



## City Council

### **Amend on an Emergency Basis the Municipal Code Title 18 Unified Development Code to provide for Increased Setbacks and Additional Building Design Considerations within the HDC Zoning Districts; Set a Public Hearing Date; and Adopt a Work Plan.**

**Agenda Date:** 12/11/2012  
**Agenda Item Number:** 6.D  
**File Number:** 12-0849

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**Type:** ordinance **Version:** 1 **Status:** Passed

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#### **Added to Agenda at the Meeting**

##### **Agenda Item:**

Amend on an Emergency Basis the Municipal Code Title 18 Unified Development Code to provide for Increased Setbacks and Additional Building Design Considerations within the HDC Zoning Districts; Set a Public Hearing Date; and Adopt a Work Plan.

##### **Issue:**

The HDC Zoning Districts currently provide for 100 foot setbacks for all structures greater than 35 feet in height adjoining the R4, R4-8, or R6-12 single family districts; however, the HDC Zoning Districts also abut areas zoned RM 18 and RM 24 that are developed with single family homes and do not require any additional setback in these areas. This creates situations where tall buildings can be located in close proximity to single family homes.

The HDC Zoning Districts (HDC 1, 2, 3, 4 and HDC 4 Capital Mall) provide for a building step back of eight feet for any building floors above three stories which abut a street or residential district. This configuration does not provide sufficient step back and relief to minimize the impacts of tall structures on adjoining single family residential development on the street scape.

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

This amendment is proposed as an emergency ordinance therefore no committee review has taken place.

##### **City Manager's Recommendation:**

Move to approve the attached ordinance on an emergency basis to be effective immediately and waive second reading.

The ordinance amends Olympia Municipal Code Section 18.06.080, Table 6.02, HDC Building Height regulations and the Additional District-wide Development Standards. The Ordinance provides for a 100 foot setback in the HDC zoning districts for buildings greater than 35 feet in height where the project adjoins any lot with a built single family home and amends the HDC zoning district development regulations to provide for an 8 foot building step back between the second and third stories and for each additional two

stories thereafter for all buildings greater than 35 feet in height.

The interim regulations would be effective for one year or until such time as the City adopts permanent regulations.

**Staff Contact:**

Steve Hall, City Manager, 360.753.8447.

**Presenter(s):**

Steve Hall, City Manager

**Background and Analysis:**

The Bing Street development was a 2.39 acre site located approximately 270 feet north of Harrison Avenue and 700 feet west of Division Street in the HDC 3 Zoning District. The property to the north of the site is within the RM 18 Zoning District and supports single family development. The developer submitted plans to develop a multiple family apartment building on the site last year and was recently denied by the City because of concerns about transportation, stormwater, building and site design. Concerns were raised by the neighborhood about the impacts of this building and whether the proposed development's 70 foot height was inconsistent with the surrounding development, and. The neighborhood argued that tall buildings placed too closely to the property line can have negative impacts on access to light and air and create situations where the scale and massing of the new development is out of context, character and proportion with surrounding development.

The developer proposed a setback from the northern property line of approximately 50 feet and a building with a single step back between the fourth and fifth floors. While the developer did modify the building layout and design from the original submittal, significant concerns remained.

Other provisions of the Olympia Municipal Code have increased minimum setbacks required between buildings greater than 35 feet and adjoining single family development. Furthermore, the Comprehensive Plan encourages well-designed infill development and redevelopment in established areas which maintains or improves neighborhood character. The Comprehensive Plan also calls for establishing “zoning and design standards that ensure compatibility of adjoining residential and commercial areas, in order to maintain or enhance the neighborhood's character, livability, and property values.” Staff recommends that OMC Section 18.06.080, Table 6.02, which provides for a 100 foot setback in the HDC Zoning Districts for buildings greater than 35 feet in height where the project adjoins the R4, R4-8, R6-12 be amended to include any lot with a built single family home and that Additional District-Wide Development Standards for the HDC Zoning Districts be amended to provide for an eight foot building step back between the second and third stories and for each additional two stories thereafter.

There presently is no application for development approval pending on the site. The proposed amendments are intended to address on a interim basis any new applications that could be submitted for the property or other similarly situated properties within the HDC Zoning Districts while more permanent zoning and design solutions are considered.

Waiver of second reading. Though not required by state law, the City Council has customarily required a second reading of an ordinance unless the City Council waives second reading by a ‘super-majority’ (five votes) of the full Council. The Council is requested to waive its practice of second reading and adopt the ordinance on first and final reading.

Effective immediately. Ordinarily by state law, zoning regulations are effective five days after passage and publication. State law allows ordinances to be effective immediately if the City Council finds that there is

emergency. Such ordinances must be adopted by a majority plus one of the full membership of the Council (5 councilmembers). Since Council is being requested to adopt this ordinance effective immediately, a supermajority would be required. A finding of emergency is incorporated into the proposed ordinance.

If the interim regulations are enacted by Council, state law would require a public hearing on the regulations no later than 60 days after enactment. The proposed ordinance sets a public hearing date of February 5, 2013.

State law allows the interim regulations to be effective for one year if a work plan is adopted by the Council. A work plan is incorporated into the proposed ordinance, thus allowing the ordinance to be effective for up to a full year or until such time as the City adopts permanent regulations to replace the interim regulations.

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

The neighborhood was closely involved with the Bing Street project from application through its denial in October by the City. The surrounding neighbors spoke on numerous occasions at City Council meetings and voiced their concerns, amongst other things, about the height of the building, the scale of the building and setbacks.

**Options:**

1. Waive second reading and adopt the attached ordinance on an emergency basis to be effective immediately. This Ordinance would: Amend the OMC Section 18.06.080, Table 6.02, extend the requirement for a 100 foot setback in the HDC zoning districts for buildings greater than 35 feet in height where to projects adjoining lots with a built single family home and amend the Additional District-wide Development Standards for the HDC zoning districts to provide for an eight foot building step back between the second and third stories and for each additional two stories thereafter.
2. Do not amend the Olympia Municipal Code on an emergency basis.
3. Direct staff to take other action.

**Financial Impact:**

None.