

Olympia Planning Commission

August 6, 2018

Dear Mayor Selby and City Councilmembers:

The Olympia Planning Commission (OPC) is pleased to provide its recommendation on the code text amendments on Missing Middle Housing and a related recommendation about impact fees and general facilities charges.

The OPC conducted a public hearing on March 19, 2018 and considered over 1,000 pages of written public comments. Our review focused on the following issues:

- Are recommendations consistent with the Olympia Comprehensive Plan? (Review against individual goals and policies)
- Balancing various goals and policies within the Comprehensive Plan
- Effect of Missing Middle on “neighborhood character” and design
- Wide variety and breadth of public comments, both for and against
- Potential effect on real estate values
- Effect of Missing Middle on parking on City streets
- Potential of increasing “tear-downs” of existing housing and displacement of low-income renters
- Does Missing Middle address critical issues, such as affordability? (Who bears costs and benefits?)
- Do the recommendations address all of the constraints to building Missing Middle housing? What else could be done? (Additional approaches may be needed to meet existing demand for housing. Other solutions could include: Community Land Trusts, upzoning land in the urban growth area, grid development versus “subdivision” development.)

The Commission recommends approval of the staff recommendations as proposed, with the following modifications:

1. Eliminate recommendation of a study of stormwater general facilities charges to determine how duplex impacts compare with those of apartments, ADUs, and townhouses. During deliberations it became apparent that this recommendation is not needed as it is already being addressed administratively by Public Works.
2. Require one (1) off-street parking space for every four (4) units in a Single Room Occupancy building.
3. For duplexes, triplexes, fourplexes, courtyard apartments, and townhouses: Require one off-street parking space per unit, or one and one-half (1.5) spaces if on-street parking is not available.
4. Allow triplexes, fourplexes, and courtyard apartments in the Residential 4-8 (R 4-8) zoning district

within 300 feet of transit routes (in existence on a date as established by City Council) and commercial zoning.

Given the numerous recommendations and perspectives of each Commissioner, it should be noted that there is *unanimous* consent on many of the recommendations, as well as *general* consensus on the recommendations by the Commission overall. To provide a more complete picture of the deliberations the Commission held, brief statements on a few issues are attached, representing the minority or dissenting opinions on those issues.

The Commission would like to thank the City Council for its patience during the months of briefings, public meetings, and deliberations. There were several issues to be discussed and worked through before issuing a recommendation.

Sincerely,

Rad Cunningham, CHAIR
Olympia Planning Commission

Carole Richmond, VICE-CHAIR
Olympia Planning Commission

Minority Opinion: Study Methodology for Impact Fees and General Facilities Charges

Planning Commission Recommendation: Develop a methodology for calculating transportation and parks impact fees, and sewer general facilities charges, that reflects actual system-wide impacts of Missing Middle housing types.

In the aforementioned Missing Middle proposed changes, a research study commissioned from the City of Olympia is a prerequisite to the recommendations moving forward. However there is nothing noted in the request for these proposals about a required methodology for the studies and there is no mention of a need for an independently designed study completed with consideration of confirmation bias.

As an elected official/city staff it's rare to have all of the relevant data before making a decision. More often than not circumstances force individuals in public service to make a determination on a proposal with incomplete information, which leaves the municipal entity open to confirmation bias — meaning the public servant may pay attention to data that supports the proposal made and to dismiss or exclude the data that does not.

If the City of Olympia is commissioning a study to examine the impact of the aforementioned proposals, it must be a truly independent, peer reviewed study, completed by an entity outside of the city. It must also be completed by an entity that does not have financial bias towards the topic at hand. This is essential for reducing the likelihood of confirmation bias.

I believe a portion of the studies cited by the city in the past in support of The Missing Middle would not meet this threshold. However, if the City made an implicit effort to strive for this type of goal moving forward in its commissioned planning research, there would be better legal evidence for municipal statements that recommended proposals are evidenced based.

A further way to avoided confirmation bias is to commission a multi-factor independent study regarding what would happen if the aforementioned Missing Middle proposals made alternative or opposing recommendations. By gathering data that a public servant would need to defend alternative proposals/alternative views, and comparing this data with the data used to support the proposed changes in the Missing Middle, the likelihood of confirmation bias impacting a public servant's decision making would be greatly reduced and one's perspective may be much more informed after reviewing a larger amount of data.

In conclusion, confirmation bias can occur intentionally or unintentionally in the planning, data collection, analysis, and publication phases of commissioned research. Understanding the potential for this bias in research allows public servants to critically and independently review research presented to them and can help public servants to avoid making decisions which would be suboptimal or harmful to the community's planning.

Thank you for your consideration.

Prepared by Jessica Blose, Planning Commissioner

Minority Opinion: Owner Occupancy Requirement for Accessory Dwelling Units

Planning Commission Recommendation: Do not require property owner to live on the property on which an ADU is located.

I believe that City Council should delay ruling on this proposed change at this time. I am making this recommendation as I believe there will be a renewed public interest in this proposed change later in the 2018 Calendar year, as this proposed change may intersect strongly with the the topic of AirBNB style regulations. City Planning staff have reported that the topic of AirBNB regulations is a likely topic to come up to both the Planning Commission and City Council later in 2018/early 2019 and that this is topic that would require a public hearing. Due to this strong likelihood, I believe it may make more sense to bring up this proposed change at a future date.

Additionally, a delay in this particular recommended change could help mitigate perception from some members of the community that there has been a lack of community participation in the review of the Missing Middle proposals. A delay on a ruling for this proposed change could be tangible evidence of the city's commitment to both transparency and extensive community feedback in the consideration of this change.

Prepared by Jessica Blöse, Planning Commissioner

Minority Opinion: Zoning Districts Permitting Duplexes

Planning Commission Recommendation: Permit duplexes throughout R4-8 Zoning District.

Although I concur with much of the planning commission's recommendation on the Missing Middle, I respectfully dissent in regard to the commission's recommendation to expand allowable zoning for duplexes. Allowing zoning for duplexes across all residential zoning (R4-8 and R6-12) conflicts with several Comp Plan provisions that call for a more prescriptive approach. In particular, Policy PL16.11 "Require[s] that multi-family structures be located near a collector street with transit, or near an arterial street, or near a neighborhood center . . ." The majority's blanket approach to duplexes fails to address this mandate.

My colleagues interpret all references to "multi-family" in the Comp Plan as inapplicable to duplexes. However, this interpretation ignores the common and plain meaning of the term "multiple." And absent any definition in the Comp Plan to the contrary, there is no justification to depart from the clear dictionary definition. In fact, Washington State's Municipal Research Services Center provides a definition consistent with common meaning, describing "multi-family units" as "freestanding buildings composed of two or more separate living units . . ." See http://www.ca-ilg.org/sites/main/files/file-attachments/2010_-_landuseglossary.pdf.

I would recommend either following the siting requirements for multi-family designations in the Comp Plan, or revising the Comp Plan to allow greater leniency for duplexes. But in my opinion, the majority's approach is misguided and lacks process. The City's planning commission is charged with assuring that the City acts consistently with its Comprehensive Plan, often considered to be the Plan's "safe-keepers." I would be remiss if I supported the majority's recommendation in regard to duplexes.

Prepared by Travis Burns, Planning Commissioner

Minority Opinion: Parking for Accessory Dwelling Units

Planning Commission Recommendation: Remove requirement of additional parking space for ADU.

Dissenting argument: The concern about how and where people may park their vehicle often gets more debate than how and where people can live. The Planning Commission unanimously agreed that Accessory Dwelling Units should be allowed on every residential lot, provided all other standards are met, but failed to reach unanimity on removing the requirement for an additional parking space. The argument for requiring an additional parking space is based on 1) location, 2) occupancy and, 3) off-street parking limits.

- 1) Location: Since ADUs may be located on any residential lot in the City, again, providing all other standards are met, it means they may be located where no other means of transportation is available other than a City street. No safe pedestrian route or transit route may be available to the occupant. In that case, as in many for most residents, the only option for transportation is their vehicle. Space for that vehicle, if not dedicated, would likely be on-street, in the yard, in the boulevard or along the alley.
- 2) Occupancy: A publication by the American Planning Association lists the types of potential ADU occupants: *“For the home owner, ADUs provide the opportunity to offer an affordable and independent housing option to the owner’s **grown son or daughter** just starting out or to an **elderly parent or two** who might need a helping hand nearby. The unit could also be leased to **unrelated individuals or newly established families**, which would provide the dual benefit of providing affordable housing to the ADU occupant and supplemental rental income to the owner.”*ⁱ

In summary, people of all ages and abilities may live in an ADU. Donald Shoup, in his definitive book entitled *The High Cost of Free Parking* cites that “87 percent of all trips in the U.S. are now made by personal motor vehicles.”ⁱⁱ This means that people own and use cars if that is their preference. Not requiring a dedicated parking space may incentivize people to choose other transportation options, but a good number will still own a vehicle.

- 3) Off-street parking limits: The City now requires two parking spaces per single family residence, but older homes often do not conform to this requirement and may have only one or none. It is likely if there is dedicated off-street parking available for the ADU occupant, their vehicle would be parked in that space. As many existing residences do not have the two required parking spaces, or already occupy those two spaces, none would be available to the ADU occupant. The solution is to park the car wherever space is available. As stated in paragraph 1), this may mean on-street, which would contribute to congestion along the street; in the yard, which would be unsightly; in the boulevard, blocking sidewalks or pedestrian pathways; or along the alley, possibly obstructing alley access. **City Council might consider amending the recommendation to require one parking space per ADU if there are not already two off-street parking spaces available.**

For these reasons, two of the Planning Commissioners chose to vote against removing the requirement for parking.

Prepared by Candis Millar, AICP, Planning Commissioner

ⁱ *Accessory Dwelling Units; PAS QuickNotes 19, 2009, prepared by APA research staff with contributions from Elisa L. Paster and Evan D. Fieldman, associates at the Paul Hastings law firm.*

ⁱⁱ *The High Cost of Free Parking; Shoup, Donald, 2005, American Planning Association, Routledge*