

TO: Todd Stamm  
FROM: Jerry Parker  
RE: Commercial Design Review Expansion - Questions  
DATE: May 20, 2015

The following questions in no way reflect on the quality of the briefing materials provided to the Planning Commission as background to the Hearing conducted by the Commission on May 18 on possible design review expansion (File # 15-0487). Rather, they reflect my limited understanding of a very complex set of regulations.

I believe at least some other members of the Commission share my “limited understanding” and may find the questions and your response useful. For that reason, I ask that you circulate these questions and your responses to the Commission, as well as to members of the public present at the Hearing.

## QUESTIONS

### Staff Briefings of 5/4 and 5/18

1.

Is there a statutory requirement to bring the code into conformance with with Comprehensive Plan within a specified time? If so, what is that time?

Until I have a better grasp of the current and proposed regulations, I am reluctant to vote in favor of the proposed changes.

It appears to me that the proposed scope for the Downtown Strategy that was scheduled for Council consideration on 5/19 contains provision for a consultant review of our design regulations. (See immediately below) Consequently, it would appear logical to delay any revision of the regulations so that the recommendations of the consultant can be considered. A change in regulations at this time and a possible additional change within a year will create considerable uncertainty for both developers and the public.

(The following excerpts are taken from the “Scope for the Downtown Strategy” that is an attachment to the Council agenda for 5/19)

#### Attachment A : Scope of the Downtown Strategy

2. Review, illustrate & refine design standards: Review existing design standards; recommend refinements to better align with goals; better illustrate desired end state.

Attachment B: Scope of Work

(Attachment to Agenda for Council Meeting of 5/19)

(Page 10)

Review, suggest refinements and illustrate design standards: Review existing design standards and processes that apply to buildings, sites and right-of-way, and identify revisions for better alignment with vision and goals. Create illustrations that provide clarity about the desired character of the built environment downtown - applies to new construction, existing and historic structures in downtown. Outcome would be illustrations and possibly amendments to design standards in Title 18 and/or Engineering Design & Development Standards (EDDS).

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2.

The background states that “over the years” regulations have been expanded to encompass more areas of the City and more types of development.” (p. 9). From the maps and the various regulations, I have the perception that the structure of our regulations is “jerry-built”.

The staff briefing of 5/18 notes that there was a “complete reorganization” of the design code in 2004. (p. 11 of 5/18)

Nonetheless, the staff briefing of 5/18 recommends additional “clarifying” amendments. Thirteen such amendments are identified. (p. 11 of 5/18)

It appears that if approved by the Commission and adopted by the Council, these “clarifications” would be entered into the code.

Has the City done a review since 2004 of all design regulations for consistency and clarity?

Are these proposed clarifying amendments currently being observed by the City in the design review process?

(See Question #8 below)

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3.

The staff briefing of 5/18 (pp. 9-13) includes Policy 6.1 from the recently adopted Comprehensive Plan. The policy appears to provide for expanded design review. This would include “non-residential development such as the Port..... multifamily residential development.....detached home on smaller lots and in older neighborhoods (pre 1940).”

However, the 5/4 briefing recommends “Option 2” which would limit expansion of design review to “ commercial structures along public streets and would not require any new design criteria....” By implication, this means that multifamily residential development and detached home (sic) on smaller lots would NOT require design review.

The recommendation of Option 2 on 5/4 appears to suggest that the City has considerable latitude in implementation of Policy 6.1 of the Comprehensive Plan, i.e. it is not required to expand design review to the Port or to multifamily residential development.

Please comment.

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4.

Policy 6.1 appears to require establishment of design review for detached homes on smaller lots and in older neighborhoods (pre 1940).

Despite several attempts by staff to explain this provision (adopted by the Commission in its recommendation), the logic for limiting design review for residential construction to neighborhoods built prior to 1940 requires frequent repetition. I believe this should be included in the actual code.

The provision to focus design review on pre-1940 neighborhoods is both logically and syntactically confusing. Does this mean detached homes on smaller lots in older neighborhoods, or does it mean on detached homes on smaller lots and in older neighborhoods?

What is the logic to expand design review to houses in pre-1940 neighborhoods? Why does Policy 6.1 provide for design review of these houses but, by implication, not provide for larger houses on larger lots in post-1940 neighborhoods?

What, again, is the reason to direct design review to houses on smaller lot rather than more potentially impacting larger homes on larger lots?

(Whatever the answer, I urge that any proposed regulation use a more explanatory term than “pre-1940” neighborhood.)

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5.

The staff briefing states that with the exception of commercial and mixed use projects along (all) public streets, the new policy reflects the current regulatory structure. (p. 10 of 5/18)

This statement appears at odds with the provision in Policy 6.1 which clearly require expansion of design review to multifamily residential development and to detached homes on smaller lots.

Please comment.

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6.

The staff briefing of 5/18 states that “commercial” would not include institutional such as schools and hospitals. (p. 11 of 5/18).

Are churches (all structures for the purpose of religious activities) excluded?

What is the logic for excluding schools and hospitals?

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7.

The Design Review Board recommended that Evergreen Park PUD should not be exempt from Design Review. (p. 11 of 5/18)

However, the staff briefing of 5/18 references the staff briefing of 5/4 which includes the staff recommendation that the Evergreen Park PUD remain exempt from design review. (5/18, p. 11)

Please explain the reasons behind these opposing recommendations.

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8.

The staff briefing of 5/18 notes a number of “clarifying amendments” of the design review chapters in the City’s development code.(p.12/5/18)

Are these proposed “clarifying amendments” currently being used by the City in implementing design review?

Amendment:

#1

Would make (or does make) projects subject to design review subject to scenic vistas as identified on official maps.

Do current “official maps” define such vistas or does this proposed amendment anticipate creation of such maps in the downtown strategy?

#6

This proposed amendment refers to the “size of each building” and not to total project floor area.

Please explain.

#7

This proposed amendment appears to exempt the Port from the City design review process. This appears to contradict the language in Policy 6.1 in the Comprehensive Plan.

Please explain.

#11

The proposed amendment refers to the “small lot provision”.

Please explain both the provision and the logic to focus design review on small lots,

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Planning Commission Hearing Draft of May 4, 2015 (Attachment 1)

(New language is underlined. By deduction, language not underlined is in current City code )

## OMC 18.100.060 - Projects Subject to Design Review

#A 6

The text clearly states that projects subject to design review include “single family housing on lots less than 5000 square feet or on substandard lots.

What, again, is the logic for design review of small lots? This appears contrary to provisions in code and in the Comprehensive Plan to encourage infill and construction of ADUs.

Please explain.

#A 10

The text clearly states that duplexes, triplexes, fourplexes, townhouses, accessory dwelling units, and cottage housing are subject to design review. By implication, single family houses on lots larger than 5,000 square feet are not subject to design review.

Again, the Comprehensive Plan includes policies to encourage infill, increased residential density, and construction of ADUs.

What is the logic for this apparent discrimination against smaller houses?

Is the current language on design review consistent with the Comprehensive Plan?

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OMC 18.100.080 Design Review Districts and Corridors

The “clarifying amendments” under this section of the code remove the numeration of the High Density Corridor and refer only to “High Density Corridor”. (p. 17 of 5/18)

Is this a typo? Should it be “High Density Corridors” ?

Why are the numbers “1,2,3,and 4” eliminated”

Various other corridors are identified and remain in the clarifying amendment, e.g. Residential Scale Corridor.

The text states that these corridors are defined on the Official Design Review Map. Should these definitions or the actual map not be part of the Comprehensive Plan?

Reference to various design review corridors separate from reference in the Comprehensive Plan to land use corridors is bound to create confusion among the public and the development community.

Would it be possible to propose a separate term for design review corridors, e.g. design review districts?

(As suggested immediately below, at this time, I would prefer a much simplified set of regulations that would not have different standards for different sites. I need more information to know if that is practical and if it would achieve the intent of design review.)

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#### OMC 18.100.090 Design Review Process

The listing of design districts and corridors creates confusion.

Is it possible to significantly simplify these districts and corridors? Could the single definition of “district” replace the designation of corridor?

Where is the logic for these separate design districts and corridors? Should it not be stated in the code?

The near byzantine overlapping and redundancy among design review districts and corridors argues strongly for a fundamental revision of the design review code. It appears a thicket whose obvious if unintended consequence is delay of project proposals, as likely differences in interpretations are negotiated between project proponents and staff.

Would it not be logical to await the contracted review of standards rather than confirm the existing complexity and likely confusion of the current design review code? (See Question #1 above)

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#### Basic Commercial Design Criteria (Attachment 3 to 5/18 packet)

The language often appears too general to provide clear guidance. The likely consequence will be (or is) protracted negotiation or, perhaps, the cancellation of projects as a result of an inability to come to an agreement on the meaning of the criteria.

Examples:

18.10.040

“Maintain a human scale.....by openings at frequent intervals.”

What is a human scale? How frequent must the intervals be?

18.100.050

Provide pedestrian amenities.....

Amenities are listed but which, if any, are required? How is this decided?

18.110.060

To protect scenic views, developers must “consider” the impact of proposals on views of six listed features.

What does it mean to “consider”?

All development must reserve “a reasonable” portion of such views.

Reasonable to whom? How is this determined and by whom?

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Basic Commercial Design Criteria - Attachment 4  
(27-41 of packet of 5/18)

Here, the requirements listed in the above section of the briefing are repeated for some provisions. Additional provisions are listed, e.g. “Building location and design”

The relation between Attachment 3 and Attachment 4 is quite confusing.

Are the sections of code for the Commercial Design Criteria selective? Why are some sections of code presented while others are not?

In summary, the rationale for these two attachments is not clear. No changes in the text appear to be proposed by staff.

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Testimony and Discussion at the Commission Meeting of 5/18

1.

Mort James repeated my concerns regarding terms in the Design Review Code that lack specificity, e.g. “reasonable”.

Is it feasible to use precise language with reference to design features? How do other cities deal with this issue?



2.

Mr. James also raised the issue of the appeals process for decisions of staff or the Design Review Board. Having experience an extensive delay in resolving a land use issue related to my own house, I am quite sympathetic with the need for quick resolution of conflicts between project proponents and those responsible for administering design review.

What is the current process to resolve such conflicts? What is the range of delay in project action as a result of such conflicts? Could conflicts go immediately to the Hearing Examiner?

3.

Mr. James noted that the costs of compliance with design review are significant at the perfunctory level and can rise dramatically if there is extensive negotiation between a project applicant and the City. Mr. James indicated such costs are often at the expense of desired amenities, e.g. use of green materials and technologies.

In your opinion and based on your experience, would simplification and clarification of the design review standards and procedures have a significant effect in reducing the cost of compliance?

4.

Stuart Drebbick characterized design review as the transformation of a micro-problem into a mega-problem.

I realize it is difficult or impossible to prove what would have happened in the absence of design standards.

Can you comment on how simplification of the current design review standards and procedures might impact the future built environment of Olympia?

5.

Mort James suggested that the professional qualifications and ethics of architects were sufficient assurance that buildings will achieve the intended outcome of design review.

What is the percentage of commercial buildings that are designed by licensed architects?

What is the percentage of residential buildings currently subject to design review that are designed by architects?

Certification by a licensed engineer is required for all structures over a minimal size in the City.

Could this be a useful model for design review?