

BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

IN RE:) HEARING NO. 18-2776
)
VILLAGE AT MILL POND,) CORRECTED FINDINGS OF FACT,
) CONCLUSIONS OF LAW
) AND RECOMMENDATION

APPLICANT: 2400 Lilly Road, LLC
300 Deschutes Way S.E., Suite 110
Tumwater, Washington 98501

REPRESENTATIVES:

Ron Thomas
Amos Callender
Thomas Architecture Studio
109 Capitol Way North
Olympia, Washington 98501

SUMMARY OF REQUEST:

23 text amendments to the Design Criteria for the Village at Mill Pond Master Plan. Proposed Amendments 1-15-A apply to single-family dwellings and townhomes. Proposed Amendments 16-22 apply to apartments and community buildings.

The Design Review Board (DRB) and City Staff recommend that the following proposed Amendments be approved as requested: Amendment 1, Amendment 5, Amendment 7, Amendment 13, Amendment 15-A, Amendment 16, and Amendment 21

The DRB and City Staff recommend that the following proposed Amendments be approved subject to additional language (and the Applicant concurs): Amendment 6, Amendment 8, Amendment 9, Amendment 11, Amendment 12, Amendment 15, Amendment 17, Amendment 19, Amendment 20.

The Applicant has discontinued its request for Amendments 14 and 22.

The DRB and City Staff oppose the following requested Amendments: Amendment 2, Amendment 3, Amendment 4, Amendment 10, and Amendment 18.

LOCATION OF PROPOSAL:

Village at Mill Pond, 2400 Lilly Road N.E.

*Corrected Findings of Fact, Conclusions of Law
and Recommendation - 1*

CITY OF OLYMPIA HEARING EXAMINER
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1 **SUMMARY OF RECOMMENDATION:**

2 The proposed Amendments 1, 5, 7, 13, 15-A, 16, and 21 should be **approved** as is.

3 The proposed Amendments 6, 8, 9, 11, 12, 15, 17, 19, and 20 should be **approved** subject to
4 the additional language requested by the City and agreed to by the Applicant.

5 Proposed Amendments 14 and 22 should be **dismissed** as requested by the Applicant.

6 Proposed Amendment 2, 3, and 10/18 should be **denied**.

7 Proposed Amendment 4 should be **partially approved** in a manner consistent with current
8 practice.

9 **BACKGROUND**

10 The Village at Mill Pond Master Plan development was approved by the City Council in
11 2011. The Master Plan provides for a mix of housing totaling 209 residential units, commercial
12 and community buildings as well as open space. Design standards were approved under
13 Ordinance No. 6773. The preliminary plat was approved by the Hearing Examiner in 2011 and
14 Phase 1 of the preliminary plat received final plat approval from the Council in 2015 for 45
15 single-family detached lots and 2 townhome lots. Much of the housing in Phase 1 has been
16 constructed.

17 Engineering permits for Phase 2 have been approved for construction of roads and other
18 site improvements. Once these improvements are made the final plat for Phase 2 will be
19 submitted to the City for approval. Phase 2 will provide an additional 45 single-family
20 dwellings east of Phase 1.

21 The majority of housing is proposed for the final, third, phase. It will include a much
22 more diverse mix of housing densities and uses. The timetable for Phase 3 has not been
23 determined.

1 As Phase 2 is preparing to get underway, the Applicant asks for 23 text amendments to
2 the Design Criteria in the Master Plan. Amendments 1 through 15-A apply to single-family
3 dwellings and townhomes, while Amendments 16 through 22 apply to apartments and
4 community buildings (but are essentially the same Amendments as proposed for single-family
5 dwellings).

6 The application for the text amendments was presented to the Design Review Board
7 (DRB) for recommendation. Following review by the DRB in March, City Staff independently
8 reviewed the application and provided recommendations. The recommendations of the DRB
9 and City Staff are identical.

10 The DRB/City Staff recommend approval of Amendments 1, 5, 7, 13, 15-A, 16, and 21
11 without any modification.

12 The DRB/City Staff recommend approval of Amendments 6, 8, 9, 11, 12, 15, 17, 19,
13 and 20 subject to modifications to the Amendments. In each instance the Applicant agrees to
14 the City's proposed changes.

15 The Applicant has agreed to rescind its request for Proposed Amendments 14 and 22.
16 This leaves only five Proposed Amendments in dispute: Proposed Amendments 2, 3, 4, and
17 10/18 (Amendment 18 is the multi-family version of Amendment 10).

18 **PUBLIC HEARING**

19 Once the Proposed Amendments have been reviewed by the DRB, the Amendments and
20 the DRB's recommendations are then presented to the Hearing Examiner for additional
21 recommendation to the City Council. The City Council then considers the recommendations of
22 the DRB and the Hearing Examiner and decides whether to approve the requested amendments.

23 The public hearing before the Hearing Examiner commenced at 6:30 p.m. on Monday,
24 April 8, 2019, in the City Council Chambers in the City Hall. The City appeared through Tim
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1 Smith, Senior Planner and Cari Hornbein of Planning Staff. The Applicant was present and
2 appeared through its architects, Ron Thomas and Amos Callender. There were no members of
3 the public present. A verbatim recording was made of the public hearing and all testimony was
4 taken under oath.

5 In advance of the public hearing Mr. Smith presented the City Staff Report including
6 Attachments 1 through 7. At the commencement of the public hearing several additional
7 exhibits were submitted as follows:

8 Exhibit 8	Memorandum from City Staff with proposed language changes to Amendments 12 and 20
9 Exhibit 9	Email to the City from Stan Springer relating to various concerns about the development
10 Exhibit 10	Power Point demonstration provided by the Applicant
11 Exhibit 11	Report from the Design Review Board following its meeting on March 14, 2019

12 There were no members of the public present at the hearing and the application has
13 generated very little public comment. Two letters were received from the public during the
14 City's review but they addressed issues largely outside the scope of these Amendments.

15 As there has been no real public input, the purpose of the hearing was to engage in a
16 discussion of the five Proposed Amendments (2, 3, 4 and 10/18) opposed by the DRB/City
17 Staff.

18 In its support of the Proposed Amendments, the Applicant's architects candidly
19 acknowledge that the project has not been received by the public as well as had been hoped.
20 Despite a robust local real estate market, the Village at Mill Pond has been slow to find buyers
21 for its houses. The architects conclude that the project "overshot the mark", that is, that it aimed
22 too high on its level of quality, resulting in higher home prices than the market will support.
23 The developer acknowledges that it is committed to this higher level of quality but hopes that it
24 might be allowed a few efficiencies in design and construction that can reduce construction
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1 costs - and home prices - without affecting quality. The architects believe that the last
2 remaining Amendments in dispute, if approved, will not impair the integrity of the project or
3 run afoul of the project's design concept. Conversely, the DRB and City Staff fear that the last
4 few requested Amendments will injure the project's promise of a rich, complex diversity of
5 character.

6 The following Findings address both the uncontested and contested Proposed
7 Amendments in their order in the application.

8 FINDINGS OF FACT

9 Proposed Amendment 1.

10 Homes should have significant variations in the floor plans, which allows for
11 variety in the massing of the home, **with the exception that townhomes may**
have the same floor plan within each building.

12 1. The Applicant seeks this modification to clarify any confusion over the right to
13 have each townhome within a building utilize the same floor plan. This will allow for
14 consistency in the exterior appearance of the building, economy in construction and clarity in
15 design.

16 2. DRB and City Staff support the Amendment.

17 Proposed Amendment 2.

18 No more than two of the same model in elevation will be built **within six**
19 **contiguous lots** (~~within eight contiguous lots~~).

20 3. The design standards currently limit two of the same house design per eight
21 contiguous lots. The Applicant seeks to reduce this requirement to two per six contiguous lots.
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1 4. The Applicant argues that there are currently eighteen model options available in
2 the development but several models are more popular than others. The current limitation of two
3 of the same model per eight contiguous lots restricts the options available to homebuyers.
4 Allowing more of the same models will address consumer demand and reduce construction
5 costs.

6 5. The DRB and City Staff disagree. The Village at Mill Pond has been promoted
7 on the concept of a diverse appearance of housing styles, giving added character to the
8 community. Indeed, the Master Plan promises that "there will be a wide range of variety,
9 complexity and richness inherent in the varying housing types and styles". The proposed
10 Amendment runs counter to this promise. Allowing more intense use of certain models will
11 harm this diversity, especially as it moves into Phase 2.
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14 Proposed Amendment 3.

15 Each model will have ~~at least two different massing solutions and~~ a variety of
16 color schemes.

17 6. The Applicant proposes this amendment to eliminate the need to have "at least
18 two different massing solutions".

19 7. The term "massing" is not defined in the City's Development Regulations.
20 Wikipedia defines "massing" as:

21 "The structure in three dimensions (form), not just its outline from a single
22 perspective (shape). Massing influences the sense of space which the building
23 encloses, and helps to define both the interior space and the exterior shape of the
24 building . . . From a distance, massing, more than any other architectural detail,
25 is what creates the most impact on the eye. Architectural details or ornaments
serve to reinforce massing. Because it has a direct relation to the visual impact a
building makes, massing is one of the most important architectural design
considerations."

1 8. The Applicant again notes that it already has eighteen separate single-family
2 models. The requirement of having at least two different massing solutions for each model
3 effectively requires the development to have thirty-six different model homes. The Applicant
4 believes that this is unnecessary and unduly expensive. It adds that the City has not required the
5 second massing solution for each model during Phase 1 and questions why it is necessary for
6 later phases.

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8 9. The City concedes that it has not required a second massing solution for each
9 model during Phase 1 but only because there have not been enough houses constructed to
10 require it. The City believes that the requirement of a second massing solution will become
11 increasingly important as the project moves into Phase 2. As the number of homes increase, the
12 diversity of house appearances becomes more important.

13 10. The City adds that changing colors and adding a few structural details is not
14 sufficient to mask the sameness of house designs over a larger area. Additional massing
15 solutions will ensure the diversity of character promised by the development.

16
17 Proposed Amendment 4.

18 ~~Side windows shall be located so as not to be directly in line with a neighbor's~~
19 ~~side window.~~

20 11. The Applicant requests that this requirement be stricken in its entirety so that
21 windows in one house can be directly aligned with windows in the adjoining house.

22 12. The Applicant argues that the project "suffers from its own high level of quality",
23 that is, its homes promise a greater number of windows along the sides of the house than are
24 currently found in most developments. These windows add natural lighting and improve the
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1 overall quality of the house. Unfortunately, they also raise the likelihood that the windows on
2 the side of one house will align with those on the adjoining house. Houses in Phase 1 have been
3 required to be constructed in a manner which avoids this occurrence. The Applicant complains
4 that this requirement adds substantially to the cost of design and construction.

5 13. The Applicant argues that concerns over privacy can be easily addressed through
6 window coverings. A similar approach has been applied to other developments in the City
7 including Woodbury Crossing.
8

9 14. The City responds that many of the homes in the development are very close to
10 one another. Allowing side windows to be aligned would allow full and direct views into
11 neighbor's residences, eliminating all privacy. The City adds that the Applicant's suggestion of
12 using window coverings greatly reduces the benefit of having constructed the windows in the
13 first place.

14 15. The City argues that avoiding the alignment of windows maintains a sense of
15 privacy between adjacent residences. OMC 18.05A.290 requires that, to the extent practical,
16 privacy is to be maintained between adjoining residences.

17 16. The City acknowledges that it has allowed for some overlap of windows during
18 the construction of Phase 1. Attachment 5 to the Staff Report is a Memorandum dated April 20,
19 2017, which declares that "up to a twelve inch overlap of the side windows is allowed and will
20 not be considered to be directly aligned with one another".
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1 Proposed Amendment 5 (Single-Family) and Amendment 16 (Apartments).

2 Any vertical changes in material in a vertical wall, such as from brick to wood,
3 shall wrap the corners no less than 24 inches. ~~The material change shall occur at~~
4 ~~an internal corner or a logical transition such as aligning with a window edge or~~
5 ~~chimney.~~

6 17. The Applicant argues that the term "logical transition" is subjective and the
7 second sentence is unnecessary.

8 18. The DRB and City Staff concur that the second sentence is unnecessary and
9 should be stricken.

10 Proposed Amendment 6 (Single-Family) and Amendment 17 (Apartments).

11 Any horizontal transition in material on a wall surface, such as shingle to lap
12 siding, shall have a material separation, such as trim band board. **Brick or**
13 **cultural stone are considered material separation. Trim band boards are**
14 **not required at horizontal brick or stone transition.**

15 19. The Applicant requests that the last two sentences be added to this requirement.
16 The sentences better define the purpose of the first sentence and offer useful guidance.

17 20. The DRB and City Staff concur with the Applicant's request to add the two
18 additional sentences to this condition subject, however, to added language requiring a ledge or
19 cap on the brick or cultured stone to provide a transition. City Staff therefore recommends that
20 the Proposed Amendment be revised as follows:

21 "Any horizontal transition in material on a wall surface, such as shingle to lap
22 siding, shall have a material separation, such as trim band board. **Brick or**
23 **cultural stone with a ledge or cap are considered a material separation.**
24 **Trim band boards are not required at horizontal brick or stone transition."**

25 21. The Applicant concurs with the change suggested by City Staff.

1 Proposed Amendment 7.

2 Front doors shall be made of vertical grain fir (finished to allow natural wood to
3 show) **or insulated fiberglass with a wood texture and painted finish**; all
4 other doors shall be made of wood, insulated fiberglass, or insulated metal.

5 22. The Applicant requests the addition of the highlighted language to allow the use
6 of insulated fiberglass front doors with a wood texture. The Applicant argues that fiberglass
7 doors can offer a greater variety in color; are more durable and having longer lasting finishes;
8 and provide a similar look and appearance to wood doors.

9 23. City Staff concurs with the Applicant. Fiberglass doors are already allowed for
10 use as garage doors. Allowing them to be used for front doors is consistent with other design
11 criteria.

12
13 Proposed Amendment 8.

14 **Townhome entry doors may be located next to each other.**

15 24. The Applicant requests the addition of this requirement to allow side-by-side
16 front entry doors on townhomes. The Applicant argues that this will allow better symmetry and
17 simplified construction.

18 25. City Staff concurs with the requested Amendment so long as language is added
19 requiring the doors to be either offset or have a divider between them, such as a railing. City
20 Staff recommends that this proposed Amendment be revised as follows:

21 **"Townhome entry doors may be located next to each other if the doors are
22 offset or a divider between the doors, such as a railing, is provided to
23 enhance a sense of privacy."**

24 26. The Applicant agrees with the additional language proposed by the City.

1 Proposed Amendment 9.

- 2 • **Overhead** garage doors shall be paneled, must have inset windows and
3 shall be in style that's consistent with Craftsman Bungalow theme.
4 • **Overhead** garage doors may be wood, insulated fiberglass, or metal.

5 27. The Applicant requests this change to clarify that this requirement is for
6 overhead garage doors, not other doors. Again, this is not intended to change the criteria but
7 merely to provide clarification.

8 28. The City approves the requested Amendment on the condition that there be
9 added language requiring garage doors (that are not overhead doors) to be paneled and in
10 character with the home if the door is visible from the street. The City therefore recommends
11 that this proposed Amendment be revised as follows:

12 "Overhead garage doors shall be paneled, must have inset windows and shall be
13 in style that's consistent with Craftsman Bungalow theme. **Overhead** garage
14 doors may be wood, insulated fiberglass, or metal. **Garage doors that are not
overhead doors shall be paneled and in character with the home if the door
is visible from the street.**"

15 29. The Applicant accepts the City's additional language.

16 Proposed Amendment 10 (Single-Family) and Amendment 18 (Apartments).

17 Provide, relief, detail, and variation on the façade ~~by utilizing well proportioned~~
18 ~~openings that are designed to create shade and shadow detail.~~

19 30. The Applicant asks that the last portion of the requirement be stricken. It argues
20 that the term "well portioned" is subjective and lacks clarity. It further argues that the opening
21 clause is self sufficient and the remaining language is redundant and possibly confusing.
22

23 31. The City opposes the requested change. The term "well proportioned" is found
24 in OMC 18.05A.225. Since the language is drawn from the City's ordinances, its removal
25 would lead to unnecessary confusion.

1 Proposed Amendment 11 (Single-Family) and Amendment 19 (Apartments).

2 • **Windows that are wider than tall are allowed when the following**
3 **mullion divides and proportions are used which make the windows look**
4 **taller than wide;**

5 • **A wide center vertical meeting stile in conjunction with;**

6 • **A wide (2" minimum) horizontal muntin at the mid-point of**
7 **the window to create an upper and lower, and;**

8 • **Narrow grid divides in the upper portion.**

9 32. The Applicant requests the addition of this language to provide greater flexibility
10 in the design of windows while still maintaining the intent of the design criteria.

11 33. The City generally agrees with the Applicant but only with respect to windows
12 not facing a street or open space area. The additional language will allow some flexibility for
13 the design of windows not visible from public areas while still holding to the design criteria for
14 vertically proportioned windows facing the street, thus satisfying the requirements of OMC
15 18.05A.225. The City therefore recommends that the proposed Amendment be modified to read
16 as follows:

17 **"For windows not facing a street or open space area:**

18 • **Windows that are wider than tall are allowed when the**
19 **following mullion divides and proportions are used which make the**
20 **windows look taller than wide;**

21 • **A wide center vertical meeting stile in conjunction with;**

22 • **A wide (2" minimum) horizontal muntin at the mid-**
23 **point of the window to create an upper and lower, and;**

24 • **Narrow grid divides in the upper portion."**

25 Proposed Amendment 12 (Single-Family) and Amendment 20 (Apartments).

Windows shall have trim on all four sides. Trim must be appropriate to the
architectural character. ~~Windows shall be either recessed or protruding (such as a~~
~~bay window).~~ **Windows not facing the front or street may be 'picture framed'**
with same size trim piece around all four sides.

1 34. The Applicant concurs with City's added language.

2 35. The Applicant requests the elimination of the second sentence and the addition of
3 the third sentence. The Applicant believes the second sentence is unclear as it suggests that
4 all windows must be bay windows. The proposed additional sentence helps clarify that
5 windows not visible to the public may enjoy simpler framing.

6 36. The City agrees in part with the recommended changes. It agrees that the phrase
7 "such as a bay window" is unnecessary and possibly confusing, and that it should be eliminated.
8 It also agrees that the proposed additional sentence would be useful. The City therefore
9 recommends that these amendments be rewritten as follows:
10

11 "Windows shall have trim on all four sides. Trim must be appropriate to the
12 architectural character. Windows shall be either recessed or protruding ~~(such as~~
13 ~~a bay window).~~ **Windows not facing the front or street may be 'picture**
framed' with same size trim piece around all four sides."

14 37. The Applicant agrees with the added language.

15 Proposed Amendment 13 (Single-Family) and Amendment 21 (Apartments).

16 At least two of the following features will be used **at the front of the house and**
17 **at each street facing or public open space façade:** (a) Shutters, (b) Flower
18 Boxes, (c) Knee Braces, (d) Columns.

19 38. The Applicant proposes the addition of the highlighted language to clarify that
20 these features will be required only at the front of the house and at other areas of public
21 viewing. This will clarify that these details do not extend to the sides or backs of houses where
22 there is no visibility from the street. Houses on corner lots or adjacent to public open spaces
23 will still need to meet these requirements.

24 39. The City concurs with this Proposed Amendment without any recommended
25 changes.

1 Proposed Amendment 14 (Single-Family) and Amendment 22 (Apartments).

2 Develop landscape in layers. ~~Low at street level and then~~ **Provide low**
3 **landscaping near sidewalks**, foundation plantings at foundation, ~~with~~ **and**
4 specimen trees as intermediate layer.

5 40. The Applicant originally proposed this change to clarify the location of
6 landscape plantings. The City responded that the existing language is consistent with the
7 approved current landscape plan and that any change would therefore be inappropriate. The
8 Applicant agrees and has dropped these Proposed Amendments.

9
10 Proposed Amendment 15.

11 Rear and side yard fencing (4 to 6 ft in height) shall be of a consistent design
12 throughout. Side yard fencing shall be set back at least 4' ~~20'~~ from front of home.

13 41. The Applicant requests this change to allow fences to begin much closer to the
14 front street. A fence setback of 4 feet provides a more usable side yard, engages the street better
15 and improves security.

16 42. The City concurs with the Applicant provided that there is additional language
17 that fences constructed closer than 20 feet from the front of the home shall be offset from a
18 neighboring side yard fence at a minimum distance of 2 feet. The City therefore recommends
19 that this Amendment be revised as follows:

20 "Rear and side yard fencing (4 to 6 ft in height) shall be of a consistent design
21 throughout. Side yard fencing shall be set back at least 4' ~~20'~~ from front of
22 home, **provided that a fence constructed closer than 20 feet from the front of**
23 **the home shall be offset from a neighboring side yard fence at a minimum**
24 **distance of 2 feet."**

25 43. The Applicant agrees with the City's requested changes to the Amendment.

Proposed Amendment 15-A.

Secondary roof pitch perpendicular to primary roof pitch that does not face street or public open space can be 5:12 slope.

44. The Applicant asks for this Amendment to allow secondary roof slopes at the rear or sides of single-family homes to be of a lower slope. This will accommodate a variety in massing and allow for greater flexibility in floor plans. These secondary roof pitches would not be allowed to face the street or open public areas.

45. City Staff agrees with the Applicant's reasoning and recommends the approval of the Proposed Amendment without change.

ANALYSIS

To the credit of the Applicant, the DRB and City Staff, the majority of Proposed Amendments have either been accepted as is (Amendments 1, 5, 7, 13, 15-A, 16, and 21) or with accepted modifications (Amendments 6, 8, 9, 11, 12, 15, 17, 19, and 20) or have been rescinded by agreement (Amendments 14 and 22). This leaves only five Proposed Amendments subject to further discussion.

It goes without saying that it to everyone's benefit - the Applicant's, the City's and, perhaps most importantly, those who have already purchased homes - to have the Mill Pond Development completed and functioning as a community. Proposed Amendments which increase efficiencies in design and construction without harm to the character of the development should be encouraged and, indeed, are reflected by the many Amendments supported by City Staff.

1 The difficulty lies in those Proposed Amendments having the potential to adversely
2 impact the promised design concept. The Applicant believes that the five contested
3 Amendments will provide greater efficiencies without harm to the project's design. The DRB
4 and City Staff respectfully disagree and believe that these last Amendments will erode
5 fundamental concepts in the project's design. After carefully reviewing the positions of both
6 parties, I concur with the recommendations of the DRB and City Staff that these remaining
7 Amendments should be denied. My only deviation from the City's position is that I would
8 support Proposed Amendment 4 (relating to the alignment of windows with those in adjoining
9 houses) to the extent of the City Staff's current policy of allowing up to a twelve-inch overlap.
10

11 The following is a more complete analysis of these remaining contested Amendments.

12 Proposed Amendments 2 and 3. Proposed Amendment 2 would allow the same model
13 to be utilized twice within six contiguous lots (as opposed to eight contiguous lots) while
14 Proposed Amendment 3 would eliminate the need for two different massing solutions for each
15 model. While each of these Proposed Amendments would have a different impact on the
16 development, they share a common theme of improving construction efficiencies by reducing
17 the diversity of housing styles. The City correctly notes that the Village at Mill Pond promised
18 of a rich and complex diversity in its residences. City Staff has a legitimate reason to fear that
19 this diversity will be lost if the same popular house models, without meaningful variation in
20 their massing, are allowed to dominate the development. Stated slightly differently, while these
21 requested changes would undoubtedly improve the efficiency of development, they would do so
22 at a significant cost to the design concept. This is especially true as the development moves into
23 the second and third phases and the number of similar looking homes becomes more apparent.
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1 A variety of colors and variation in detail will not sufficiently mask this sameness. I therefore
2 concur with the DRB that these two Amendments should be denied.

3 Proposed Amendment 4. The Applicant asks for greater ability to align side windows in
4 one house with those in an adjoining house. The Applicant suggests that it is being punished to
5 a certain extent for its liberal use of side windows to increase the aesthetics and quality of its
6 homes. The Applicant also suggests that much of the problem can be simply remedied through
7 window coverings as has been done in other developments. I respectfully disagree and join the
8 DRB in opposing this Amendment, at least as currently written. I concur with City Staff that
9 the City's ordinances, particularly OMS 18.05A.290, encourages the maintenance of privacy
10 between adjoining residences to the fullest extent practical. It is to be remembered that these
11 homes are being constructed on relatively narrow lots leaving little room between residences.
12 In this context, the direct alignment of windows will effectively eliminate any privacy. The
13 Applicant's suggestion of adding window coverings will restore privacy but at the cost of
14 largely eliminating the windows' purpose.
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16 Nonetheless, I see no harm in formally recognizing the City's current policy of allowing
17 a twelve-inch overlap. There is no evidence that this policy has caused a significant loss of
18 privacy and, at the same time, offers the Applicant a certain degree of flexibility. I therefore
19 recommend that the Proposed Amendment be approved in a limited format, allowing for a
20 twelve-inch overlap in windows as is currently done. I recommend the approval of Proposed
21 Amendment 4 as modified as follows:
22

23 "Side windows shall be located so as to not be directly in line with a neighbor's
24 side window. Up to a twelve-inch overlap of the side windows is allowed and
25 will not be considered to be directly aligned with one another."

1 Proposed Amendments 10 and 18. The Applicant asks to eliminate certain language in
2 the Design Criteria that requires "well proportioned openings to create shade and shadow
3 detail." The Applicant argues that this language is vague and therefore troublesome and
4 difficult to implement. City Staff responds that this language is taken directly from OMC
5 18.05A.225. I agree with DRB and City Staff that this Design Criteria merely incorporates the
6 requirements of the ordinance and should therefore be maintained. Its removal could lead to the
7 unintended suggestion that the ordinance has been amended. Retention of the challenged
8 language will merely confirm that the conditions imposed by the ordinances remain in effect. I
9 therefore concur in the recommendation that this Amendment be denied.
10

11 SUMMARY

12 Based upon the foregoing Findings and Analysis I recommend that the Proposed
13 Amendments to the Design Criteria be **approved/denied** as follows:

14 **Proposed Amendment 1** should be **approved as is** and read as follows:

15 Homes should have significant variations in the floor plans, which
16 allows for variety in the massing of the home, with the exception that
townhomes may have the same floor plan within each building.

17 **Proposed Amendment 2** should be **denied**.

18 **Proposed Amendment 3** should be **denied**.

19 **Proposed Amendment 4** should be **partially approved** to read as follows:

20 Side windows shall be located so as to not be directly in line with a
21 neighbor's side window. Up to a twelve-inch overlap of the side
22 windows is allowed and will not be considered to be directly aligned with
23 one another
24
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1 **Proposed Amendments 5 (Single-Family) and 16 (Apartments) should be approved**
2 **as is** and read as follows:

3 Any vertical changes in material in a vertical wall, such as from brick to
4 wood, shall wrap the corners no less than 24 inches.

5 **Proposed Amendments 6 (Single-Family) and 17 (Apartments) should be approved**
6 **to read as follows:**

7 Any horizontal transition in material on a wall surface, such as shingle to
8 lap siding, shall have a material separation, such as trim band board.
9 Brick or cultural stone with a ledge or cap are considered a material
10 separation. Trim band boards are not required at horizontal brick or stone
11 transition.

12 **Proposed Amendment 7 should be approved as is** and read as follows:

13 Front doors shall be made of vertical grain fir (finished to allow natural wood to
14 show) or insulated fiberglass with a wood texture and painted finish; all other
15 doors shall be made of wood, insulated fiberglass, or insulated metal.

16 **Proposed Amendment 8 should be approved** to read as follows:

17 Townhome entry doors may be located next to each other if the doors are
18 offset or a divider between the doors, such as a railing, is provided to
19 enhance a sense of privacy.

20 **Proposed Amendment 9 should be approved** to read as follows:

21 Overhead garage doors shall be paneled, must have inset windows and shall be in
22 style that's consistent with Craftsman Bungalow theme. Overhead garage doors
23 may be wood, insulated fiberglass, or metal. Garage doors that are not overhead
24 doors shall be paneled and in character with the home if the door is visible from
25 the street.

Proposed Amendment 10 should be denied.

1 **Proposed Amendments 11 (Single-Family) and 19 (Apartments) should be approved**
2 to read as follows:

3 For windows not facing a street or open space area:

- 4 • Windows that are wider than tall are allowed when the following
mullion divides and proportions are used which make the windows
look taller than wide;
- 5 • A wide center vertical meeting stile in conjunction with;
 - 6 • A wide (2" minimum) horizontal muntin at the mid-point
of the window to create an upper and lower, and;
 - 7 • Narrow grid divides in the upper portion.

8 **Proposed Amendments 12 (Single-Family) and 20 (Apartments) should be approved**
9 to read as follows:

10 Windows shall have trim on all four sides. Trim must be appropriate to
11 the architectural character. Windows shall be either recessed or
protruding. Windows not facing the front or street may be 'picture framed'
with same size trim piece around all four sides.

12 **Proposed Amendments 13 (Single-Family) and 21 (Apartments) should be approved**
13 **as is** and read as follows:

14 At least two of the following features will be used at the front of the house
15 and at each street facing or public open space façade: (a) Shutters, (b)
Flower Boxes, (c) Knee Braces, (d) Columns.

16 **Proposed Amendment 14** should be **dismissed** as requested by the Applicant.

17 **Proposed Amendment 15** should be **approved** to read as follows:

18 Rear and side yard fencing (4 to 6 ft in height) shall be of a consistent
19 design throughout. Side yard fencing shall be set back at least 4' from
20 front of home, provided that a fence constructed closer than 20 feet from
the front of the home shall be offset from a neighboring side yard fence at
21 a minimum distance of 2 feet.


22 **Proposed Amendment 15-A** should be **approved as is** and read as follows:

23 Secondary roof pitch perpendicular to primary roof pitch that does not
24 face street or public open space can be 5:12 slope.

25 **Proposed Amendment 18** should be **denied**.

1 **Proposed Amendment 22** should be **dismissed** as requested by the Applicant.

2 DATED this 1st day of May, 2019.

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6 Mark C. Scheibmeir
7 City of Olympia Hearing Examiner