities contain the fundamental ingredients to enable innovation: talent, capital, technologies and networks.

As cities around the world grapple with these pressing issues, the question of scale becomes increasingly important — scale of change, scale of impact and scale of risk. While a large number of cities are adopting ambitious climate and energy reduction goals, most are struggling to bridge the gap between policy aspirations and practical investments that have significant on-the-ground impacts. Given the modest results to date, more ambitious performance-based planning, investment and monitoring strategies are essential. International precedents show that districts and neighborhoods provide the appropriate scale to test integrated sustainability strategies because they concentrate resources and make size and risk more manageable.

Districts like Western Harbor in Malmö, Sweden; Southeast False Creek in Vancouver, Canada; and Dockside Green in Victoria, Canada, are creating a new generation of integrated district-scale community investment strategies at a scale large enough to create significant social and environmental benefits, but small enough to support quick innovation cycles in public policy, governance, technology development and consumer behavior. Each of these districts is measuring a set of important sustainability indicators — local greenhouse gas emissions, vehicle miles traveled, transportation mode splits, stormwater quality, access to healthy local food, utility savings, job creation and access to services, among others.



However, most of these projects are not designed to be replicable. For sustainable neighborhoods to succeed and propagate over time, cities must align efforts in the following four areas:

1. Coordinating stakeholders across a neighborhood who bring disparate interests and scales of impact
2. Applying the EcoDistricts Approach, to determine project priorities
3. Developing finance tools and joint venture structures to attract private capital to neighborhood projects
4. Creating supportive public policy to encourage an EcoDistricts approach to implementation and institutionalization

Western Harbor Bo01:

This district in Malmö, Sweden is an international example of a sustainable urban community — a dense and bustling district that meets multiple environmental goals.



WHY THE ECODISTRICTS APPROACH MATTERS

- **For Municipalities:** Supports a neighborhood sustainability assessment and investment strategy to help meet broader sustainability policy and economic development goals. EcoDistricts put demonstration projects on the ground, save local money and resources, and stimulate new business development.
- **For Utilities:** Creates a model for integrated infrastructure planning to guide the development of more cost-effective and resilient green infrastructure investments over time. EcoDistricts also provide a mechanism for scaling conservation and demand-side management goals by aggregating district-wide projects.
- **For Developers and Property Owners:** Creates a mechanism to reduce development and operating costs by linking individual building investments to neighborhood infrastructure.
- **For Businesses:** Provides a platform to deliver district-scale infrastructure and building products and services to market.
- **For Neighbors:** Provides a tangible way to get involved in improving and enhancing the neighborhood's economic vitality and sustainability, as well as a new form of organization.

2. What

EcoDistricts are neighborhoods or districts where neighbors, community institutions and businesses join with city leaders and utility providers to meet ambitious sustainability goals and co-develop innovative district-scale projects. EcoDistricts commit to self organizing, setting ambitious sustainability performance goals, implementing projects and tracking the results over time.

Technologies and strategies for enhancing neighborhood sustainability, such as district energy, green streets, smart grid, demand management and resource sharing, are well known. However, the widespread deployment of these strategies has been slow to develop due to lack of comprehensive policies or implementation frameworks at the municipal level. We have created an implementation strategy to accelerate neighborhood-scale sustainability with the understanding that it provides a platform for innovation and integration of sustainability strategies.



OUTCOMES

- A framework and implementation strategy for cities to accelerate neighborhood sustainability
- Implementation tools and strategies for governance, assessment, project finance and municipal policy adoptions
- New business models and opportunities for neighborhood investment
- High-impact projects such as district energy, green streets, smart grid, demand management and resource sharing
- A municipal policy agenda with laws, incentives, and processes that support sustainable neighborhood development
- Neighborhoods as laboratories for sustainability innovation

Our approach is distinct from most green development strategies that focus on brownfield or greenfield development and are led primarily by master developers or public agencies. Instead, EcoDistricts focus on existing neighborhoods as well as traditional development through the powerful combination of public policy, catalytic investments from local municipalities and utilities, private development and the participation of neighbors who are motivated to improve the quality of life and environmental health of their communities. EcoDistricts help neighborhoods achieve ratings like LEED-ND with a comprehensive set of tools and supporting strategies for community engagement, integrated performance assessment and project implementation.

EcoDistricts create a foundation for a range of strategies that can be applied at several different scales. Within district-scale sustainable development projects, there will be catalytic strategies at the site and block scale, as well as larger-scale infrastructure investments.

We bring together neighborhood stakeholders, property developers, utilities and municipalities to create neighborhood sustainability innovation with a range of outcomes, including improved environmental performance, local examples of emerging technologies, equitable distribution of investments, community participation, new patterns of behavior, economic development for local businesses and job creation.

ECODISTRICTS STRATEGIES

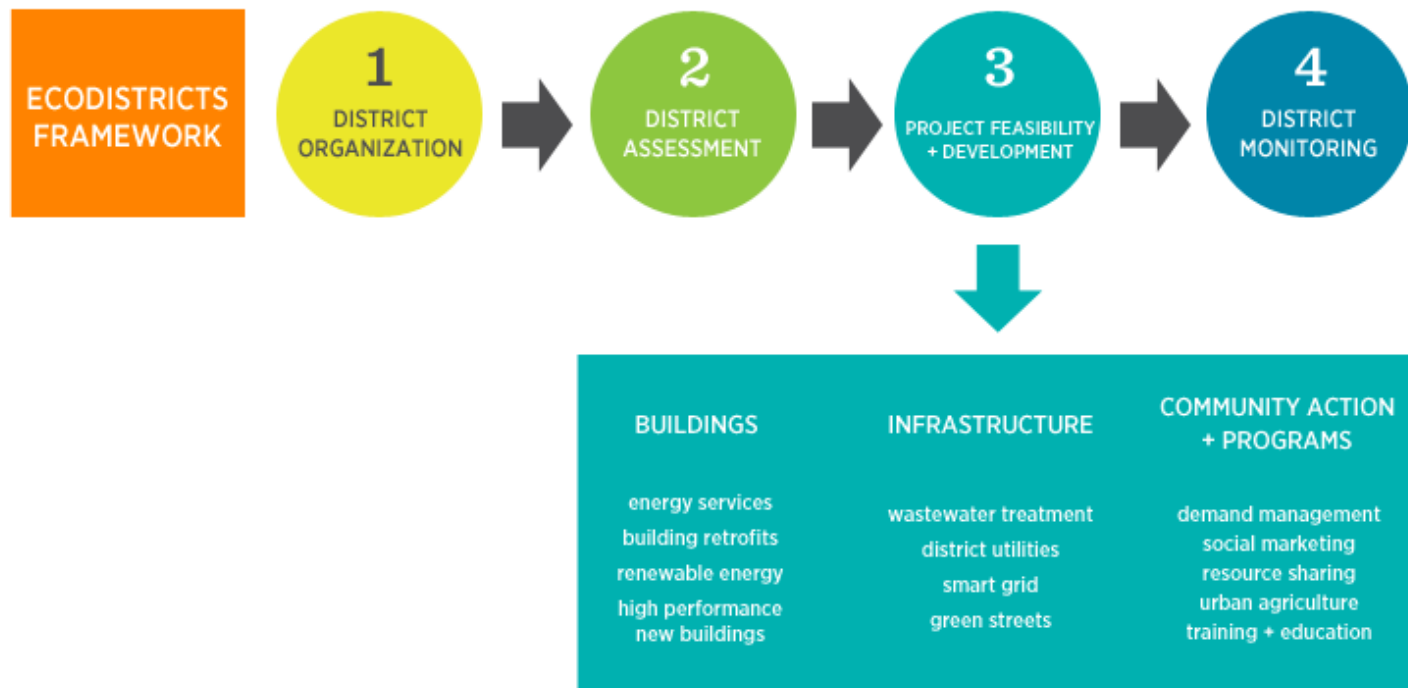
EcoDistrict strategies can take many forms, depending on the unique characteristics of a neighborhood and a community's priorities. Examples of potential strategies include:

- Smart grid
- District energy and water management
- Bike sharing
- Rainwater harvesting
- Green streets
- Zero waste programs
- District composting
- Waste to energy
- Safe routes to schools
- Tree planting campaigns
- Transportation demand management
- Car sharing
- Bike lanes
- Sidewalk improvements
- Urban agriculture
- Public art
- Green maps
- Multi-modal transit

THE **EcoDistricts** APPROACH

POLICY

FUNDING



Performance Areas

The EcoDistrict Performance Areas were developed through an exhaustive consultation process with sustainable development experts and informed by a range of international certification and rating systems. The eight Performance Areas each include a vision and a set of specific goals, targets and indicators. Note: The vision and goals described below are high-level; the EcoDistrict Performance and Assessment Method Toolkit, coming Fall 2014, provides specific targets, metrics and strategies to support these aspirations.



1 EQUITABLE DEVELOPMENT

Goal: Promote equity and opportunity and ensure fair distribution of benefits and burdens of investment and development.

Objectives:

1. Ensure neighborhood investments provide direct community benefit through job creation and investment opportunities
2. Provide quality and consistent local job opportunities through EcoDistrict projects
3. Mitigate the forced displacement of existing residents and businesses
4. Ensure diverse stakeholder involvement in all EcoDistrict activities and decision making

2 HEALTH & WELLBEING

Goal: Promote human health and community well being.

Objectives:

1. Provide access to safe and functional local recreation and natural areas
2. Provide access to healthy, local and affordable food
3. Ensure safe and connected streets
4. Expand economic opportunities to support a socially and economically diverse population
5. Improve indoor and outdoor air quality

3 COMMUNITY IDENTITY

Goal: Create cohesive neighborhood identity through the built environment and a culture of community.

Objectives:

1. Create beautiful, accessible and safe places that promote interaction and access
2. Foster social networks that are inclusive, flexible and cohesive
3. Develop local governance with the leadership and capacity to act on behalf of the neighborhood

4 ACCESS & MOBILITY

Goal: Provide access to clean and affordable transportation options

Objectives:

1. Provide accessible services through mixed-uses and improved street access
2. Prioritize active transportation
3. Reduce vehicle miles traveled
4. Use low and zero emission vehicles

5 ENERGY

Goal: Achieve net zero energy usage annually

Objectives:

1. Conserve energy use by minimizing demand and maximizing conservation
2. Optimize infrastructure performance at all scales
3. Use renewable energy





6 WATER

Goal: Meet both human and natural needs through reliable and affordable water management

Objectives:

1. Reduce water consumption through conservation
2. Reuse and recycle water resources wherever possible, using potable water only for potable needs
3. Manage stormwater and building water discharge within the district

7 HABITAT & ECOSYSTEM FUNCTION

Goal: Achieve healthy urban ecosystems that protect and regenerate habitat and ecosystem function.

Objectives:

1. Protect and enhance local watersheds
2. Prioritize native and structurally diverse vegetation
3. Create habitat connectivity within and beyond the district
4. Avoid human-made hazards to wildlife and promote nature-friendly urban design

8 MATERIALS MANAGEMENT

Goal: Zero waste and optimized materials management.

Objectives:

1. Eliminate practices that produce waste wherever possible
2. Minimize use of virgin materials and minimize toxic chemicals in new products
3. Optimize material reuse and salvage and encourage use of regionally manufactured products or parts
4. Where opportunities for waste prevention are limited, maximize use of products made with recycled content
5. Capture greatest residual value of organic wastes (including food) through energy recovery and/or composting

3. How

EcoDistricts has standardized a comprehensive approach for urban regeneration that includes the four phases illustrated below.



1 DISTRICT ORGANIZATION

District stakeholders organize to create a shared vision and governance structure to ensure that a neighborhood has the capacity and resources to implement its vision. Community engagement and active citizen participation are fundamental for ongoing district success. It includes the creation of a neighborhood governing entity with the explicit charge to manage district sustainability, and the next steps of district formation, over time.

2 DISTRICT ASSESSMENT

To achieve the ambitious goals for each performance area, a neighborhood assessment is essential to determine the most effective project priorities for a unique district. An assessment enables districts to determine strategies of greatest impact and prioritize the most appropriate projects.

3 DISTRICT PROJECTS

Successful district projects require careful alignment and coordination between district stakeholders, private developers, public agencies and utilities. Integrating infrastructure, building and behavior projects to meet ambitious performance goals may require new joint ventures, comprehensive financing, effective governance models and extensive community involvement.

4 DISTRICT MANAGEMENT

As district projects are planned and built, ongoing monitoring is essential to understand the full range of social, economic and environmental impacts. EcoDistrict performance standards can be used to regularly collect data to show the overall value of particular project interventions. In addition, qualitative documentation and lessons learned about EcoDistrict implementation will be essential to refining the EcoDistricts approach.



5. Tools for Implementation (Coming Fall 2014)

We are developing the following toolkits to support this Executive Summary:

- EcoDistrict Organization
- EcoDistrict Performance and Assessment
- EcoDistrict Financing
- EcoDistrict Policy Support

ORGANIZATION

Community engagement and active citizen participation are fundamental for ongoing EcoDistrict success. EcoDistricts require an engaged community with a shared sustainability vision and a neighborhood governing structure with the explicit charge to meet ambitious performance goals, guide investments, and monitor and report results over time. The EcoDistrict Organization Toolkit outlines steps for neighborhood engagement and visioning, and offers potential models for district governance. It recommends creating a new governance entity, a Sustainability Management Association.



PERFORMANCE & ASSESSMENT

In order to identify project priorities, an EcoDistrict must measure current performance and set clear goals. This toolkit guides EcoDistrict assessment, baselining and project identification that spans two areas:

- Performance Areas: a set of eight performance areas that include goals, targets and indicators
- EcoDistrict Assessment Method: a rigorous ten-step approach for baselining district performance and setting project priorities

FINANCING

The ability to finance EcoDistrict governance and secure funds for district-scale projects is essential to the success of EcoDistricts. There are three primary categories that require funding: district organization and staffing, feasibility and small-scale project development, and district utilities and large-scale project development. The EcoDistrict Financing Toolkit describes the range of financing options to support these three categories and offers related case studies. It catalogues public and private funding streams, explores potential new funding mechanisms and outlines strategies to blend various types of funding sources to finance projects.

POLICY SUPPORT

Municipalities will play a central role in supporting the creation of EcoDistricts by providing direct support and by realigning existing policies to overcome barriers and encourage innovation. The EcoDistrict Policy Support Toolkit provides municipal policy recommendations for supporting pilot projects and targeted investments, and for integrating public policies and actions. Key areas of opportunity exist in regulations, public-private partnerships, financial incentives and assistance, technical assistance, shared ownership models, demand management programs, education, third-party certifications and infrastructure investments.



6. About Us

Around the world, more people live in cities than ever before. How we live in cities is one of the great challenges of our time.

Our name, EcoDistricts, sums up our shared vision for creating sustainable cities from the neighborhood up. Our larger scope is designed to better serve you, the growing number of innovative practitioners and policy makers who are making a demonstrable impact in your communities and helping to grow the global green neighborhood movement.

Urban development leaders of all stripes, from mayors to universities to affordable housing providers, see EcoDistricts as the key to solving many of their pressing challenges. In response, we're creating a powerful convening, advocacy, technical assistance and research platform to inform and drive EcoDistrict innovation - strategic in nature, collaborative in approach and practical in application.

At EcoDistricts you'll find people, tools, services and training to help cities and urban development practitioners create the neighborhoods of the future - resilient, vibrant, resource efficient and just.

- **Target Cities Program:**
A two year program designed to help cities innovate, to embed performance metrics into projects, and to apply sustainability to a range of neighborhoods, including low income communities that are often left out of sustainable planning and development.
- **The EcoDistricts Incubator:**
A three-day executive level training program for leaders who are revitalizing their cities from the neighborhood up. Through a mix of interactive plenary presentations and facilitated work sessions, the Incubator curates and presents the best ways to help cities work effectively with private, nonprofit and academic partners to implement sustainable neighborhood strategies for their community.
- **The EcoDistricts Summit:**
The world's premier conference dedicated to big ideas and a worldwide movement to transform entire neighborhoods. The Summit is a three-day forum to catalyze the conversation on sustainable development at the district scale.
- **Tools and Services:**
Our tools and services are designed specifically to help revitalize neighborhoods that feature the full complexity of modern urban reality: multiple landowners, aging infrastructure and building stock, inadequate transit, limited housing options for low- to moderate-income citizens and fragmented local leadership



Appendix: Notes

1. For the purposes of an EcoDistrict, the terms “district” and “neighborhood” are used interchangeably. Both refer to a particular scale that is the planning unit of modern cities with a spatially or community-defined geography. Boundaries may include neighborhood or business association boundaries, urban renewal areas, local and business improvement districts, major redevelopment sites, watersheds or geographic demarcations, as appropriate.
2. Sustainability means triple-bottom-line sustainability with environmentally driven projects that bring social and economic returns.
3. EcoDistricts worked with the City of Portland Mayor’s Office, Portland Development Commission and Bureau of Planning and Sustainability to identify the five pilot districts, which represent diverse neighborhood typologies and community assets. They include the South of Market District (PSU area), the Lloyd District, Gateway, Foster Green (Lents) and South Waterfront.
4. The EcoDistricts Performance Areas are available on our website: www.ecodistricts.org.
5. Unlike the other performance areas, Equitable Development is not focused on environmental factors. They are included with the recognition that their targets and metrics will be more challenging to grasp; as a result, they may become more of a filter to inform project decisions because ongoing data collection in these areas is challenging.
6. The performance area energy goal is defined as operational emissions including building energy consumption, transportation, waste generation and construction.
7. Active transportation refers to human-powered modes of transit such as biking, walking, or running.
8. A variety of green-district efforts include the C40 Cities Climate Positive program, LEED for Neighborhood Development, the Living Community Challenge and One Planet Living, all of which aim to reorient design, development and policy at the neighborhood scale.
9. Joe Cortright’s 2008 study “Portland’s Green Dividend” documents the economic benefits of land use and transportation investments. <http://www.ceosforcities.org/files/PGD%20FINAL.pdf>





City Council

Approval of an Ordinance Amending Ordinances 7224 (Operating, Special and Capital Budgets) and 7235 (COVID-19 Emergency Appropriation)

Agenda Date: 5/12/2020
Agenda Item Number: 4.J
File Number:20-0379

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

Title

Approval of an Ordinance Amending Ordinances 7224 (Operating, Special and Capital Budgets) and 7235 (COVID-19 Emergency Appropriation)

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the ordinance that amends Ordinances 7224 and 7235 on first reading and forward to second reading.

Report

Issue:

Whether to amend Ordinances 7224 and 7235 on first reading and forward to second reading.

Staff Contact:

Nanci Lien, Fiscal Services Director, Administrative Services Department, 360.753.8465

Presenter(s):

None - Consent Calendar item

Background and Analysis:

City Council may revise the City's Operating Budget by approving an ordinance. Generally, budget amendments are presented quarterly to Council for review and approval but may be made at any time during the year. The amended ordinances appropriate funds and provide authorization to expend the funds.

One separate ordinance was passed since the adoption of Ordinance 7224 in December 2019. On March 24, 2020, Council approved Ordinance 7235 authorizing the appropriation of \$550,000 for response to the COVID-19 Emergency.

The attached ordinance includes recommended amendments to the 2020 Operating Funds, Specials Funds, and Capital Funds for: 1) Department requested carry-forward appropriations; 2) Miscellaneous carry-forward for non-lapsed appropriations; and 3) Department requests for budget amendments for the 1st Quarter in 2020.

- 1) Department requested carry-forward appropriations include appropriations representing 2019 obligations for purchase orders and contracts not completed in 2019. These appropriations total \$5,105,800.
- 2) Miscellaneous carry-forward appropriations include 2019 appropriations and associated transfers that did not lapse (end) in 2019. The majority of these appropriations are related to capital project appropriations. These appropriations total \$98,240,020.
- 3) Department requests for budget amendments for 1st Quarter in 2020 represent new budget adjustments and associated transfers Departments requested for 2020. These appropriations total \$1,715,639.

Department requests for budget amendments for the 1st Quarter in 2020 are summarized below.

Administrative Services

- Reduction of \$37,500 in fund balance for an administrative correction. A 2020 budget enhancement for Water, Wastewater and Stormwater Funds Transfer was corrected on the “transfer-out side” in each of those funds but missed on the “transfer-in” side on the original budget entry. No change in appropriations.
- \$19,594 in appropriations for transfer from LID Guaranty Fund to LID Obligation Control for debt service payment. Funding from LID Guaranty Fund.
- \$6,538 in appropriations related to PC Users rates due to a data entry error on original budget. Funding to come from the fund balances of General Fund, Special Funds, HUD Fund, Water Fund Sewer Fund, and Park & Rec Utility Tax Fund.

Community Planning and Development

- \$50,000 in appropriations for expenditures related to the United Way Contract due to Emergency Declaration. Funding from Special Funds Economic Development Program.
- \$45,300 in appropriations for expenditures related to the Olympia Downtown Alliance contract due to the Emergency Declaration. Funding from Special Funds Economic Development Program.
- \$36,000 in appropriations for expenditures related to the Thurston County Chamber of Commerce contract due to Emergency Declaration. Funding from Special Funds Economic

Development Program.

- \$100,000 in appropriations for expenditures related to the Robertson and Company contract due to Emergency Declaration. Funding from Special Funds Economic Development Program.
- \$600,000 in appropriations for expenditures related to Phase I & II of environmental assessments and development of cleanup plans focusing on Peninsula and West Bay Neighborhoods. Funding from the Brownfields Assessment & Clean-up hazardous substances and petroleum grants.
- \$28,000 in appropriations for expenditures related to the Shoreline Mater Plan. Funding from a Washington State Department of Ecology grant.
- \$200,000 in appropriations for expenditures related to the Housing Action Plan. Funding from Washington State Department of Commerce.

General Government

- Reduce \$550,000 in appropriations and increase fund balance for correcting entry related to Budget Ordinance 7235 approved by Council on March 24, 2020. The budget entry was recorded as increasing appropriations for professional services related to COVID-19 emergency and should have been entered as increasing Fund Balance in the Special Fund Economic Development Program.
- \$100,000 in appropriations for expenditures related to remediation of former West Olympia Landfill site. Funding to come from insurance proceeds

Fire

- \$3,000 in appropriations for expenditures related to New Wellness agreement with IAFF Collective Bargaining Agreement. Funding from reduction in Fire Department's operating budget.
- \$548 in appropriations for expenditures related to safety masks for COVID-19 emergency. Funding from Special Funds Economic Development Program.
- \$373 increase in General Fund balance for administrative correction related to transfer from Water, Sewer and Storm Funds. No change in appropriations.

Public Works Operating Funds

- Facilities - \$9,566 in appropriations related to a Puget Sound Energy rebate received in 2019. Funding to come from fund balance.
- Facilities - \$495,000 in appropriations for Building Repair & Maintenance Fund. Funding from General Fund 2019 carryover funds.
- Fleet - \$36,941 in appropriations related to upgrade of fuel island pedestal, electronic pump, fuel software. Funding from Fleet Operations Fund balance.

- Fleet - \$29,200 in appropriations related to replacement towards underground fuel tanks, replacement of island pedestal/pumps/software, and replacement of new lifts. Funding from Fleet Operations Fund balance.
- Drinking Water - reduce \$120,478 in appropriations for reduction in FTE transferred to Storm Water. Funding returned to fund balance.
- Storm Water - \$120,478 in appropriations for transfer of FTE from Drinking Water. Funding from Storm Water fund balance.
- Transfer \$120,478 in appropriations related to transferring FTE from the Water Utility to the Storm Water Utility. Funding from the Storm Water utility operations budget.
- Transportation - \$156,253 in appropriations related to capital project. Funding from Capital Campus TMD [spell out] grant.
- Transportation - \$54,000 in appropriations for City's share of Thurston County Regional Planning Commission study for Martin Way Corridor Study. Funding from Capital Improvement Fund.
- Transportation - \$17,148 in appropriations for materials purchased for State Avenue signal modification. Funding from Intercity Transit reimbursement.
- Transportation - \$20,000 in appropriations for materials used on Views on 5th Project. Funding was received from developer.
- Transportation - \$25,974 in appropriations for guardrail repair on Cooper Point Rd NW & 20th Ave NW. Funding from Risk Insurance Fund.
- \$66,000 in appropriations for expenditure related to the purchase of vehicle for Washington Conservation Corp Crew. Funding from Storm Water Operations fund balance.
- \$40,000 in appropriations for expenditure related to the purchase of vehicle for Community Planning and Development's Rapid Response Team. Funding from the Home Fund Operating Fund.
- Reduction in appropriations of \$16,101 for expenditure and revenue associated with closing out the Transportation Alternatives Program Grant project for installing a school zone flashing beacon
- Fleet - \$92,678 in appropriations related to the acquisition of 6 mobile column lifts. Funding from Fleet Operations Fund balance.

Neighborhood/Community Interests (if known):

None noted.

Options:

1. Approve ordinance amending ordinance 7224 and 7235. This provides staff with budget capacity to proceed with initiatives approved by Council.

2. Do not approve the amending ordinance; staff will not have authorization to expend the funds.

Financial Impact:

Operating Funds - total increase in appropriations of \$6,422,379; Special Funds - total increase in appropriations of \$9,650,962; and Capital Funds - total increase in appropriations of \$88,988,118. Funding sources are noted above.

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE RELATING TO THE ADOPTION OF THE CITY OF OLYMPIA'S 2020 OPERATING, SPECIAL, AND CAPITAL BUDGETS AND 2020-2025 CAPITAL FACILITIES PLAN; SETTING FORTH THE ESTIMATED REVENUES AND APPROPRIATIONS AND AMENDING ORDINANCE NO. 7224

WHEREAS, the Olympia City Council adopted the 2020 Operating, Special Funds and Capital Budgets, and 2020-2025 Capital Facilities Plan (CFP) by passing Ordinance No. 7224 on December 17, 2019; and

WHEREAS, throughout the year, updates are required to recognize changes relating to budget, finance, and salaries; and

WHEREAS, the CFP meets the requirements of the Washington State Growth Management Act, including RCW 36.70A.070(3); and

WHEREAS, the following amendments need to be made to Ordinance No. 7224;

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

Section 1. That certain document entitled the "Capital Facilities Plan," covering the years 2020 through 2025, a copy of which will be on file with the Office of the Director of Administrative Services and available on the City's web site, is hereby adopted as the Capital Facilities Plan for the City of Olympia and is incorporated herein as though fully set forth.

Section 2. Upon appropriation by the City Council of funds therefor, the City Manager shall be authorized to prepare plans and specifications, to take bids, and to make expenditures for the projects set forth in the CFP during the year for which said projects are scheduled; provided, however, that any award of bids and execution of contracts for construction shall be approved as provided in OMC Chapter 3.16.

Section 3. It is anticipated that the funding source and the construction schedule for projects identified in the CFP may be changed over the next year. Such changes shall not constitute an amendment to the Comprehensive Plan for purposes of RCW 36.70A.130.

Section 4. The Director of Administrative Services is hereby authorized to bring forward into fiscal year 2020 all appropriations and allocations not otherwise closed, completed, or deleted from prior fiscal years' capital budgets.

Section 5. The 2020 Estimated Revenues and Appropriations for each Fund are as follows:

Operating Budget

FUND	USE OF FUND BALANCE	ESTIMATED REVENUE	APPROP	ADDITION TO FUND BALANCE
General, Regular Operations	\$291,797 <u>\$1,380,799</u>	\$85,558,562 <u>\$86,894,010</u>	\$85,850,359 <u>\$88,274,809</u>	0 <u>0</u>
General, Special Sub-Funds				
Special Accounts	129,477 <u>32,348</u>	\$1,214,795 <u>1,180,295</u>	1,344,272 <u>1,212,643</u>	0 <u>0</u>
Development Fee Revenue	421,394	\$3,677,069	4,098,463	0
Parking	22,721 <u>68,292</u>	\$1,510,840 <u>\$1,510,840</u>	1,533,561 <u>1,579,132</u>	0 <u>0</u>
Post Employment Benefits	370,000	\$1,005,000	1,375,000	0
Washington Center Endowment	0 <u>166,109</u>	\$10,500 <u>\$10,500</u>	10,500 <u>176,609</u>	0 <u>0</u>
Washington Center Operating	0	\$530,500	530,500	0
Municipal Arts	0	\$59,544	59,544	0
Equipment & Facilities Reserve	179,678 <u>3,297,723</u>	\$1,359,047 <u>\$1,854,047</u>	1,538,725 <u>5,151,770</u>	0 <u>0</u>
Total General Fund	\$1,415,067 <u>\$5,736,665</u>	\$94,925,857 <u>\$96,721,805</u>	\$96,340,924 <u>\$102,458,470</u>	\$0 <u>\$0</u>
LID Control	0 <u>0</u>	0 <u>9,797</u>	0 <u>9,797</u>	0 <u>0</u>
LID Guarantee	0 <u>9,797</u>	0 <u>0</u>	0 <u>9,797</u>	0 <u>0</u>
4th/5th Avenue Corridor Bridge Loan	0	539,099	539,099	0
UTGO Bond Fund - 2009 Fire	0	1,190,757	1,190,757	0
City Hall Debt Fund - 2009	0	2,419,518	2,419,518	0
2010 LTGO Bond - Street Projects	0	438,613	438,613	0
L.O.C.A.L. Debt Fund - 2010	0	89,142	89,142	0
2010B LTGO Bonds - HOCM	0	457,088	457,088	0
2013 LTGO Bond Fund	0	675,775	675,775	0
2016 LTGO Parks BAN	0	14,673,000	14,673,000	0
Water Utility O&M	0 <u>0</u>	15,729,920 <u>15,729,920</u>	15,257,101 <u>15,369,088</u>	472,819 <u>360,832</u>
Sewer Utility O&M	123,899 <u>3,603</u>	21,553,824 <u>21,553,824</u>	21,677,723 <u>21,557,427</u>	0 <u>0</u>
Solid Waste Utility	0 <u>0</u>	13,593,875 <u>13,621,465</u>	13,356,483 <u>13,384,073</u>	237,392 <u>237,392</u>
Stormwater Utility	638,475 <u>791,953</u>	5,710,756 <u>5,710,756</u>	6,349,231 <u>6,502,709</u>	0 <u>0</u>
Water/Sewer Bonds	0	2,042,382	2,042,382	0
Stormwater Debt Fund	0	123,650	123,650	0
Water/Sewer Bond Reserve	0	0	0	0
Equipment Rental	10,884 <u>123,364</u>	2,509,643 <u>2,509,643</u>	2,520,527 <u>2,633,007</u>	0 <u>0</u>
Subtotal Other Operating Funds	\$773,258 <u>\$928,717</u>	\$81,747,042 <u>\$81,784,429</u>	\$81,810,089 <u>\$82,114,922</u>	\$710,211 <u>\$598,224</u>
Total Operating Budget	\$2,188,325 <u>\$6,665,382</u>	\$176,672,899 <u>\$178,506,234</u>	\$178,151,013 <u>\$184,573,392</u>	\$710,211 <u>\$598,224</u>

Special Funds Budget

FUND	USE OF FUND BALANCE	ESTIMATED REVENUE	APPROP	ADDITION TO FUND BALANCE
HUD Fund	\$0	\$600,000	\$591,819	8,181
	<u>\$0</u>	<u>600,000</u>	<u>592,130</u>	<u>7,870</u>
Lodging Tax Fund	0	1,132,309	1,019,083	113,226
	<u>0</u>	<u>1,132,309</u>	<u>1,072,443</u>	<u>59,866</u>
Parking Business Improvement Area Fund	0	100,000	98,500	1,500
	<u>30,565</u>	<u>100,000</u>	<u>130,565</u>	<u>0</u>
Farmers Market Repair and Replacement Fund	0	0	0	0
Hands On Children's Museum	132,854	543,634	676,488	0
Transportation Benefit District	0	0	0	0
	<u>2,430,059</u>	<u>0</u>	<u>2,430,059</u>	<u>0</u>
Olympia Metropolitan Park District	0	0	0	0
	<u>2,673,719</u>	<u>0</u>	<u>2,673,719</u>	<u>0</u>
Home Fund Operating Fund	0	2,432,135	2,432,135	0
	<u>0</u>	<u>2,445,711</u>	<u>2,445,711</u>	<u>0</u>
Fire Equipment Replacement Fund	0	200,000	200,000	0
	<u>2,061,546</u>	<u>200,000</u>	<u>2,261,546</u>	<u>0</u>
Equipment Rental Replacement Reserve Fund	122,762	2,217,238	2,340,000	0
	<u>2,376,762</u>	<u>2,336,577</u>	<u>4,713,339</u>	<u>0</u>
Unemployment Compensation Fund	0	112,500	85,000	27,500
Insurance Trust Fund	0	2,463,199	2,463,199	0
	<u>0</u>	<u>2,476,186</u>	<u>2,476,186</u>	<u>0</u>
Workers Compensation Fund	204,000	1,450,500	1,654,500	0
Total Special Funds Budget	\$459,616	\$11,251,515	\$11,560,724	\$150,407
	<u>\$9,909,505</u>	<u>\$11,397,417</u>	<u>\$21,211,686</u>	<u>\$95,236</u>

Capital Budget

FUND	USE OF FUND BALANCE	ESTIMATED REVENUE	APPROP	ADDITION TO FUND BALANCE
Impact Fee	\$2,141,104	\$467,191	\$2,608,295	0
	<u>\$8,823,949</u>	<u>\$467,191</u>	<u>\$9,291,140</u>	<u>0</u>
SEPA Mitigation Fee Fund	0	0	0	0
	<u>713,682</u>	<u>0</u>	<u>713,682</u>	<u>0</u>
Parks & Recreational Sidewalk, Utility Tax F	0	\$2,668,536	2,662,182	6,354
	<u>3,361,650</u>	<u>\$2,668,536</u>	<u>6,030,186</u>	<u>0</u>
Real Estate Excise Tax Fund	0	\$2,274,752	1,500,000	774,752
	<u>3,722,621</u>	<u>\$2,274,752</u>	<u>5,997,373</u>	<u>0</u>
Capital Improvement Fund	854,758	\$10,542,832	11,397,590	0
	<u>8,265,023</u>	<u>\$35,486,641</u>	<u>43,751,664</u>	<u>0</u>
Olympia Home Fund Capital Fund	0	\$1,561,310	1,561,310	0
Water CIP Fund	1,551,706	\$6,221,294	7,773,000	0
	<u>21,079,287</u>	<u>\$9,188,758</u>	<u>30,268,045</u>	<u>0</u>
Sewer CIP Fund	2,755,699	\$1,692,301	4,448,000	0
	<u>10,642,267</u>	<u>\$1,692,301</u>	<u>12,334,568</u>	<u>0</u>
Waste ReSources CIP Fund	0	\$368,000	0	368,000
	<u>0</u>	<u>\$390,300</u>	<u>232,552</u>	<u>157,748</u>
Storm Water CIP Fund	294,560	\$2,458,440	2,753,000	0
	<u>9,583,180</u>	<u>\$3,486,758</u>	<u>13,069,938</u>	<u>0</u>
Storm Drainage Mitigation Fund	0	\$0	0	0
	<u>441,037</u>	<u>\$0</u>	<u>441,037</u>	<u>0</u>
	\$7,597,827	\$28,254,656	\$34,703,377	\$1,149,106
Total Capital Budget	\$66,632,696	\$57,216,547	\$123,691,495	\$157,748
Total City Budget	\$10,245,768	\$216,179,070	\$224,415,114	\$2,009,724
	\$83,207,583	\$247,120,198	\$329,476,573	\$851,208

Section 6. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, the remainder of this Ordinance or application of the provision to other persons or circumstances shall be unaffected.

Section 7. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 8. Effective Date. This Ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber
CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Discussion of the City's Approach to Mitigating 2020 General Fund Revenue Shortfall

Agenda Date: 5/12/2020
Agenda Item Number: 6.A
File Number: 20-0377

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

Title

Discussion of the City's Approach to Mitigating 2020 General Fund Revenue Shortfall

Recommended Action

Committee Recommendation:

Finance Committee discussed the City's approach to mitigating the 2020 General Fund revenue shortfall and directed staff to forward the approach to the full City Council as a joint Finance Committee and City Manager recommendation.

City Manager Recommendation:

Discuss the City's Approach to Mitigating 2020 General Fund Revenue Shortfall

Report

Issue:

Whether to discuss the City's Approach to Mitigating 2020 General Fund Revenue Shortfall

Staff Contact:

Jay Burney, Interim City Manager, 360.753.8740

Debbie Sullivan, Administrative Services Director, 360.753.8499

Presenter(s):

Debbie Sullivan, Administrative Services Director

Jay Burney, Interim City Manager

Background and Analysis:

On March 15, 2020, the Governor ordered the closing of all sit-down restaurants and bars and banned gatherings of 50 or more statewide, in response to the coronavirus (COVID-19) pandemic. Then on March 23, the Governor issued a statewide order to stay-at-home and stay healthy to help slow the spread of the coronavirus. This resulted in additional businesses closing if they weren't defined as "essential." The impact has hit our local economy hard.

The City's adopted 2020 General Fund Operating Budget is \$85.6 million. Over 65 percent of the revenue to support General Fund expenditures comes from taxes - property tax, sales tax, business

tax, utility tax, and others. Due to the closing of non-essential businesses, the City projects a 12 percent loss in revenue (more than \$10 million) as a result of the pandemic. The City has implemented immediate expenditure reductions totaling \$2.7 million.

These are challenging times financially because there is uncertainty around when and how the economy will re-open. As a result, staff developed a Financial Resilience Strategy which outlines an approach to addressing the shortfall based on thresholds of revenue loss. Staff will discuss the proposed guidelines, approach, prioritization criteria, and funding to be used based on the threshold of revenue loss.

Neighborhood/Community Interests (if known):

Sustaining City services to support the community is imperative, especially during a crisis. There is also interest in the impacts to Parks, Public Safety, and Housing because voters have approved several initiatives to financially support and expand these programs.

Options:

1. Discuss and accept the approach to mitigating the 2020 General Fund Revenue Shortfall.
2. Discuss and direct staff to modify the approach to mitigating the 2020 General Fund Revenue Shortfall.
3. Discuss and direct staff to modify the approach to mitigating the 2020 General Fund Revenue Shortfall and return for further discussion.

Financial Impact:

The City projects a 12 percent loss in revenue (over \$10 million) as a result of the pandemic.

Attachments:

None



City Hall
601 4th Avenue E.
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360-753-8244

City Council

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

Agenda Date: 5/12/2020
Agenda Item Number: 9.A
File Number:20-0381

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

Title

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