

From: [Joyce Phillips](#)
To: judybardin@comcast.net
Subject: RE: Checking in on the proposed code changes
Date: Wednesday, January 12, 2022 9:01:00 AM

Good morning, Judy!
You are always welcome to ask follow up questions!
I've added responses below, in red.
Joyce

From: JUDITH BARDIN <judybardin@comcast.net>
Sent: Tuesday, January 11, 2022 6:11 PM
To: Joyce Phillips <jphillip@ci.olympia.wa.us>
Subject: RE: Checking in on the proposed code changes

Thank you Joyce. Your very detailed explanations are super helpful. I don't know how you find time to do all that you do.

1) I just had a couple additional questions (sorry). You said that an ADU are based on total gross floor area not square feet. I don't really understand what this means. Could you please explain.

I agree that it can be confusing. The city defines Gross Floor Area as "The area included within the surrounding exterior finished wall surface of a building or portion thereof, exclusive of courtyards." My understanding of how that is applied is that the city considers the *interior* square footage of the structure as counting toward the 850 square feet. So, in the past, if property owners have an ADU but do still have additional area on the lot that can be building footprint and impervious surface, then covered porches have been allowed. Since there were no specific size limits, the covered porch could be as big as there was room for, as long as the proposal also met the maximum lot coverage provisions of the zoning district. The proposed language is meant to provide an overall cap on the size, so it remains accessory to the main house. It doesn't come up all that often – but we get do questions about this a few times a year.

2) I understand why 1200 sf garages need a conditional use permit. However, it now seems that with the code changes anyone could build a 1200 sf garage without a conditional use permit.

- Could that 1200 sf garage later be converted to an ADU? It could only be converted to an ADU if it was placed on the lot in a way that meets the setbacks for ADUs (slightly different than the requirements for other accessory structures). And, only 850 square feet of the garage could be converted to the ADU. The remaining space would have to be used for storage or some other accessory use, but not part of the ADU. They would also have to meet the ADU design review requirements and pay the impact fees for a new ADU.
- If there are all these efforts to limit parking requirements (such as with the Capital Mall subarea plan) why are we encouraging larger garages? We aren't trying to

encourage them but more to acknowledge that perhaps not all garages over 800 square feet need to go through a conditional use permit process. The increase in size is primarily to acknowledge that some people want larger garages to allow for storage (usually for “toys” such as jet skis, boats, campers, snowmobiles, etc.). While we do allow garages to exceed 800 square feet by Conditional Use, my understanding is that we have not denied any that have been proposed (going back to 2007) and have not had any conditions to those that have been approved related to the size of the garage. Part of the proposed amendments would require the property owner to address how the garage is consistent with the main house – by addressing materials, colors, roof type, and roof pitch. The design considerations would apply to all detached garages, not just those over 1200 square feet. One thing worth noting is that garages that are attached to the house do not have a size limit. This proposed change would only apply to detached garages.

- **How can this be good for climate change i. e., by encouraging increased impervious surfaces?** The changes proposed won't increase or decrease the maximum amount of building, impervious, or hard surfaces allowed in any zoning districts. The changes would allow property owners to devote more of the portions of the lot that could be covered to be used for garage purposes instead of increased house size or devoted to other accessory structure types, without having to go through a conditional use permit. So, for example, if a property owner has a lot with a house on it, but wants to add a shed on one part of their lot and a garage on a different part of their lot, how they divvy up the sizes between the two accessory structures might change – but the maximum amount of new building coverage (or impervious or hard surfaces) would not change. And for anyone that still wanted a detached garage over 1200 square feet in size, they could request a conditional use permit (but still has to meet the lot coverage limits of the zoning district). Does that make sense? If I did not describe that very well please let me know.

Thank you for answering my additional questions.

JUDY

On 01/11/2022 1:02 PM Joyce Phillips <jphillip@ci.olympia.wa.us> wrote:

Additional thoughts/comments added below in blue, for a little more clarification – I hope.

From: Joyce Phillips

Sent: Tuesday, January 11, 2022 12:08 PM

To: JUDITH BARDIN <judybardin@comcast.net>
Subject: RE: Checking in on the proposed code changes

Hi, Judy.

Thanks for your patience for me getting back to you. See below for my responses in red. I am happy to chat over the phone if you would like, too. I am planning a briefing on these proposed amendments at the Planning Commission meeting on January 24th, so any questions the Commissioners ask may be of interest to you as well.

Joyce

From: JUDITH BARDIN <judybardin@comcast.net>
Sent: Monday, January 10, 2022 2:50 PM
To: Joyce Phillips <jphillip@ci.olympia.wa.us>
Subject: Checking in on the proposed code changes

Joyce,

Hi, happy New Year. Recently, new proposed code amendments were sent out. I had some questions about the changes.

1) Could you explain the SEPA changes. It looks as if there are changes to the timing of filing an appeal, but I really wasn't certain about the changes. I found them somewhat confusing. Maybe you could help me understand them better.

Our code has public notice and comment periods triggered by the City's issuance of the SEPA decision (e.g. Determination of Nonsignificance or DNS), which Olympia typically issues at the end of the review process. But the SEPA review process can also be done using the "Optional DNS process" (for those projects the city expects to issue a DNS). When the Optional DNS process is used, the comment period is at the beginning of the review process, which gives staff the ability to consider comments before issuing its decision. This is great because it allows staff time to consider public comments before making the determination, which could lead to mitigating conditions being added (in which case a mitigated determination of Nonsignificance would be issued).

The changes proposed would require that notice of the proposal and public comment period be moved to the beginning of the process **if the Optional DNS process is used**, so comments are considered before the DNS or MDNS is issued, rather than tying the notice and comment periods to the issuance of the DNS or MDNS.

Basically, the planner would have to decide early in the review process whether or not to use the Optional DNS process and then provide the appropriate notices. The ability to comment, the duration of the comment period, and the length of the appeal periods remain unchanged.

2) Why are covered porches and patios being added to ADUs? These units were already liberalized during the recent Housing Options. ADUs are no longer really accessory units, at 850 sf (the size of a small house), with no additional parking or owner onsite, and able to be two-stories. Why are we now expanding the area allowed for these units by 120 sf to allow additional structures? What about impervious and hard surface limits?

Covered porches are already allowed, because the definition of ADUs is specific to gross floor area rather than total square footage. We are proposing this language so that any such features are limited in size and cannot be enclosed (or eventually converted into living space). Any covered porches or patios (whether for the primary home or the ADU) are subject to the maximum lot coverages allowed in the zoning district the property is located within.

3) It looks like garages can now be 1200 sf. The Housing Options allowed existing 1200 sf garages to be converted to ADUs. Will owners eventually be able to convert new 1200 sf garages to ADUs? Why are we increasing the size of garages when we have climate change and are trying to move away from car dependency. Additionally, Invitation Homes currently has six Olympia homes currently listed on Zillow for rent. These homes are existing homes that are being renovated after purchase. Invitation Homes likes the model of buying properties where there is enough land to build an ADU. Are we going to feed into outside investors buying up Olympia homes with this change?

In low density residential zoning districts (e.g. R 4-8, R 6-12) garages and other accessory structures are limited to 800 square feet in size, unless a conditional use permit is approved for a larger garage. Since 2007 the city has issued 19 large garage Conditional Use Permits (hearing upon request). Of those 19 proposals, none were requested to go through a hearing. Seven of the 19 permitted large garages were 1200 square feet in size or smaller. All of the 19 applications were approved, with no conditions specific to the size of the garage. The proposed change would keep the 800 square foot size limit for most accessory structures (gazebos, sheds, art studios, etc.) but increase the size for detached garages allowed before a conditional use permit is required. Larger garages are typically requested for interior storage (RVs, boats, snowmobiles, jet skis, golf carts, etc.). All of the underlying lot coverages and setbacks would remain in place and still apply. **Additionally, the proposal includes adding in some design standards for the detached garages about colors and materials and roof type and pitch, which would apply across the city – not just in the areas subject to infill design review.**

The proposed amendments will not likely have any impact (positive or negative) on properties being purchased by “outside investors” or local families.

4) What is the rationale for allowing parking in a setback? Doesn't that defeat the purpose of a setback? What about exposing people to exhaust fumes with cars parked close to homes?

Parking and driveways are already allowed in setbacks. This usually does not occur since most driveways go straight into a garage, which does need to meet setbacks. The proposed changes are to identify what the dimensions are for a parking space that is not in a parking lot, such as for when someone is trying to figure out if they have a long enough driveway to show they have two off-street parking spaces for their home's requirement of 2 off-street parking spaces. This comes up in situations where someone wants to convert their attached garage into living space or other accessory use, but in order to do they have to show they will still have two off-street parking spaces.

Noise, odors, and emissions will still be covered by the Property Development and Protection Standards codes (OMC 18.40).

5) Why is the height for requiring a permit on a fence going from 6 ft to 7 ft? If uniformity is sought for the OMC codes 16 and 18, why not choose the lower of the two heights?

It has been confusing that some parts of the zoning code have standards for fence heights that refer to six feet and eight feet in height, while the requirement for building permits is now for fences that are seven feet or taller (I think it used to be six feet). The city's building codes, which are based on the International Residential and Commercial Building Codes, both have requirements for permits that are triggered at 7 feet, which we lowered to six feet to match the zoning code. The proposed code amendments keep the six and eight feet in height provisions but note that at 7 feet a permit is required. This was proposed to try to align permit requirements to the International Codes, which will hopefully make things more consistent and easier to track and implement. The request to match up the code section with the International Building Codes came from our building department staff. We only rarely get requests for fences over six feet because they would have to be located outside of setback areas, which most people do not want to do.

Thank you for answering my questions. I may be misinterpreting the changes, so please forgive any misunderstanding.

Judy

Judy Bardin
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