



# Staff Responses to Public Comment Themes

July 2020

The City is considering **Housing Options Code Amendments** to the zoning code in order to allow a wider variety of housing types in residential zoning districts. The housing types include Accessory Dwelling Units (ADUs), duplexes, triplexes, and courtyard apartments. In some cases, amendments to the standards for these housing types are proposed. In other cases, the housing type is not currently allowed in some zones and amendments are proposed to allow the housing type in certain zones. For more information about the proposed amendments please visit [olympiawa.gov/housingcode](http://olympiawa.gov/housingcode).

## Public Comments

Public Comments on the Housing Options Code Amendments have been submitted over several months. Below the major themes of those comments that express concerns rather than support are identified and staff responses are provided.

### Housing Supply/Shortage/Affordability

General Issue Raised	Staff Response
More units does not mean more affordability.	Olympia has a very low vacancy rate (less than three percent). More housing units will help address the demand for housing, which will help prevent rent prices from increasing as fast as they otherwise could if zoning continues to restrict or prohibit multi-unit housing types in many areas of the community. Housing created as a result of these proposed amendments may not be affordable for low income groups, although the City is working on numerous projects to increase housing that is affordable at all income levels. It is anticipated that these housing units will be primarily market rate housing. Sale or rent will depend on many factors, such as size, location, and the quality of construction. However, if this proposed ordinance is approved it could also be used to construct subsidized housing affordable to low income levels. The primary intent is to provide a greater variety of housing types and sizes to meet the diverse needs of the entire community, rather than continuing to restrict portions of the community to new housing that is only affordable to those with moderate to high incomes. The result of having more housing units and options available will be to help take some of the pressure off of the housing market to at least slow down the cost of housing price increases.
The City should include provisions to primarily serve those who are low income.	The City is working on multiple housing efforts simultaneously. Some of the other efforts are directly related to providing low income housing, emergency housing, and working to end homelessness. Olympia needs more housing for people across the entire income spectrum.
Will the City require set asides for low income people for this housing?	These proposed amendments for increased housing options do not have specific requirements to be set aside for low-income households. These housing types will occur in existing neighborhoods and the rental rates will be set by the property owner(s). However, low-income housing developers could use the increased housing options to create more low-income housing units. There is also evidence to suggest that ADUs are often rented to family members or acquaintances, often at below market rates.



# Staff Responses to Public Comment Themes

## Neighborhood Character/Design Review

General Issue Raised	Staff Response
How will the City help to retain the character and feel of our neighborhoods?	These housing types are subject to the Infill & Other Residential design review requirements specifically because they do address Neighborhood Scale and Character. These housing types will be subject to these standards even when proposed on properties that are not located in the Infill Design District.
Would duplexes on corner lots be required to appear as single family residences from the streets?	Not necessarily. As long as the proposed structure meets the Infill & Other Residential design review requirements, and the development standards of the zoning district, it would be allowed. The ability to have one front door face each street will depend on the size and shape of the lot, as well as any driveway location constraints.
Window placement should ensure privacy is maintained on adjacent properties.	Window placement and privacy issues are part of the Infill & Other Residential design review standards. This is reviewed at the time of building permit application.
Retain trees	The City's tree requirements and standards are not proposed to change with these housing options. The minimum tree density requirement is 30 "tree units" per acre. This requirement will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing. Part of the reason the building height for ADUs that are not attached to the primary building is proposed to be increased is to allow for an ADU to be built over a detached garage or shop. This would allow more of the lot to be kept in yard and garden area, which would allow more trees to be retained or planted.
The City should monitor neighborhood character and aesthetics by neighborhood.	The design review for each of the housing types proposed require a review of other housing styles on both sides of the same street, within 300 feet of the lot. This means the new construction will blend in not only with the greater neighborhood, but on each block.

## Compatibility and Scale of New Structures

General Issue Raised	Staff Response
Concern that three story apartment buildings will be built and will not fit in.	All of the housing types proposed are limited to two stories in the low-density residential zoning districts (primarily R4-8 and R6-12).
The 35 foot height limit is too high.	Thirty-five (35) feet is the current maximum height allowed for single-family homes.
Overhangs, stairs, and clerestory windows must be counted in allowed square footage and height.	The way the city measures building height, setbacks, and developable portions of the lot is not proposed to change. Overhangs are allowed to project two feet into the setback areas, stairs count as part of the structure and therefore must meet setbacks if they exceed thirty inches in height. Building height is measured from the average grade of the building site to the midpoint of the roof. All of these standards will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing.
Should allow larger ADUs/ Should require smaller ADUs.	We are proposing any ADU could be up to 800 square feet. This is because the ADU is meant to be <i>accessory to</i> the primary home. We realize that some people want bigger ADUs and some people do not want ADUs to be larger in



# Staff Responses to Public Comment Themes

	size than a certain percentage of the primary home. The proposed size is meant to balance those perspectives. However, the City may want to increase the proposed size to 850 square feet to match the maximum size allowed in the City of Lacey because the cities are working together to develop preapproved ADU plan sets that would be available for use.
Shading that results from taller new construction could negatively impact the solar panels on adjacent properties.	The City does not currently have standards or requirements about ensuring new construction does not shade adjacent properties, even if there are solar panels already installed. While property owners can work with the adjacent property owners to obtain private “solar access” easements, they are not required to do so and in most cases have installed solar panels without such easements. The proposed changes do not alter the portions of the lot that can be built on or the maximum height of the structures that could be built. Even though the maximum height for detached ADUs is proposed to increase from 16 feet to 24 feet, it is still lower than the 35 feet that is currently allowed for additions to the home that could be built in the same area of the lot.

## Parking

While some comments supported less or no parking for these housing types, most parking comments were to express concern that off-street parking should be required. Concerns that finding street parking or things like street sweeping, mail delivery, and garbage collection would become more challenging were expressed. Also mentioned were increased risks to bicyclists and pedestrians and restricted ingress and egress for emergency vehicles on congested streets. Other opinions were that requiring on-site parking is expensive, supports continued auto-dependence, and prioritizes space for cars over space for people.

Staff response: We are striving for a balance to accommodate parking. The staff recommendations include requirements for all of these housing types, except ADUs. These are *minimum* parking requirements and property owners could choose to provide on-site parking for ADUs or additional parking for any housing type. Planning staff coordinated with transportation engineering staff to look at peak parking demands for these housing types. City Transportation Engineering staff used the Parking Generation, 3rd Edition manual of the Institute of Transportation Engineers and calculated the average peak parking demand for these housing types. The proposed minimum required off-street parking provisions for these housing types is adequate to meet average peak parking demands for these housing types.

Housing Type	Current Min. Required	Avg. Peak Parking Demand	Proposed Min. Required	Notes
Single Family	2	1.83 spaces	2	
ADU	1	.034 – 0.5 spaces	0	Even at highest rate, when combined with Single Family, the peak number of stalls is 2.33, which we would round down to 2.
Duplex	4 (2 per unit)	1.02 spaces/unit	4 (2 per unit)	
Triplex	1.5 per unit	1.02 spaces/unit	1.5 per unit	Clarify minimum of 5 is required in R 6-12 zoning district
Courtyard Apt.	1.5 per unit	1.02 spaces/unit	1.5 per unit	Standard for apartments is 1.5 per unit (1 per studio unit)



# Staff Responses to Public Comment Themes

## Traffic and Schools

General Issue Raised	Staff Response
City's development standards for street improvements are costly but necessary	The City requires frontage improvements (sidewalk, curb, gutter, planter strip, etc.) be constructed for projects that will result in more than 20 new average daily trips. This is not proposed to change as a result of these amendments. It is worth noting that the Council's Land Use and Environment Committee is looking at the cost of development, including street improvements. The Committee may recommend changes to the full Council at some point in the future.
Adding duplexes and triplexes, while increasing the density of the population within our neighborhoods will also significantly change traffic patterns, causing congestion where currently there is none.	The City's Comprehensive Plan envisions growth within the Urban Growth Area, including where and how densely that growth will occur. The amount of people the city is planning to accommodate by 2035 has not changed. While the Plan directs most of the new population to moderate and high-density neighborhoods, it also calls for some growth and infill within the areas designated as Low Density Neighborhoods. The proposed amendments will implement that portion of the Plan. This includes making use of existing streets and utilities to accommodate infill. This will help disperse traffic out across the City, while still directing most new growth to the higher density areas where walking, bicycling and transit are more convenient. In instances where the existing infrastructure is not adequate to serve additional housing, the city will deny the application or require the property owner to make the necessary improvements.
Schools – overcrowded and under funded	The local School District is planning for the same amount of population increases as the City. The District is aware of and supports the Future Land Use Map and where the growth is anticipated to occur.
Traffic congestion	The City collects transportation impact fees for each new residential unit. The aggregated fees are used to build the transportation improvements needed to ensure the city meets the adopted level of service standards.
Sidewalks are needed with new construction, and it's needed even more in areas near schools.	The City requires the construction of the sidewalk, or payment into a sidewalk program, with each residential building permit on lots where the sidewalk is not present. When property is subdivided an analysis of walking routes to schools is conducted. It is common to have requirements to build sidewalks, even off-site, in order to meet the requirement to provide safe walking routes to schools.

## Infill and Housing Variety

General Issue Raised	Staff Response
Increasing density at cost of protecting the environment.	All of the City's environmental protection standards will still remain in effect. All of these standards will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing. This includes protecting groundwater, wetlands, floodplains, steep slopes and geologically hazardous areas, streams and riparian areas, and important habitats and species. It is important to note that the allowed densities of the underlying zoning districts are not proposed to change.



# Staff Responses to Public Comment Themes

What about areas where existing infrastructure cannot accommodate additional housing?	In areas where existing infrastructure cannot accommodate additional housing the City will not issue building permits unless the needed improvements are made.
Current ADU size and height standards too restrictive.	We understand that some members of the community want ADU standards that are more strict, while others would prefer standards that are less restrictive. The proposed amendments are less restrictive than the current standards and are balanced between these competing perspectives.

## Tear Downs

General Issue Raised	Staff Response
The proposed amendments to allow more housing types in single family neighborhoods will destroy our neighborhoods.	Staff does not believe these proposed code amendments will result in an increase in the number of demolition permits that are issued or detract from the character of existing neighborhoods. There is evidence throughout Thurston County cities that when houses are demolished and the property owner decides to rebuild, it is likely a single family home will be built in its place. However, if the property owner has the desire and can meet the development and design review standards, the option to build a duplex would be allowed. Depending on the zoning district where the property is located, a triplex or courtyard apartment may also be an option. Regardless of these housing types proposed, design review and off-street parking standards would have to be satisfied. Allowing small scale multifamily housing is consistent with the Comprehensive Plan adopted vision for low density residential areas. Small scale, multi-unit residential development that meets the infill design review requirements is consistent with the comprehensive plan’s low density land use designation and with existing development in low density neighborhoods.
Single family homes will be sold to developers for apartment buildings.	The only type of apartments that would be allowed in most of these zoning districts (apartments are currently allowed in the RLI zone) have specific open space requirements for both shared and private open spaces for the tenants.
These code changes will encourage investor owned housing in our neighborhoods – we don’t want that.	These housing options will also allow more homeowners to add an ADU or convert their homes to duplexes. Many of the homes in the City are owned by the people who live in them. Many of the homes are owned by others, who may or may not live in the area, and then rented. Most owners who rent housing do so as an investment. Over 50% of our community currently rents their housing. The code amendments proposed are modest and balance several issues, including aesthetics of the structures and blending new construction in with the surrounding neighborhood. Staff does not believe these amendments will result in a significant change in the amount of housing that is owned by investors.



# Staff Responses to Public Comment Themes

## Other

General Issue Raised	Staff Response
Not satisfied with the amount of notice provided.	City staff has ensured this project has met and exceeded the public notice requirements.
These amendments will only benefit developers.	We understand that many people believe this to be true. The majority of people that staff have talked to about these proposed amendments are people who are interested in building an ADU on their property. A few people have shown interest in converting their existing homes into duplexes. Even fewer have inquired about triplexes or courtyard apartments. The addition of any of these housing types would be considered to be by “developers”. The code amendments will equally benefit all property owners who could provide more housing opportunities. The primary purpose of these amendments is to provide more choices and opportunities for people who want to live in neighborhoods throughout Olympia, rather than only zoning districts that contain apartment complexes.
Support these for local property owners and developers over out of town developers or larger scale projects.	The requirements will be the same for all people regardless of where they live. Changes that help local property owners will also help out of town developers if the developers are interested in small scale infill housing opportunities. Larger scale projects would need to be located in moderate or high density zoning districts.
Duplexes in an area of single family homes may lead to lack of property maintenance.	This presumes that people who rent their residences are less likely to maintain the property than a homeowner. This is a stereotype. There are some renters who maintain the property as well as or better than a homeowner and vice-versa. All properties will continue to be required to be maintained in accordance with the City’s codes (codes that address nuisances, property maintenance, unfit buildings, etc.), which apply equally to all residential housing types.
ADU standards that are too costly will result in more illegal ADUs.	Some ADU standards relate to zoning (size, setbacks, design review) while others are related to engineering and building (utility connections, impact fees). The related standards in these amendments are specific to zoning standards with the intent to balance housing and neighborhoods. Other aspects related to costs for building ADUs and other housing types are being considered by the Council’s Land Use and Environment Committee in related work. The City strives to balance housing needs, community interests, and impact fees, and costs.
What does the city do to encourage development on existing infill lots?	One of the primary benefits of developing existing infill lots is that in most cases the water and sewer lines are already in the street and available for connection. If the sidewalk is present the property owner will not need to pay for construction of a new sidewalk. In addition, if there was a residence on the property in the past, existing meters may be used for the new construction and impact fees may not be required.
Why doesn’t the City encourage residential	The adopted Comprehensive Plan identifies three High Density Neighborhood areas in the City (Downtown, eastside, and westside). These areas are intended to accommodate most of the population growth, are



# Staff Responses to Public Comment Themes

<p>development in other areas, like along arterials?</p>	<p>zoned for a mix of commercial and residential uses at higher densities, and are connected by urban transportation corridors. The Downtown was the first of these three areas to go through a subarea planning process which resulted in the Downtown Strategy being adopted. The other two high density neighborhood areas will go through a similar planning process in the future. The Comprehensive Plan also states that infill within the Low Density Neighborhood area is needed and describes these areas as providing for a mix of residential housing types.</p>
<p>Concerns that this will lead to gentrification and continued racial issues. Concern that money and greed is at the root of this. We don't want to end up like Seattle.</p>	<p>The City is working to provide more housing options across the city. Most new housing units will occur in moderate and high density areas but some growth is also planned to occur in low density neighborhoods. By allowing more housing opportunities across all housing types and income levels, we are working to prevent gentrification. Allowing homes to add an ADU or convert into a duplex or triplex may help alleviate pressure to buy older homes on larger lots to demolish them. Working to allow more housing types in existing neighborhoods will help keep pace with our changing demographics (fewer people per household) and provide greater choice for where people can live in our community. Not everyone wants to live in apartment complexes or can find affordable housing (to rent or buy) in the neighborhoods of their choice. The intention of these amendments is to provide much needed housing by increasing the variety of housing types allowed in low density residential areas, making use of existing utilities and public amenities (parks, schools). These amendments are intended to reduce the likelihood of gentrification by spreading out housing across the City rather than targeting only one or two areas for new growth. In addition, by having more housing and housing options in all neighborhoods, the City is working to eliminate barriers to decent housing for all groups including minorities of any kind (race, ethnic, sexual orientation, etc.).</p>
<p>Don't increase density in our neighborhoods.</p>	<p>The proposed code amendments do not increase the densities <b>allowed</b> in the underlying zoning districts. However, it is possible that development patterns may change over time so that the <b>achieved</b> densities could increase. All new subdivisions are reviewed for compliance with the density range of the applicable zoning district. Annual monitoring of density is proposed to maintain consistency with the Comprehensive Plan.</p>
<p>Courtyard apartments benefit corporations and are built around cars.</p>	<p>As proposed, courtyard apartment proposals require a shared open space as well as private open spaces for each unit. Parking is not allowed in the courtyard that the apartments must be built around. The City's design review requirements ensure the certain elements of design are addressed to help the new construction blend into the existing neighborhood.</p>
<p>Concern about the combined sewer and stormwater system that might be overloaded.</p>	<p>The City has master plans for sewer and stormwater. These master plans align with the Comprehensive Plan and look at the infrastructure requirements needed to serve the existing and planned growth. Additionally, the City's Engineering Design and Development Standards (EDDS) are designed to ensure development complies with the standards for public safety and environmental protection, including for sanitary sewer and stormwater. All development is reviewed for compliance with EDDS before any permits are issued. The Cities and Thurston County work cooperatively</p>



# Staff Responses to Public Comment Themes

	with the LOTT Cleanwater Alliance to ensure development can be accommodated and treated and that the treatment facilities are adequately sized to handle the anticipated population growth and economic development activity.
Stormwater and drainage concerns	All of the current standards addressing stormwater runoff will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing. These include limits on hard surface and impervious surfaces on each lot.
The City should delay action on this proposal during the pandemic.	No action is being taken and scheduling of the public hearing has been delayed. The City continues to take written public comments and will do so until the close of the public hearing. Staff's recommendations for how to implement the housing options under consideration were issued just a week or so prior to the stay home order being issued. Staff chose to continue briefings with the Planning Commission on the topic but will not schedule the public hearing until adequate provisions can be made to allow for public testimony to be provided.
Increased need for police and fire services	The City establishes the need for police and fire services on the population within city limits. The amount of growth the City is planning for is set in the Comprehensive Plan and is not proposed to change at this time.
Strain on trash collection and sewer infrastructure	Infill development is the most efficient way for a city to provide urban services such as trash collection and sanitary sewer to new population growth. Infill development makes use of existing routes and pipes. The overall need for trash service and sewer treatment is based on the overall population to be served, which is not proposed to increase with these amendments beyond the growth envisioned in the Comprehensive Plan.
New buildings could shade garden areas and decrease ability to grow food	New buildings will shade lands that fall within its shadow. The area of the shadow will vary throughout the year and by the time of day. However, the portions of lots where construction is allowed are not changed as a result of these proposed amendments. All of these standards will continue to apply to all properties, whether constructed with single-family houses or multi-unit housing. The only change in height that is proposed is for ADUs that are not attached to the main house. The height increase would allow an ADU to be constructed over a garage or other accessory building. The ADU could then be up to 24 feet in height, as proposed. This height allowance is still lower than the height allowed for the main house, which is 35 feet.
Goal of net density of 6 units per acre.	The City is not proposing to implement the housing option included in the state law to establish a minimum density of six units per acre. The allowed densities of the zoning districts are not proposed to change as a result of these proposed amendments. Some zones have existing density provisions for less than 6 units per acre to help balance values, such as protecting sensitive drainage basins (RLI – Residential Low Impact and R-4CB – Residential 4 Chambers Basin).
Why not just increase the minimum lot size	The majority of the City is already subdivided. While most lots are larger than the minimum lot size allowed, in most cases they are not large enough to be re-divided. However, some lots are smaller in size – either at or only slightly larger than the minimum lot size. If the city increases the minimum lot size we risk turning lots that currently conform to zoning standards into

	<p>“non-conforming” lots. This can create challenges in the future. The City proposes these changes with the intent to keep all existing conforming lots as conforming. And new subdivisions are required to show the proposed use for all lots that are not for single family homes so the City can calculate density to ensure the proposed development falls within the allowed density range of the zoning district.</p>
<p>Why doesn't the City propose larger lot size requirements for triplexes and courtyard apartments?</p>	<p>The City is proposing code language to implement the option as written in state law, which is to allow these housing types on each parcel in zoning district(s) where single family homes are allowed. If we required larger lot sizes for these housing types, it would not satisfy the “on each parcel” part of the option as written in state law.</p>
<p>The proposed language about monitoring density seems vague.</p>	<p>The language proposes the density described in the Comprehensive Plan (up to 12 units per acre) be monitored on an annual basis. The intent of the language is to ensure consistency between the Comprehensive Plan and the codes that implement it. The monitoring will be focused on the question of whether the density described in the Comprehensive Plan is met. The specific methodology may need to be adjusted based on changes; for example, zoning district boundaries may change over time.</p>

## Supportive Issues Identified

Some comments included support for the proposed amendments. These issues are noted but staff is not responding to them specifically:

- Will help reduce sprawl and to be a more sustainable City
- Will protect surrounding farm and forest lands
- Will help to return to historic residential development patterns
- ADUs will support and allow for more upward social and economic mobility
- The adopted Comprehensive Plan calls for a mix of housing types
- Supports a variety of housing types for all kinds of people
- Supports greenhouse gas emission reduction, promotes more walking/bicycling/transit use
- Makes better use of existing infrastructure
- Would allow more housing units in Historic Neighborhood without tearing down existing structures
- Support for more options to allow people to age in place
- Support for pre-approved ADU plans

## Beyond Planning Commission's Purview

Several comments address issues that are beyond the scope of the Planning Commission. While these comments have been provided to the Commission and will be forwarded to the City Council, staff will not address them here. These issues include:

- Current Property Tax System
- Appeal provisions in current state law
- SEPA Decision Issued
- Private covenants
- Rent Control issues
- Multi-Family Tax Exemptions