

Ordinance No. 6417

6417 - AN ORDINANCE relating to large-scale retail development; and amending Subsections 18.06.100.C and 18.130.060.C and Section 18.130.020 all of the Olympia Municipal Code.

WHEREAS, the City of Olympia Comprehensive Plan Policy LU 3.1 calls for the City to establish high density corridors with sufficient residential and employment density to support transit service, encourage pedestrian traffic between businesses, and provide a larger customer base for local businesses and transit; and

WHEREAS, Comprehensive Plan Policy LU 3.2 encourages more intensive residential and commercial development downtown; and

WHEREAS, Comprehensive Plan Policy LU 11.1 calls for appropriately-sized and located commercial areas to allow less reliance upon automobiles, improved livability, and maintenance of the City's tax base; and

WHEREAS, Comprehensive Plan Policy 11.6 encourages commercial development catering to a county-wide or multi-county market to locate near Capital Mall or downtown; and

WHEREAS, Comprehensive Plan Goals 12 and 13, and policies adopted thereunder, set forth a variety of guidelines calling for more intensive and well-designed commercial development; and

WHEREAS, in 2005, the Olympia City Council became concerned that trends in the retail industry in other parts of the Puget Sound indicated that large-scale retail development is often incompatible with these adopted goals and policies; and

WHEREAS, the City Council was also concerned that development regulations adopted as part of the Olympia Municipal Code, including but not limited to OMC 18.06.100(C), may permit development inconsistent with the aforementioned Comprehensive Plan goals and policies; and

WHEREAS, to address these concerns, on February 15, 2005, the City Council adopted Resolution No. M-1589 imposing a moratorium upon the acceptance, processing, and/or approval of any application for retail sales use where the gross floor area in any separate structure that is the subject of the application is greater than 125,000 square feet; and

WHEREAS, RCW 35A.63.220 and RCW 36.70A.390 authorize cities to adopt moratoria provided a public hearing is held within sixty (60) days of adoption; and

WHEREAS, on March 15, 2005, the City Council held a public hearing for the purpose of taking public comment on Resolution No. M-1589 establishing a moratorium upon, *inter alia*, the acceptance and/or approval of applications for large-scale retail

development (the Moratorium); and

WHEREAS, thereafter, the Council adopted Resolution No. M-1592 entering Findings of Fact supporting Resolution No. M-1589; and

WHEREAS, on August 8, 2005, the Council adopted Resolution No. M-1613 extending the Moratorium to March 10, 2006, unless extended by the City Council or revoked at an earlier date; and

WHEREAS, on February 21, 2006, the Council held a public hearing to consider renewal and re-adoption of the Moratorium and adopted Resolution No. M-1628 re-adopting the Moratorium for a term of 180 days from the date of Resolution No. M-1628 and re-adopting the findings of fact adopted in Resolution No. M-1592; and

WHEREAS, during the Moratorium, the Council identified land use and design issues it wished to explore and a study session was held on March 14, 2006, at which time the Council decided: 1) not to pursue regulating corporate practices of large retailers, and 2) to refer land use and design issues concerning large-scale retail developments to the Land Use and Environment Committee to give further direction to the Planning Commission and staff; and

WHEREAS, the Land Use and Environmental Committee held its discussion on April 17 and gave direction to the Planning Commission and staff; and

WHEREAS, the Planning Commission held a study session on May 1, 2006, a public hearing on May 15, 2006, and, after deliberation on June 5, 2006, recommended amendments to the Olympia Municipal Code to address the Council's concerns about large-scale retail development; and

WHEREAS, the City Council reviewed the Planning Commission's recommendations on June 27, 2006; and

WHEREAS, the City Council held a public hearing on July 18, 2006 for the purpose of taking public comment on the recommendations, and at the close of the public hearing, the Council directed staff to prepare an ordinance for adoption; and

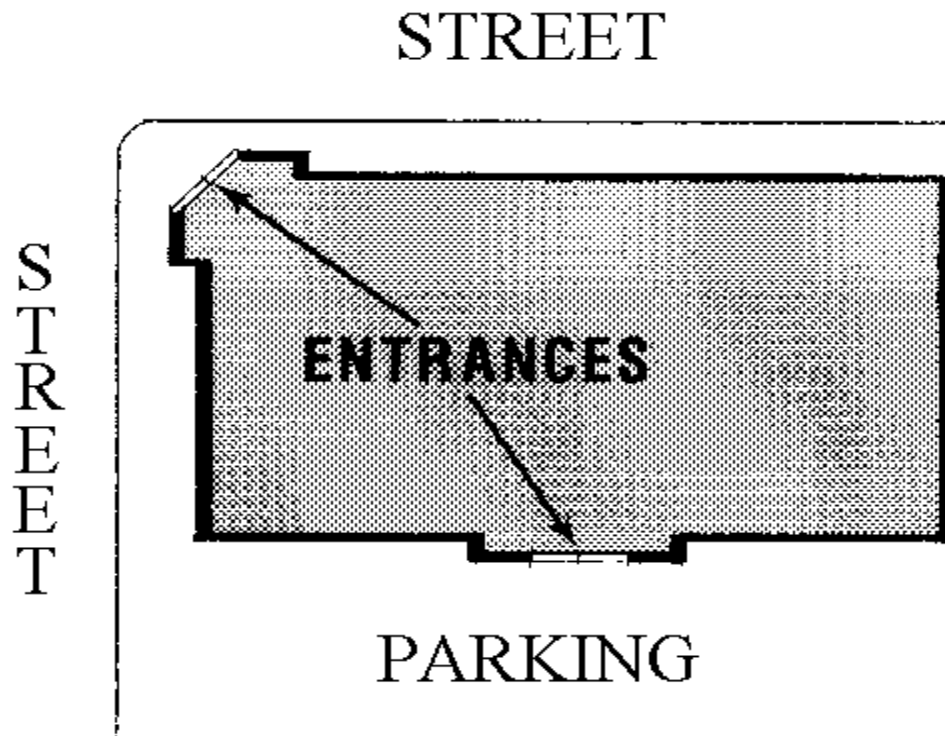
WHEREAS, on July 20, 2006, the Olympia Environmental Review Officer issued a State Environmental Policy Act (SEPA) Determination of Nonsignificance, in which the lead agency for this proposal determined that it will not have a significant adverse impact upon the environment; NOW, THEREFORE,

THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 18.06.100.C. Subsection 18.06.100.C of the Olympia Municipal Code and ordinances pertaining thereto are hereby amended to read as follows:

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 following design requirements: of this section. For purposes of this section, a retail use under common ownership or use shall mean a single establishment which shares checkstands, management, a controlling ownership interest, or storage areas, e.g., a plant nursery or a grocery store associated with a general merchandise store, such as a home improvement store.

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

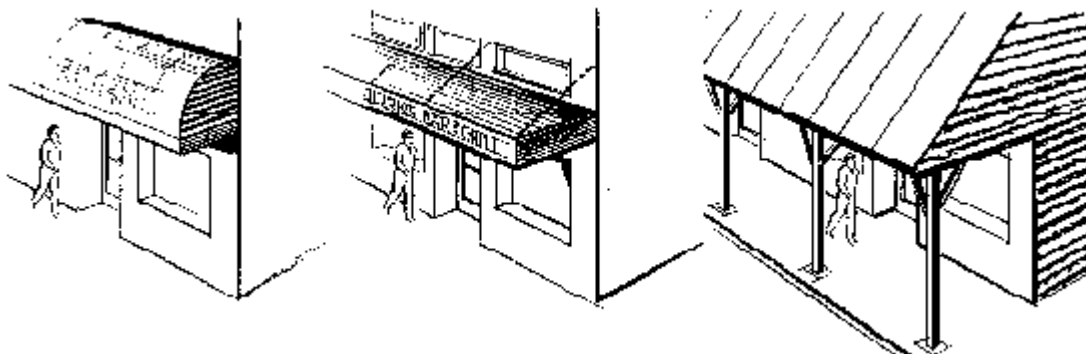


Customer Entrances must be provided on facades facing abutting streets and parking. Example shows corner entrance serving two street facades, plus entrance serving parking.

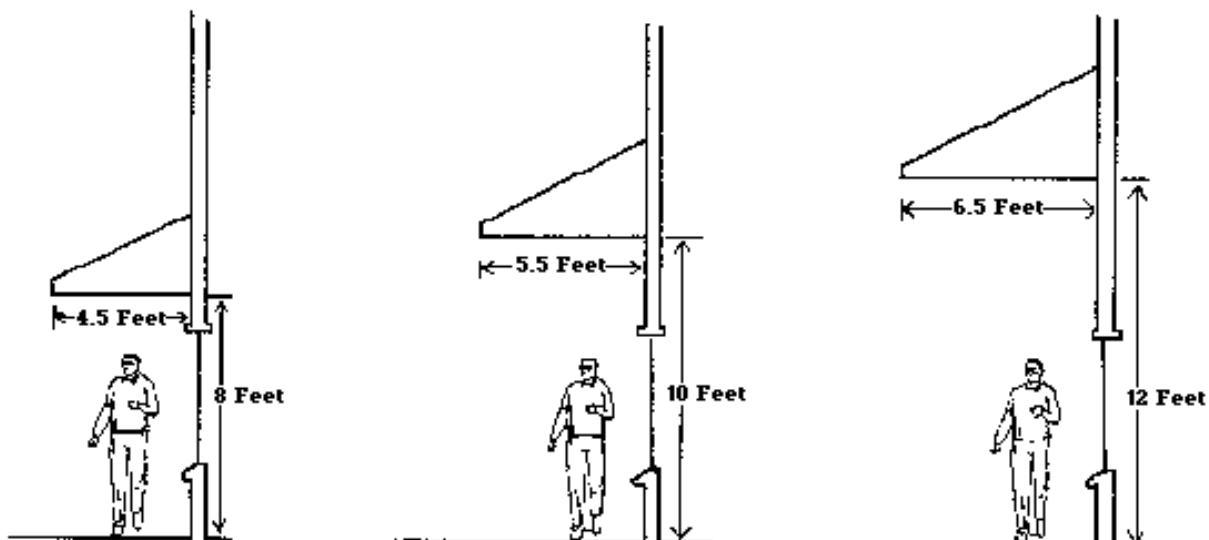
FIGURE 6-4

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

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



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



Width of Rain Protection is determined by height above walkway.

FIGURE 6-6

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

- i. have no customer entrance; and
- ii. are only visible from service areas, and not from nearby residences or from the customer parking lot or an abutting street. ~~(Staff note: this would~~

~~exempt loading dock areas that cannot be seen from anywhere, like the back side of the Target building.)~~

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

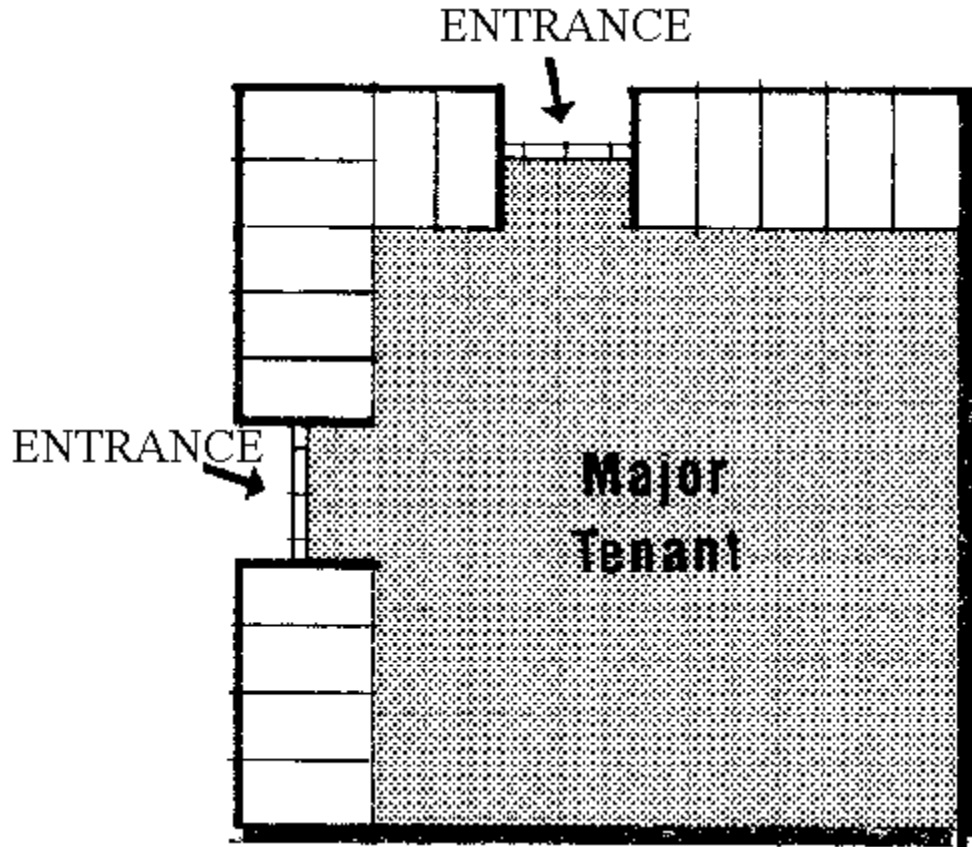
4. Frontage limit. The frontage per business occupancy shall be limited to one hundred (100) feet along any facade facing an abutting street, unless sixty percent (60%) or more of the facade between two (2) and eight (8) feet above the sidewalk is in transparent glazing; i.e., transparent windows, display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

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



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

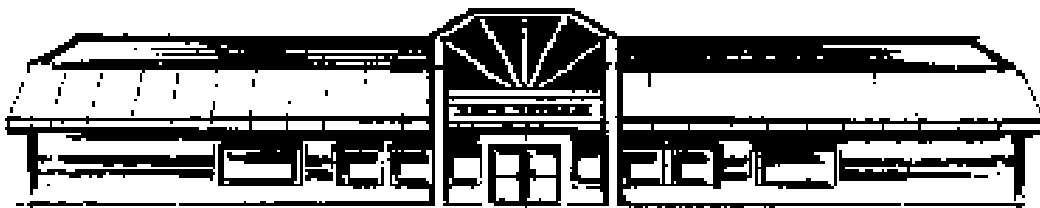
FIGURE 6-7



Frontage limited by placing small shops on periphery of building, plan view.
 FIGURE 6-8



Small shops on periphery of building, elevation view.
 FIGURE 6-9



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

FIGURE 6-10



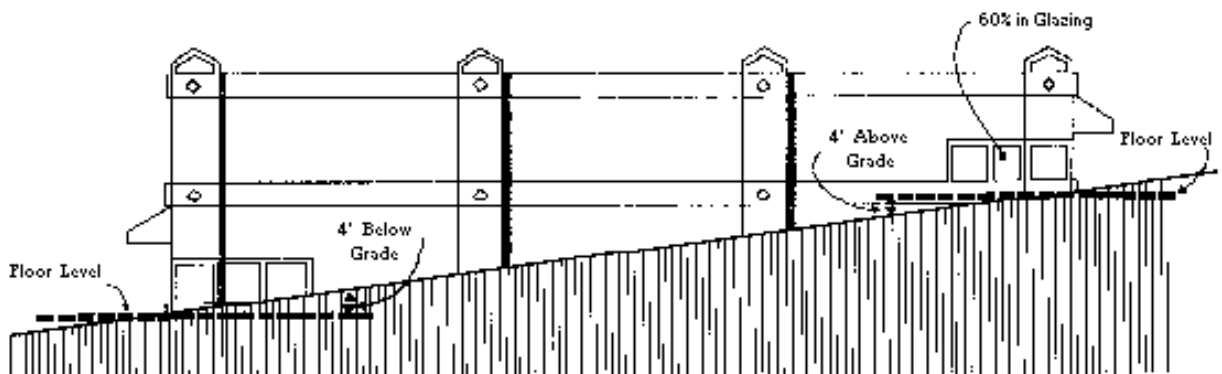
25,000 square foot 1-story building with 150 feet of frontage

FIGURE 6-11



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

FIGURE 6-12



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

FIGURE 6-13

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

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

i. Thresholds for requirements

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

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

(1) Subdivision of the interior of structure into separate tenancies. The design for interior subdivision shall accommodate multiple potential tenancies, each no larger than fifty percent (50%) of the size threshold for the district defined in subsection (i) above. Example A: An applicant designs a 120,000 sq. ft. Very Large Scale Retail Use in the GC district to accommodate reuse by four potential tenancies of 30,000 sq. ft. each. Example B: An applicant designs the same building to accommodate two potential tenancies of 30,000 sq. ft., and four potential tenancies of 15,000 sq. ft.

(2) Facades that readily adapt to multiple entrances without compromising the structural integrity of the building, and adapt to entrances on at least two sides of the building; or,

if the building is designed to have only one front façade, all potential tenancies shall be designed for access from the front façade.

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

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

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

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

iii. Parking Design.

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

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

iv. Site Design.

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

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

b. Conditional Use Approval

i. Thresholds for Conditional Use Approval

<u>District</u>	<u>Size (gross floor area)</u>
<u>GC</u>	<u>125,000 sq. ft.</u>
<u>HDC-2</u>	<u>60,000 sq. ft.</u>

<u>HDC-3</u>	<u>75,000 sq. ft.</u>
<u>HDC-4, except Capital Mall Area</u>	<u>125,000 sq. ft.</u>
<u>UW</u>	<u>60,000 sq. ft.</u>
<u>UW-H</u>	<u>40,000 sq. ft.</u>
<u>DB</u>	<u>40,000 sq. ft.</u>
<u>UC</u>	<u>100,000 sq. ft.</u>

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

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

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

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

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

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

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

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

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

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

(Ord. [6408](#) §20, **2006**; Ord. 6276 §6, 2003; Ord. 6195 §18, 2002; Ord. 6140 §29, 2001; Ord. 6073 §15, 2000; Ord. 5830 §11, 1998; Ord. 5661 §2, 1996; Ord. 5569 §3, 1995; Ord. 5517 §1, 1995).

Section 2. Amendment of OMC 18.130.020. Section 18.130.020 of the Olympia Municipal Code and ordinances pertaining thereto are hereby amended to read as follows:

18.130.020 - Building Orientation

A. REQUIREMENTS:

1. Primary building entries, storefront windows, and building facades shall face the street, create a continuous row of storefronts along the street frontage, and provide direct access from the street to the building with close pedestrian access to the nearest bus stop. In the case of multifamily housing or townhouse projects, stoops and porches or distinctive entryways can substitute for commercial storefront window openings.
2. In the case of buildings at corners of street intersections, this requirement applies to both street frontages. An entrance at the corner would meet this requirement.
3. HDC-4 exceptions: The following exceptions apply if excellent pedestrian connections to the HDC street are provided:
 - a. Building entries need not face the HDC street edge but may be located on the corner, off a publicly accessible pedestrian plaza or on the side of the building. All other applicable design guidelines apply.
 - b. Hotels and multifamily developments may be set back greater than 10 feet provided that the setback area does not include parking.
 - c. Setbacks may be increased where street improvements do not exist or where they do not provide the separation from vehicles as described in the Development Guidelines and Public Works Standards (Street Standards) to include the additional distance required by those standards for sidewalk and planter strips. The setback area may not include parking.

B. GUIDELINES:

1. Locate service and delivery entries in the rear whenever possible.
2. On transit routes, site design should accommodate transit bus stop zones as may be needed, including:
 - a. in-lane bus stop(s) or possible stop pullout(s),
 - b. ADA accessible pedestrian pathways,
 - c. shelter and/or provision for cover to help reduce pedestrian exposure to the elements, and
 - d. other amenities such as such as lighting, benches, or information kiosks.
3. Where a transit route does not exist, meet with the local public transit provider to ascertain the viability of developing a bus stop for the site.

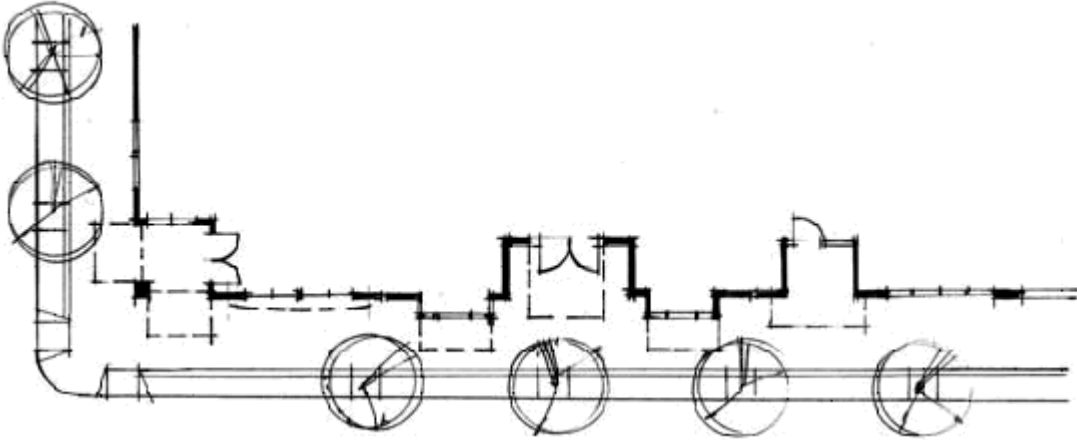


FIGURE 18.130.020-A



FIGURE 18.130.020-B

(Ord. 6306 §5, 2004).

Section 3. Amendment of OMC 18.130.060.C. Subsection 18.130.060.C of the Olympia Municipal Code and ordinances pertaining thereto are hereby amended to read as follows:

18.130.060 - HDC 4-Capital Mall-Incremental Expansion

C. Transit Facility. A Transit stop or facility shall be integrated into the Capital Mall Area. It shall be located to provide a direct link to the shopping mall while supporting transit plans for the area. Transit stop or facility location can change as mall area expansion occurs over time. Transit routing through the site to the facility shall be designed to reduce conflicts with customer vehicles and parking. Transit stops will: a) be a short walking distance to the significant building entrance, b) be located at a safe and attractive location, c) be weather protected, d) include amenities such as benches and illumination, ~~e)~~ have adequate space to accommodate transit arrivals and departures and, ~~f)~~ be efficiently integrated into a transit route.

Section 4. Termination of Moratorium. The Moratorium imposed by Resolution No. M-1589, amended by Resolution No. M-1598, extended by Resolution No. M-1613, and re-adopted by Resolution No. M-1628 is hereby terminated as of the effective date of this ordinance.

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

Section 6. 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.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

▼ Approved by the Mayor

Yes

▶ Attest (City Clerk)

▼ Approved as to Form (City Attorney)

Yes

Passed: **08/15/2006**

Approved: **08/15/2006**

Published: **08/17/2006**