



DATE: March 19, 2008

TO: Chair Robertson and Planning Commission Members

FROM: Cheryl Kuhn, Neighborhood Outreach Manager
Steph Hewitt, Community Involvement Coordinator
Matthews Jackson, Neighborhood Development Manager

SUBJECT: Neighborhood Character Phase Two: Impacts of Size and Scale

Last month, staff presented the Planning Commission with a general strategy for public discussion of potential regulatory changes associated with Phase Two of the Neighborhood Livability Action Agenda (Neighborhood Character element). On March 26, staff will return with information – including research data, illustrations, and initial public feedback – pertaining to the impacts of new single family development size and scale. At this meeting, Commissioners will be asked to identify the approach(es) worth exploring and presenting to the public as potential solutions to size and scale concerns.

Background

In January of 2007, the City Council directed the Planning Commission to work with staff on proposals for addressing certain negative impacts of neighborhood redevelopment and infill. After several weeks of research and public outreach, the Planning Commission presented the City Council with its preliminary recommendations for addressing three areas of public concern about neighborhood redevelopment: loss of trees and greenscape; loss of privacy and sunlight due to out-of-scale development; and impacts of construction activity. The City Council directed that code amendments be prepared based on the Planning Commission proposals, and that those amendments be brought forward for consideration in two phases.

Phase One code amendments – representing simpler, easy-to-implement changes – were adopted by the City Council in December. The amendments, approved by the East Bellevue Community Council in January and now in effect throughout Bellevue:

- ❖ Require that new single family homes provide at least 50 percent greenscape within front yard setbacks (a setback is normally the first 20 feet next to the right-of-way);
- ❖ Require retention of 30 percent of significant trees when a single family home is redeveloped, or when the impervious surface of a single family lot is expanded by more than 20 percent;
- ❖ Change the way the city measures building height (from finished to existing grade) to discourage unnecessary lot build-up;
- ❖ Eliminate the height exemption for rooftop mechanical equipment in single family residential zones;
- ❖ Prohibit portable carports and storage structures in locations visible from public streets and rights-of-way;
- ❖ Declare unscreened construction debris a public nuisance;
- ❖ Require that lodging at construction sites comply with temporary use regulations; and
- ❖ Authorize the city to require construction notification signs in single family zones.

Phase Two

In keeping with Council direction, staff has laid the foundation for working with the Planning Commission on the next phase of regulatory and procedural changes pertaining to neighborhood redevelopment. Phase Two topics include more complex and potentially more controversial solutions previously identified by the Planning Commission as worthy of further study and development. In the course of the next few weeks, topics for Phase Two discussion could include:

- ❖ Steps to address size and scale issues – creating development standards for building projects exceeding a certain size threshold, or establishing Floor Area Ratio standards for single family zones;
- ❖ Separate setback requirements for mechanical equipment and guest cottages;
- ❖ Limitations on the ability to combine multiple single family lots into one large lot, for the purpose of exceeding the typical district lot size;
- ❖ Changes in codes or procedures pertaining to remodels;
- ❖ Changes in codes or procedures pertaining to setbacks in Planned Unit Developments;
- ❖ Requirements for clean-up of abandoned building sites; and
- ❖ Additional steps to preserve trees in single family residential zones.

Progress to date

The Planning Commission schedule calls for discussion of Phase Two changes during the commission's regular meetings of March 26 and April 23, with a possible third meeting on May 14 to agree upon a recommendation to Council. In preparation, staff has:

- Continued to compile research on the above issues and approaches employed successfully by other jurisdictions – locally and across the nation (Attachments A, D, E, F);
- Conducted interviews in other cities currently using single family FAR and other methods to address size and scale (Attachments B, C);
- Worked with Bellevue staff in the Land Use and Building divisions to evaluate both impacts on City resources and effectiveness of potential approaches;

At the same time, Outreach staff has initiated a public involvement campaign which includes:

- Reconvening the 2007 focus/advisory groups;
- Targeted outreach to stakeholder groups, including real estate and development professionals;
- Extensive media contacts;
- Meetings with neighborhoods;
- Regular communications with the Phase One interested parties list, and;
- An April 8 community meeting with a creative flair (using an electronic audience response system).

Early feedback

Outreach and Land Use staff conferred on February 20 with a group representing various Bellevue neighborhoods (drawn from the 2007 focus/advisory groups). In a discussion of major Phase Two topics, certain themes and messages emerged, and were reaffirmed during the meeting wrap-up: (Also see detailed summary of individual comments in Attachment G):

1. **Tree preservation** -- Each neighborhood is unique; each has its own priorities and its own agenda with regard to trees. Therefore, neighborhoods are likely to resist any citywide tree preservation regulation. However, support was voiced for higher tree preservation requirements for subdivisions.

2. Size and scale messages – Whatever solutions are pursued, they must be simple, straightforward, easy to understand. Single family FAR, by zone or lot size, struck most members of this group as the most reasonable and effective way to address scale issues.

3. Other messages

- Mechanical equipment setbacks – Should be applied to new single family homes only (not remodels or existing).
- Lot combinations – Were not seen as a meaningful issue for most of Bellevue; neighborhoods are more concerned with short platting.
- Planned Unit Developments – Were raised as issues by several leaders concerned about the disruption of neighborhood character that occurs when PUDs and conservation plats are located within existing single family areas with larger lots, larger setbacks, etc.
- Remodeling hours – The group agreed that remodeling hours should be reduced from 10 p.m., but saw the need to be sensitive to homeowners striving to do their own improvements.
- Abandoned building sites – The group agreed that unoccupied structures need to be addressed – not only structures under construction, but also previously occupied houses left vacant.

Next steps

Staff looks forward to working with the Planning Commission to develop a reasonable, Bellevue-specific approach to Phase Two neighborhood character issues.

Cheryl Kuhn, 4089
Steph Hewitt, 2564
Matthews Jackson, 2729

Attachments

- A. Intervention Options matrix
- B. FAR by Lot Size and Zone
- C. FAR Worksheet
- D. Los Angeles Case Study
- E. Atlanta Case Study
- F. Seattle Proposed Sustainable Single Family Housing Ordinance
- G. Individual Comments from Feb. 20, 2008, Combined Focus Group Meeting

Intervention Options ~ Neighborhood Character Phase Two

Attachment A

TOPIC/ APPROACH	BELLEVUE – CURRENT REGULATIONS	OTHER APPROACHES	INTERVENTION OPTIONS FOR BELLEVUE
<p>Development standards for buildings over threshold</p>	<p>Issues: Incompatible scale, architecture, bulk; loss of privacy, light, views</p> <p>SIZE AND SCALE</p> <ul style="list-style-type: none"> • No development standards specific to SF building size • No FAR for SF • SF lot coverage maximum of 35-40% • 30' maximum height – from average existing grade to midpoint of pitched roof, or ridge of flat roof • Side setbacks total 15', with 5' minimum 	<p>OTHER APPROACHES</p> <ul style="list-style-type: none"> • Woodinville, WA – Homes > 8500 sq ft require conditional use permit in R-1 through R-6 zones • Redmond, WA – Individual neighborhood plans restrict size, placement, and dimensions of single family homes • Aspen, CO – Considering 15,000 sq ft cap on single family homes • Boulder, CO – Considering size cap on single family homes (e.g., total square footage caps per zone = 6500 to 4000 sq ft.) (Note: To build a larger home, owners must buy development rights from landowners who do not develop their land.) • Menlo Park, CA – Daylight plane measurement (i.e., 17' of vertical plane height and 34 degree angle inward); design review required if house > .35 FAR by adding second story, or new two-story home • Palo Alto, CA – The largest home allowed without an appeal process is 6000 sq ft; new second story additions and second story additions in excess of 150 sq ft trigger design review. • San Jose, CA – No FAR max, but if a developer builds a home with FAR over .65, he must go to City Council and have a public hearing • Bethany Beach, DE – Requires minimum roof pitch • St. Augustine, FL – Banned flat roofs for homes on some small lots over concerns about style and rooftop parties • Seattle, WA – Proposal for the Sustainable Single Family Housing Ordinance pending • Ashland, OR – Maximum house size ordinance for new homes in Historic District • Tacoma, WA – Requires daylight plane to ensure compatibility between residential and non-residential districts • Kent, WA – Solar access setback is encouraged, but not mandatory for residential zones • Tacoma, Kent, Seattle, Sumner, Issaquah, Lynnwood, Olympia, and Auburn have either a daylight plane or upper story setback requirement for commercial and/or residential view areas. • Medina, WA – Site plan review encourages better site planning to help ensure that new development enhances the character of the city and sensitively fits into neighborhoods, minimizes undesirable impacts of redevelopment on environment and addresses neighbor impacts by improving communication and addressing massing/bulk of new home. • Minnetonka, MN – Considering a policy concerning larger homes needing variances in existing neighborhoods (e.g., the new home or proposed addition must have FAR that is no more than the FAR of the largest home within 400' of proposed house, and on the same street). City may limit building mass in PUDs where there are reduced lot sizes and/or setbacks. City created "McMansion" Tool Box. 	<ul style="list-style-type: none"> • Establish size threshold triggering development standards: <ul style="list-style-type: none"> ○ Daylight plane analysis ○ Articulated second story ○ Increased setbacks ○ Required roof pitch (no flat roofs) ○ Recessed garage ○ Reduced lot coverage <p>(Threshold: >5k = 25% of new sf in '05; >7k = 5% new sf in '05)</p>

<p>FAR (Floor Area Ratio -- Lot/structure ratio)</p>	<ul style="list-style-type: none"> No FAR requirement for single family <p>* In Bellevue, FAR (Floor Area Ratio) is defined as a measure of development intensity equal to the gross floor area divided by net on-site land area. In cities that apply FAR to single family residential, there is variation as to which building elements are counted. Most often FAR refers to livable square footage.</p>	<ul style="list-style-type: none"> Mercer Island – .45 GFAR Kirkland, WA – FAR per zone (.20-.60); e.g., RS-5 = .50 (.60 if 4:12 roof pitch, 7.5' side setback) Hunts Point, WA – FAR per lot area (e.g., Lot area is 0-14,800 sq ft = .25 FAR or 5200 sq ft, whichever is greater) Bellingham, WA – .45 FAR or 2000 sq ft, whichever is greater Naperville, IL – .40 FAR w/ front or side-loading garage, .45 FAR with detached garage Surrey, BC – FAR limit and size cap in all residential zones San Mateo, CA – Draft proposal for FAR per parcel size (e.g., 5000-7500 sq ft parcel = .45 FAR + 400 sq ft garage credit); FAR = total house size (i.e., living area and garage) San Jose, CA – Proposed single family homes w/ FAR > .65 trigger public hearings and individual design review Cupertino, CA – All two-story homes with FAR > .35 require design review conducted by the Planning Department in a public forum (Note: The developer must erect a temporary structure that matches the proposed development in terms of bulk three weeks prior to the hearing.) All other single family construction, FAR per zone (e.g., all R1 zones max FAR = .45; if floor to ceiling height is over 15', the area above 15' gets counted twice in FAR calc) Albany, CA – FAR per zone; all single family zones, maximum .55 FAR, up to .60 for lots 2500 sq ft or more Berkeley, CA – FAR applies only to Environmental Preservation Area Zone – maximum FAR = .45 Carmel, CA – FAR per zone (e.g., R1 = .45, R1 subset A3 = .40) Palo Alto, CA – FAR per zone (e.g., R1 = max .45 FAR) Puyallup, WA – RS 10 – RS 06 = .45 FAR; RS-04 = .50 FAR Atlanta, GA – FAR per zone (Note: FAR includes basement and attic space.) Los Angeles, CA – FAR per zone/lot size; bonus FAR for articulated second story, front façade setback, or green building method. FAR combined with building height; maximum height limits depend on roof slope (e.g., 25% roof slope or greater: 33' height; less than 25% roof slope: 28') 	<ul style="list-style-type: none"> Establish FAR limits for single family (Typical range, other cities: .35-.50) <ul style="list-style-type: none"> Vary by zone Vary by neighborhood Establish FAR as a trigger for development standards
<p>Setbacks for mechanical equipment</p>	<p>No HVAC in building setbacks (recently required to show HVAC on site plans)</p> <p>HVAC complaints generally handled through Noise Ordinance</p>	<ul style="list-style-type: none"> Kirkland – No closer than 5' to property line in side and back yards; HVAC not allowed in front yards Redmond – No regs Woodinville – No regs for placement; regs for noise impacts Seattle – Heat pumps and similar mechanical equipment (not including incinerators) may be permitted in required yards if the requirements of the noise control ordinance are not violated. Any heat pump or similar equipment shall not be located within 3' of any lot line. Mercer Island – Heat pumps can be located within required yard provided they will not exceed maximum permissible noise levels; any such equipment shall not be located within three feet of any lot line. 	<ul style="list-style-type: none"> Prohibit HVAC units in side yards, or require HVAC placement 5' from side setback
<p>Setbacks for guest cottages</p>	<p>No separate setback requirements for guest cottages</p>	<ul style="list-style-type: none"> MSRC – Not aware of any WA cities that have placed limits on the number of adjacent lots that can be combined under single ownership Seattle, WA – Proposal for the Sustainable Single Family Housing Ordinance – demo permit is not allowed for the purpose of tearing down two or more houses on lots next to each other if fewer homes are built 	<ul style="list-style-type: none"> Require sensitive placement of guest houses or accessory structures (establish separate setbacks) Do not allow private streets to count as part of setback; or require agreement of all surrounding property owners
<p>Lot assembly</p>			

<ul style="list-style-type: none"> • NEIGHBORHOOD APPEARANCE AND QUALITY 		
<p>Abandoned building sites</p>	<ul style="list-style-type: none"> • Issues: Negative impacts of construction; impacts of development regulations on neighborhood character 	<ul style="list-style-type: none"> • Require clean-up and aesthetic treatment of abandoned building projects to reduce visual impact on surrounding neighborhood
<p>Guidelines for developers</p>	<ul style="list-style-type: none"> • Redmond – No code guidance; would pursue case by case with attorney or code enforcement • Woodinville – If site presents a public danger, owner must present a plan for City approval • Tacoma – Declares as a public nuisance: “any building or structure where construction was commenced and the building or structure was left unfinished...” • Seattle – Building Maintenance Code requires maintaining all vacant structures in a safe condition; excavations must be brought back to grade 	<ul style="list-style-type: none"> •
<p>Private streets in setbacks</p>	<p>Smaller front setbacks are allowed in PUDs, giving the mistaken impression that streets are part of setback</p>	<ul style="list-style-type: none"> • Sections: construction hours, respect the environment, keep Bellevue clean, obey traffic rules, be a good neighbor, code of conduct, site appearance, permit timelines, info re: code/ordinance and how to report violations • Issaquah – Allows for flexible setbacks and/or cluster housing

<p>Building permit length</p>	<p>3 years</p>	<ul style="list-style-type: none"> Typically less than Bellevue, and same for new construction and remodel Seattle – 18 months, can be renewed an additional 18 months, and renewed another 18 months with limitations Kirkland – 2 years, (recently increased from 1 year to 2), no provisions for extensions Redmond – 180 days from issuance, or 180 days from most recent inspection Woodinville – 1 year Issaquah – 18 months, can be renewed for an additional year Bothell – 2 years Mercer Island – 2 years, with provisions for extension 	<ul style="list-style-type: none">
<p>Definition of remodels - additions</p>	<p>Building definition: Addition if one wall and foundation remain, including additions >3000 sq ft if original floor joists and plywood remain</p> <p>Remodel construction hours extend to 10 p.m. on weekdays</p>	<ul style="list-style-type: none"> Redmond – New construction is foundation and up; it's a remodel if foundation remains Kirkland – If foundation floor remains intact, it can be considered a remodel Issaquah – An addition regardless of size is an addition 	<ul style="list-style-type: none">
<p>Incentives and disincentives (All categories)</p>	<ul style="list-style-type: none"> No existing incentives 	<ul style="list-style-type: none"> Kirkland, WA – FAR per zone (.20-.60); e.g., RS-5 = .50 (.60 if 4:12 roof pitch, 7.5' side setback) 	<p>Could offer FAR or lot coverage bonus if:</p> <ul style="list-style-type: none"> Garages side-loaded, recessed, windowed Steps taken to reduce sun-shadow (e.g., second story setback) Perimeter trees retained

Floor Area Ratio per Minimum Lot Size per Zone								
Zone	Minimum Lot Size	Lot Coverage (35-40%)	.35 FAR	.40 FAR	.45 FAR	.50 FAR	.55 FAR	.60 FAR
R-1	35,000 sq. ft.	12,250 - structure footprint	12,250 total sq. ft.	14,000 total sq. ft.	15,750 total sq. ft.	17,500 total sq. ft.	19,250 total sq. ft.	21,000 total sq. ft.
R-1.8	20,000 sq. ft.	7,000 - structure footprint	7,000 total sq. ft.	8,000 total sq. ft.	9,000 total sq. ft.	10,000 total sq. ft.	11,000 total sq. ft.	12,000 total sq. ft.
R-2.5	13,500 sq. ft.	4,725 - structure footprint	4,725 total sq. ft.	5,400 total sq. ft.	6,075 total sq. ft.	6,750 total sq. ft.	7,425 total sq. ft.	8,100 total sq. ft.
R-3.5	10,000 sq. ft.	3,500 - structure footprint	3,500 total sq. ft.	4,000 total sq. ft.	4,500 total sq. ft.	5,000 total sq. ft.	5,500 total sq. ft.	6,000 total sq. ft.
R-4	8,500 sq. ft.	3,400 - structure footprint	2,975 total sq. ft.	3,400 total sq. ft.	3,825 total sq. ft.	4,250 total sq. ft.	4,375 total sq. ft.	5,100 total sq. ft.
R-5	7,200 sq. ft.	2,880 - structure footprint	2,520 - total sq. ft.	2,880 total sq. ft.	3,240 total sq. ft.	3,600 total sq. ft.	3,960 total sq. ft.	4,320 total sq. ft.

FAR Worksheet

Floor Area Ratio is a tool for regulating building mass, based on lot size.

FAR is expressed as the proportion of building to lot. For instance, an FAR of .50 (or 50 percent) would allow a maximum building size of:

- 3600 square feet on a 7200-square-foot lot;
- 5000 square feet on a 10,000-square-foot lot; or
- 17,500 square feet on a 35,000-square-foot lot.

Advantages of FAR

- The most direct tool for restricting building mass; relatively easy to understand
- An objective standard that avoids inconsistent, subjective decisions (as can be made using other methods such as single family design review)

Disadvantages of FAR

- Can be seen as rigid
- Can become overly complicated by numerous exceptions and conditions
- Adds to “counter time” with applicants (as do other approaches for addressing size and scale)

Once a decision is made to establish FAR requirements for single family residences, there are still a number of decisions to be made. The major decisions are listed below.

Decision: Varying by zone or lot size

FAR may be established:

1. As a standard requirement for all single family zones (.45 FAR in Mercer Island);
2. Based on residential zone (e.g., Kirkland .2 to .5 based on zone);
3. Based on lot size (e.g., San Mateo .45 for lots 5000-7500 square feet).

Decision: What to include in FAR

If the point of FAR is to address building bulk, theoretically anything adding to mass should be included. However, cities have taken differing approaches in the following instances.

Garages – Most cities count garages in FAR. Some count 100 percent of attached garages, but less for detached. Some cities exempt a certain square footage (Los Angeles proposal would exempt first 400 square feet).

Basements – Most cities exclude any portion of the building that is underground, but count those portions of the structure that are exposed (as in daylight basements). Kirkland counts all portions of the building that are 6’ above grade. Atlanta counts basement space where more than 50 percent of the total perimeter walls are exposed more than four feet below the main floor level.

Attics – Most cities exempt low headroom attic space (Kirkland exempts attics less than five feet in height) or apply a lower percentage (Atlanta counts 50 percent of the attic space in the total FAR).

Vaulted space – Some cities count the total square footage of vaulted space, and others count only a portion (Kirkland doesn't count the first 100 square feet).

Detached structures – Some cities have exempted detached structures and found that this has unintended consequences. More commonly, cities exempt structures up to a certain square footage.

Stairways – Most often, stairways are counted once; i.e., the space required to connect one story with another is counted on one floor only.

Incentives for increasing FAR

Many cities allow a higher FAR for building projects that provide other benefits to the adjacent neighbors. In Kirkland, for instance homes can increase FAR from .5 to .6 if they have a 4:12 roof pitch and minimum side yard setbacks of 7.5 feet. Incentives could be offered for:

- Increased setbacks
- Pitched roofs
- Recessed garages (or side-loading)
- Second story articulation

Advice from other cities

In the course of conversations with cities that have, or are considering, single family FAR, the following messages have emerged.

1. Keep it as simple as possible – avoid building complexity into FAR regulations.
2. Get it right the first time – cover the bases and avoid making people nervous by frequently revisiting regulations.

Neighborhood Character Ordinance—Los Angeles, California

Erick Lopez—Department of City Planning
Community Planning Bureau—West Coastal Division
Los Angeles, California

Currently, the proposed Baseline Mansionization (a.k.a. Neighborhood Character) Ordinance will apply to single-family zones that are not located in a Hillside Area or Coastal Zone; the ordinance applies to approximately 304,410 lots, an overwhelming majority of which (118,816) are zoned R1 and in the 5,000 & 6,000 sq-ft range.

The proposed ordinance includes Floor Area Ratios (FARs) per zone and transitions for larger lots within some zones, as shown below:

"R1" One-Family Zone (5,000 sq-ft min. lot) - FAR is 50% of the lot size; for lots greater than 7,500 sq-ft FAR is 45% of the lot size or 3,750 sq-ft, whichever is greater.

"RS" Suburban Zone (7,500 sq-ft min. lot) - FAR is 45% of the lot size; for lots greater than 9,000 sq-ft FAR is 40% of the lot size or 4,050 sq-ft, whichever is greater.

"RE9" Residential Estate Zone (9,000 sq-ft min. lot) - FAR is 40% of the lot size; for lots greater than 15,000 sq-ft FAR is 35% of the lot size or 6,000 sq-ft, whichever is greater.

"RE11" Residential Estate Zone (11,000 sq-ft min. lot) - FAR is 40% of the lot size; for lots greater than 15,000 sq-ft FAR is 35% of the lot size or 6,000 sq-ft, whichever is greater.

"RE15" Residential Estate Zone (15,000 sq-ft min. lot) - FAR is 35% of the lot size.

"RA" Suburban Residential Zone intended for animal-keeping & agriculture (17,500 sq-ft min. lot) - FAR is 25% of the lot size; for lots greater than 20,000 sq-ft FAR is 20% of the lot size or 5,000 sq-ft, whichever is greater.

"RE20" Residential Estate Zone (20,000 sq-ft min. lot) - FAR is 35% of the lot size.

"RE40" Residential Estate Zone (40,000 sq-ft min. lot) - FAR is 35% of the lot size.

The proposed ordinance creates a new 20% Residential Floor Area Bonus (20% increase from whatever the FAR allows, not an additional 20% of the lot size) if at least one of the following methods is utilized in the design/construction of the homes:

Proportional Stories Method - all other stories are no more than 75% of the largest floor of the primary structure.

Front Facade Stepback Method - at least 20% of the building frontage facing the front property line is stepped back at least 20% of the total building depth, rounded to the nearest foot.

Green Building Method - new residential units are rated through the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) for Homes

program and are found to be in substantial compliance with the requirement for a "Certified" level or better.

When lots are smaller than 5,000 sq-ft in the R1 Zone, the Residential Floor Area Bonus is increased to 30% in order to ensure that substandard lots are not negatively impacted because of the overall FAR reduction and that a reasonably sized home can be built.

The proposed ordinance will create a new Residential Floor Area definition that is tailored to single-family development. The ordinance will include portions of a building that add significantly to the bulk of structures, thereby addressing massing concerns. The ordinance is also creating and amending other definitions to help in the implementation of the ordinance.

The proposed ordinance will change the maximum height limits so that they will depend on the slope of a roof.

R1, RS, RE9

- 25% Roof Slope or Greater: 33 feet
- Less Than 25% Roof Slope: 28 feet

RE11, RE15, RA, RE20, RE40

- 25% Roof Slope or Greater: 36 feet
- Less Than 25% Roof Slope: 30 feet

The proposed ordinance is adding a new Single-Story Height District that will be available for only single-family zones. It will limit construction to one story and a maximum height of 18 feet. We are not proposing it anywhere, but it is being put in as a tool for those communities who may need it in the future.

The ordinance also includes a discretionary approval that will allow for a 10% "Adjustment," or increase, to the new Residential Floor Area limits.

Although the baseline FARs mentioned above will work for most neighborhoods in the City of Los Angeles, it will not work for all of them because it is so large (498.3 square-miles) and has such a diverse geography and patterns of development. For this reason, the proposed ordinance includes a new "RFA" Residential Floor Area District that will permit Residential Floor Area maximums in residential zones to be higher or lower than normally permitted by this ordinance in areas where the proposed district will further enhance the existing scale of homes and help to preserve the existing character of unique neighborhood as effectively as the new FARs. These districts will have a minimum area of 100 acres (just under a quarter-mile radius).

NOTE: The Baseline Mansionization (a.k.a. Neighborhood Character) Ordinance is subject to change pending final City Council approval.

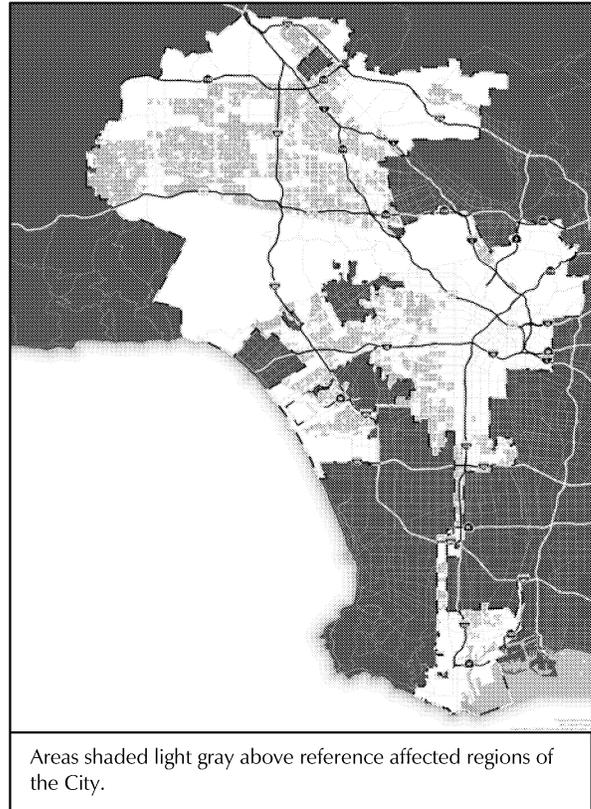
NEIGHBORHOOD CHARACTER STUDY

Prepared by the City of Los Angeles – Department of City Planning
Community Planning Bureau

PROJECT SUMMARY

Introduction

- This study was initiated in response to a flurry of public requests for Interim Control Ordinances (ICO) to temporarily halt mansionization.
- Mansionization is defined in this study as new construction, additions, and remodels on residentially zoned lots that are out-of-scale with the surrounding neighborhood, but which comply with the current City zoning regulations.
- The goal is to develop a proposed ordinance that would address key issues raised by various communities.
- Current proposal applies to Single-Family Zoned lots **not** located in Hillside or Coastal Zone areas.
(R1, RS, RE9, RE11, RE15, RA, RE20, and RE40)
- Hillside Areas will be addressed in the next phase of this study.



Proposed Ordinance

The regulations would address massing, scale, and size concerns regarding construction of, and additions to single-family dwellings (SFD) by proposing the following citywide code amendments:

- A new definition of Single-Family Residential Floor Area to address SFD massing concerns:
 - The area within the exterior walls of a building used primarily for single-family residential purposes on a property zoned RA, RE, RS, or R1, and not located in a Hillside Area or Coastal Zone.
 - When a property is developed for other uses the existing Floor Area definition applies.
 - Any portion of a building with ceiling height greater than 14 ft counts as twice the area.
 - Any attic, or portion thereof, with ceiling height more than 7 ft is counted.
 - The following are NOT counted towards the total area:
 1. First 400 sq-ft of existing or proposed garage; the area in excess counts.
 2. Detached structures used for storage purposes and not for parking, no greater than 200 sq-ft; the total area of these structures cannot exceed 400 sq-ft.
 3. Porches and patios open on at least 2 sides, not being used for parking purposes.
 4. The first 100 sq-ft of any portion of a building with ceiling height greater than 14 ft not be counted; a one-time allowance.
- A new definition of Base Floor used for determining Proportional Stories Bonus compliance.

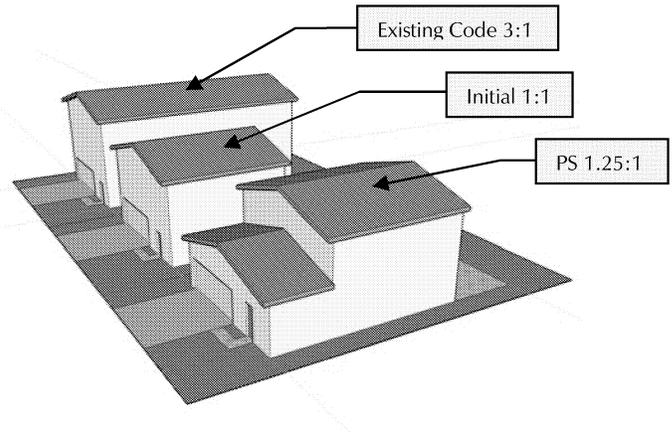
NEIGHBORHOOD CHARACTER STUDY

Prepared by the City of Los Angeles – Department of City Planning
Community Planning Bureau

- A reduction of the existing Floor Area Ratio (FAR) of single-family zones from 3:1 to a base of 1:1.

Note: FAR in the City of Los Angeles is determined by using a ratio of Floor Area to Buildable Area. Buildable Area is the lot area minus the required yard setbacks.

- The creation of a Proportional Stories FAR Bonus:
 - Grants a FAR Bonus of 25% if other stories are not greater than 2/3rds of the Base Floor.
- Creation of a Single-Story Height District with a maximum height of 18 feet for single-family residential zones only. The Planning Department is **not** proposing to apply this new Height District to any neighborhood.
- For properties located in Specific Plan areas or Historic Preservation Overlay Zones, the more restrictive requirements would prevail.



Note: A copy of the draft ordinance will be made available at the Public Hearings.

Open House & Public Hearings

Two Open Houses and Public Hearings are scheduled for:

Wednesday, March 21, 2007

Marvin Braude Building
6262 Van Nuys Blvd., Room 1A
Van Nuys, CA 91401

Open House: 5 - 6:00 PM

Public Hearing: 6:30 - 8:00 PM

Thursday, March 29, 2007

Henry Medina West Los Angeles
Parking Enforcement Facility
11214 West Exposition Blvd.,
Second Floor, Roll Call Room
Los Angeles, CA 90064

Open House: 5 - 6:00 PM

Public Hearing: 6:30 - 8:00 PM

If you have any further questions regarding the hearings or the proposed ordinance, please feel free to contact Erick Lopez at (213) 978-1243 or Anita Cerna at (818) 374-5042.

Proposed Residential Scale Ordinance – Atlanta, Georgia

Karl Smith-Davids, Principal Planner
 Zoning and Development Services Division- Urban Design Section
 Atlanta, Georgia

Z-07-44 : ZONING ORDINANCE TEXT AMENDMENTS

RE: RESIDENTIAL HOUSING SCALE

1. R-1 through R-5 Floor Area Ratio (FAR) maximum requirements clarified to be calculated via the net lot area.
2. All residential zoning categories to uniform and reasonable regulations including:

a. Lot Coverage maximum-	R-4A: 55%	R4-B: 85%	R-5: 55%
b. Floor Area Ratio maximum-	R-4A: 0.50	R4-B: 0.75	R-5: 0.5 (single-family)* 0.6 (duplex)

*-plus 750 s.f. for a secondary dwelling
3. Alternative Floor Area Ratio (FAR) maximums for small lots (non-conforming size):

a. Floor Area Ratio maximum-	R-4A: 0.65	R4-B: 0.90	R-5: 0.65 (single-family)*
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*-not to be less than 1,800 sq. ft. in floor area
4. R-5 to have additional criteria to provide appropriate site configuration including the location of dwelling units (the smaller unit to be not closer to the street).
5. Providing a new definition of duplexes (allowed within R-5) to be:
 - a. Two (2) residential dwellings units which either: share a common vertical wall with each unit facing a street or; a portion of a unit directly stacked above or below the other unit.
 - b. The units to be similar is size (no unit greater than twice the size of the other).
 - c. The units to provide an entrance that is seen and accessible from the street.
6. Walls and fences in required yards shall be regulated in number and height:
 - a. Adjacent to a street: Only two (2) retaining walls with a maximum height of three (3) feet each are allowed with the walls separated by a distance equal to the upper wall height.
 - b. In a side or rear yard: Only two (2) retaining walls with a maximum height of six (6) feet are each are allowed with the walls separated by a distance equal to the upper wall height.
 - c. Driveways: Where justified for topographic reasons for a required driveway an allowance of a maximum retaining walls height of six (6) feet above existing grade.
7. Defining and regulating the main floor level height to be the greatest of the following either:
 - a. Four (4) feet above the existing undisturbed grade of the lot; or
 - b. Three (3) feet above the average grade at the property line adjacent to a street ; or
 - c. Three (3) feet above the main floor level of an existing structure to be demolished.
8. Clarifying maximum height to be: the average building height of all elevations measured from the point of the average finished grade level to the average level between the lowest roof point to the highest roof point without regard to an intervening roof peak.
9. Floor area ratio to include basement space and attic space as defined:
 - a. Basements: all habitable area of minimum headroom requirements where more than fifty (50%) percent of the total exterior perimeter walls are exposed more than four (4) feet below the main floor level.
 - b. Attics: 50% of the habitable area of minimum headroom requirements measured vertically from the top of the ceiling joists below to the underside of the roof rafter above.

10. Existing structures undergoing renovation to attics and basements will not be impacted by new FAR maximum calculations so long as meeting certain criteria:

- a. Basement renovation/addition does not: (i) expand the footprint of the existing structure; or (ii) expose existing walls that are more than four (4) feet below existing grade for more than fifty (50%) percent of the total exterior perimeter walls to be exposed.
- b. Attic renovation/addition does not: (a) Increase the existing height of the highest point or main ridgeline of the main roof structure of the highest story; or (b) Provide new dormers that (i) engage the main ridge line of the main roof structure; or (ii) interrupt the primary eave line; or (iii) occupy more than forty (40%) percent of the total surface area of the roof plane on which it is constructed.

Sustainable Single Family Housing Ordinance (a.k.a. Mega House Ordinance)

Brennon Staley, Land Use Planner
Seattle Department of Planning and Development
Seattle, Washington

Seattle's DPD is assessing potential amendments to the Single Family Zoning Code dealing with the bulk and design of homes including Floor Area Ratio standards, reductions in lot coverage, changes to roof pitch standards, allowances for dormers, parking waivers for small lots, impervious surface limits, and incentives for rear garages. The ordinance language and more detailed information will be available for public review once a SEPA notice is published for the project (sometime in April).

The text below is from Council President Richard Conlin's Website
(<http://www.seattle.gov/Council/Conlin/miw/0706miw.htm#1>)

MEGA HOUSE ORDINANCE

Responding to concerns raised by a number of neighborhood leaders, and suggested language developed by the Sunset Hills Community Council, I have proposed the Sustainable Single Family Housing Ordinance. This ordinance addresses the growing problem of mega houses that are changing the character of single-family neighborhoods and reducing the supply of affordable housing.

While Seattle has not yet experienced as many problems with mega houses as most cities around the country, in every neighborhood I visit, people cite several examples of houses that are simply out of scale with those around them. These mega houses (sometimes referred to as 'starter castles' or 'McMansions') not only block views and reduce open space and tree coverage, they also often replace smaller, more affordable houses.

My proposed ordinance addresses height limits, lot coverage and lot consolidation. The following describes the provisions that I am introducing. I am also seeking additional ideas that could modify or add to these provisions if there are better ways to get at the problem.

Height limits: The base height limit in single family zones would be reduced from 30 feet to 25 feet. The current height limit exceeds the base height limit for multifamily residential buildings in LDT (lowrise duplex/triplex), L1 (lowrise 1) and L2 (lowrise 2) zones. The five-foot additional height allowed for pitched roofs, and the extra height currently allowed on sloped lots, remain unchanged by the proposed ordinance.

Lot coverage: The maximum lot coverage allowed in single family zones is currently 35% or 1750 square feet, whichever is greater. The "or 1750 square feet, whichever is greater" language allows homes/structures on substandard lots (lots less than 5,000 square feet in SF 5000 zones) to cover more than 35% of the lot area. The proposed ordinance would eliminate the "or 1750 square feet, whichever is greater" language, so that the 35% lot coverage limit will apply to all lots. This will result in more proportional home size, i.e., homes with smaller footprints would be built on smaller substandard lots.

Consolidation of contiguous lots for fewer houses: Demolition permits would not be allowed for the purpose of tearing down two or more houses on lots next to each other if fewer homes would be built. The goal of this provision is to protect against a net loss of single-family houses.

These changes do not create new regulatory processes, and should not be problematic for the vast majority of property owners. Even on the smallest standard city lot, they would permit a house of

3500 to 5000 usable square feet. They modify existing regulations to reduce the footprint and impact of oversized houses, and would probably change only a few dozen plans each year. However, those that would be affected are the ones that have the largest negative effect, and I believe that most neighborhoods will welcome these restrictions.

The Sustainable Single Family Housing Ordinance is currently in environmental review, with a determination scheduled to be published this month. I expect to introduce it to the City Council this fall, with a vote either in late fall or early next year.

Neighborhood Character Focus Group Meeting
February 20, 2008

Neighborhood Livability Action Agenda – Neighborhood Character Element

Neighborhood Representatives:

Matt LaPine – Vuecrest
Dick Morris – Sunset Community
Shannon Bergstedt – Enatai
Joel Glass – Enatai (and developer)
Kathy Bullock – Apple Valley
Duse McLean – Bridle Trails
Lindy Bruce – Sunset Community
Erin Powell – Bellecrest
Jim Haskin – Wilburton
Lee Maxwell – Surrey Downs
Doug Leigh – West Bellevue
Margo Smith – Kimberlee Park
Norm Hansen – Bridle Trails
Gary Thramer – Newport Hills
Dan Renn – Brookwood

Staff: Cheryl Kuhn, Steph Hewitt, Matthews Jackson, Leah Hyatt, Drew Folsom, and Christina Behar

What should the City do about tree preservation? Should there be citywide tree preservation policies?

Maxwell –

- Old stock of Douglas firs in Surrey Downs came down after last year’s windstorm, damaging homes
- Big trees can crack foundations

Bergstedt –

- Tree maintenance is key, but even well-maintained trees can come down

Haskin –

- Use common sense in regard to removing trees in riparian corridors; think about public safety
- There is a double standard with commercial/residential development and tree preservation in our city. Businesses can do anything they want to trees.

Lindy Bruce –

- There are elements of judgment in all decisions (e.g., regarding neighborhood character, views, trees, etc.). Each neighborhood is unique, which makes it tough to go citywide with a tree preservation policy. Be very sensitive.
- Likes the idea of using Subarea Plan for tree preservation policy, but what would the City do about subareas with both tree and view neighborhoods?

Margo Smith

- It is good that our city has a reputation for valuing trees.
- One size does not fit all, but the value the City places on trees is a good thing.
- Replacement options and flexibility are key.

Erin Powell

- Subarea Plans identify neighborhood character and also address tree preservation by neighborhood (SSW9 & SSW2)
- Respect the lush, natural beauty of Bellevue.

Joel Glass

- Is tree retention that big of an issue?
- Subarea Plans don't deal with a fine enough level of geography to be helpful in this discussion.

Norm Hansen

- Adopt tree preservation policies where there is a problem. For example, Bridle Trails tree preservation ordinance worked because it addressed a problem (i.e., clear-cutting a large number of trees on a lot). This ordinance is in place for approximately one third of the Bridle Trails subarea.
- People who cut 50 trees and ignore neighborhood character are people who are new to the area. Long-term residents don't do that.

Lindy Bruce

- If you go for a citywide, one-size-fits all approach, expect it to take YEARS.
- Address tree preservation on a small scale, not citywide.

Duse MacLean

- Some trees are lost because phony arborists go around after storms convincing people they need to cut their trees.

Doug Leigh

- Lot clearing prior to development is a possibility.
- Groups of trees can become a landmark in a neighborhood.

Matt LaPine

- Vuecrest would be concerned about any regulations that conflict with established and enforced covenants. Regulations that make it difficult to remove trees would be in direct conflict with the covenants of neighborhoods like Vuecrest, which have long established and enforced policies for pruning, trimming, and removal of trees, hedges, and other intrusions on views.

What should the City do to address size and scale of new residential development?

Doug Leigh

- FAR is a reasonable tool that has the potential to deal with mass/scale.
- FAR does not take into account height in relation to existing houses.
- FAR with a second story articulation requirement may lead to the same style home

Doug Leigh (continued)

- What about using Design Review Boards? Builders do not like it. Use these boards on a subarea basis.
- Need to find the right balance between original development and redevelopment
- Good regulations lead to higher quality and value, which impact the whole for good

Dan Renn

- Would lot coverage with FAR result in boxy homes?
- Apply same rules to infill and redeveloped lots
- FAR is much easier to calculate; daylight plane is not.
- FAR doesn't do it all and Lot Coverage doesn't do it all; you need some combination of approaches.

Norm Hansen

- How to deal with towering walls and fences and hedges that block sunlight?

Jim Haskin

- Economic factors play a role in the size disparity between old and new houses
- A person's house is usually his/her biggest asset. Market driven regulations are key.

Kathy Bullock

- \$2.3 million house in Apple Valley is huge and will always be there among the smaller ramblers

Matt LaPine

- Economics draw home to the limits.
- Address neighborhood character through covenants.

Lee Maxwell

- Variety is good.
- We should find a way to protect privacy and sunlight.
- Would rather have homeowner driven and not "big brother" regulations.
- Legislate, but do it well.

Joel Glass

- How would daylight plane work on small, narrow lots? Would it negatively affect development?
- Design Review Boards would be a Pandora's Box.

Doug Leigh

- Some restrictions (e.g., LA's .5 FAR with 75% second floor) would only be possible in custom housing, and would rule out production housing.
- Those who say regulations would be economically disadvantageous to those wishing to redevelop – don't recognize that others also have invested their lives in the neighborhood and their quality of life deserves to be considered. There is a balance to be found.
- Preserving neighborhood character also results in higher values.

Margo Smith

- We need to find the right balance; there is a tension point between market driven development and existing neighborhoods.
- FAR has real potential; vary by lot size or zone.

Dan Renn

- FAR is a lot easier to understand than other approaches.
- Keep it simple!

Other Comments

Mechanical equipment setbacks

- Redevelopment should be required to place mechanical equipment away from home next door) (LaPine)
- Don't apply to existing sf homes. (Bruce)

Lot combination

- Not a meaningful issue in most of Bellevue (general)
- Makes sense to address, though, if someone is going to combine 3 lots in an existing neighborhood. (Renn)
- The impact of shortplating is a bigger concern (Bruce)

Remodeling

- Yes – reduce hours. 10 p.m. is too late. But be sensitive to low- and middle-income wage earner striving to do his own improvements. Perhaps set limit of 9 p.m. (General agreement – some say 8 p.m.)

Abandoned building sites

- Vuecrest requires maintenance of any unoccupied buildings. (LaPine)
- Something needs to be done about previously occupied but abandoned structures – e.g., burned out and unsightly home in Newport Hills, unoccupied for 2.5 years (Thramer)

Revisit PUD codes