



DATE: May 7, 2008

TO: Chair Robertson and Planning Commission Members

FROM: Cheryl Kuhn and Steph Hewitt
Neighborhood Outreach, Planning & Community Development

SUBJECT: Neighborhood Character Phase Two – Staff recommendations
on tree preservation, construction impacts, neighborhood livability issues

On May 14, the Commission will continue its discussion of Neighborhood Character Phase Two, considering regulatory and procedural changes to address citizen concerns about neighborhood redevelopment impacts. At this meeting, staff will present recommendations for proceeding with elements of the Phase Two work – those elements dealing with tree preservation, construction impacts, mechanical equipment, and related livability issues. If the Planning Commission concludes its deliberation on these issues, one additional session on June 4 will focus on the remaining issues of size and scale (including the potential for single family Floor Area Ratio limits, size thresholds, and development standards).

Background

Neighborhood Character Phase One code and procedural changes were adopted by the City Council in December 2007, based on Planning Commission recommendations. By mid 2008, the Commission is expected to forward a second round of recommendations for Council consideration. The following discussion is provided to assist Commissioners as they evaluate potential regulatory and procedural changes that already have been identified by the Planning Commission and Council as worthy of considering in Neighborhood Character Phase Two.

Themes and Principles

Staff and Planning Commission identified key themes and principles to guide discussion and decision making in Phase One. These principles continue as appropriate and necessary guidelines to ensure that Phase Two decisions are:

1. *Balanced* – The best solutions balance the legitimate interests of stakeholders, respecting the rights of owners to utilize their property while addressing the needs of surrounding property owners for relief from certain negative impacts of redevelopment.
2. *Targeted* – The City recognizes the significant benefits of neighborhood investment. Bellevue solutions encourage graceful neighborhood transitions; they are not a broad assault on redevelopment, but a thoughtful and focused set of tools to address specific harmful effects, including:
 - a. *Loss of trees and greenscape*
 - b. *Loss of sunlight, privacy and territorial views due to structure size and scale*
 - c. *Construction impacts (noise, dirt, traffic, neglected structures).*
3. *Flexible* – Effective solutions acknowledge special circumstances and conditions, and provide alternatives and work-arounds to accommodate the reasonable use of property.

Evaluation criteria

Based on the above principles, and on the need to limit impacts on City and private resources, the following criteria should be applied in the evaluation of potential solutions.

1. Is this tool focused on one of the specific impacts identified by the community and verified by the City as harmful to neighborhood character?
2. Is this tool the least intrusive solution that can be used to address the problem effectively?
3. Can this tool be applied fairly; does it provide for reasonable alternatives when merited by special conditions and circumstances?
4. Does this tool have no, or few manageable, negative impacts or consequences?
5. Can this tool be implemented in a way that keeps City staffing impacts and bureaucracy to a minimum?

Phase Two Solutions
~ Loss of Trees and Greenscape ~

The City Council has decided that any broad public discussion of citywide tree preservation should take place in the context of the Environmental Stewardship Initiative. Concerns about greenscape loss, and about tree loss due to redevelopment, were addressed in Phase One with the decision to require 50 percent greenscape in front setbacks and 30 percent tree retention in cases of redevelopment.

One remaining issue for Phase Two is the tree retention requirement for infill development. To avoid public confusion and to fulfill the original intent of the Neighborhood Character work, the current 15 percent tree retention requirement for subdivisions should be increased to be consistent with the 30 percent retention requirement for redeveloped lots.

A second issue has been raised concerning the removal of trees immediately preceding, or immediately after redevelopment occurs. Staff recommends that the City consider any steps to address actions that are counter to the intent of Phase One tree protection code changes (e.g., limitations on tree cutting on private lots prior to and following redevelopment) within the broader context of the Environmental Stewardship Initiative.

Staff recommendation	Focused on impact	Less intrusive	Fair & flexible	Few negatives	Less bureaucratic
Require 30 % tree retention for subdivisions	✓	✓	✓	✓	✓
Consider limiting tree removal within 2 years of redevelopment	Refer to broader discussion under ESI				

Phase Two Solutions ~ Construction Impacts ~

Phase One addressed the majority of concerns about noise, construction debris, and related impacts. Phase Two addresses five remaining issues:

1. Remodeling construction hours

An original proposal was to change the definition of remodels, based on citizen concerns that teardowns for all practical purposes – leaving a tiny remnant of the original building – were being classified as additions. However, Building and Land Use staff have pointed out that changing the definition – while possible – would accomplish little of benefit to neighborhoods. Focusing on the actual differences between the types of permits involved, the biggest disparity is in construction hours. Currently, new home construction is permitted from 7 a.m. to 6 p.m. on weekdays; 9 a.m. to 6 p.m. on Saturdays; and not allowed on Sundays and holidays. Construction for remodels and additions is permitted from 7 a.m. to 10 p.m. on weekdays, and 9 a.m. to 10 p.m. on Saturdays and Sundays.

Some relief from construction impacts can be afforded by revising the permitted hours for outdoor construction on additions and remodels. Focus groups and others agree that a change is in order, but they concur with Planning Commissioners' wish to maintain the ability of do-it-yourselfers to improve their homes in their spare time. The staff recommendation proposes a reasonable adjustment – changing the ending time for remodel projects from 10:00 to 8:00 p.m.

Staff recommendation	Focused on impact	Less intrusive	Fair & flexible	Few negatives	Less bureaucratic
Revise hours for remodels and additions: 7 a.m. to 8 p.m. on weekdays, and 9 a.m. to 8 p.m. on Saturdays and Sundays	✓	✓	✓	✓	✓

2. Codes or procedures that allow for reduced setbacks and other Planned Unit Development characteristics that may be out of character with the surrounding neighborhood

Phase One generated concerns about certain characteristics of Planned Unit Developments (PUDs) and Conservation Plats. In Phase Two so far, residents have complained increasingly that PUDs within or adjacent to existing single family developments often disrupt or compromise the character of the original neighborhood. The Planning Commission expressed interest in exploring these concerns, but decided that inquiry should be pursued separately from Phase Two.

Staff recommendation	Focused on impact	Less intrusive	Fair & flexible	Few negatives	Less bureaucratic
Address concerns about setbacks and PUD compatibility with adjacent neighborhoods	Refer to Innovative Housing Initiative				

3. Abandoned homes and/or construction sites in residential neighborhoods

This issue was raised in response to a unique situation. Neither residents nor Planning Commissioners strongly identify with the problem of abandoned residential construction sites – in part because the recent housing market has minimized such possibilities. However, the situation – when it does occur – is a burden on the entire neighborhood.

At the same time, residents have testified that they are far more concerned with previously occupied houses that are left vacant and become both eyesores and attractive nuisances.

With regard to both abandoned construction sites and vacated homes, the City is currently able to address code/safety violations, but has no way to address aesthetic concerns. The City has no abatement fund, should the City wish to pursue abatement proceedings as a remedy. Requiring a bond for project completion would be technically possible, but the addition to bureaucracy would have to be weighed against the infrequency of cases.

Outreach staff supports a direct approach to addressing the aesthetic affront to the neighborhood that is created by both situations, abandoned construction sites and neglected, vacant homes.

Staff recommendation	Focused on impact	Less intrusive	Fair & flexible	Few negatives	Less bureaucratic
Establish maintenance standards specifically applicable to abandoned building sites and vacated houses.	✓	✓	✓	✓	✓

4. Lifespan of building permits

A proposal to shorten the lifespan of building permits was made to City Council by a citizen frustrated by the longevity of a building project in his neighborhood. In Bellevue, all types of building permits are issued for a period of three years – longer than the effectiveness period for permits in most other cities. However, all cities outside Bellevue provide for renewal of expiring permits. So limiting the initial effectiveness period would have no effect. Further, staff found that nearly all residential projects in Bellevue are completed within one year of the permit being granted.

Staff recommendation	Focused on impact	Less intrusive	Fair & flexible	Few negatives	Less bureaucratic
Take <u>no action</u> on proposal to reduce the longevity of building permits; instead, address negative impacts of construction activity (e.g., noise, debris, etc.)	✓	✓	✓	✓	✓

5. Mechanical equipment setbacks

The proposal to establish separate setback requirements for mechanical equipment has generated a tepid public response. Residents are generally in favor as long as the regulation is applied *only to new* single family homes. On the other hand, strong support comes from:

- Code Compliance staff – Even though the number of HVAC noise complaints is relatively small (six in 2007), staff believes that preventing this very contentious situation is better than trying to fix it later.
- Industry professionals – Experts on HVAC agree that units should be placed in back yards. To quote one of these experts, “the worst placement for an a/c unit is between two houses” because noise reflects off the walls and actually bounces back and forth. Options to back yard placement include insulated jackets, sound barrier fencing, and sound curtains.

Some staff have pointed out that HVAC complaints are currently addressed through the Noise Ordinance. However, research has shown that most HVAC units are not able to meet code requirements. (Residentially generated noise cannot exceed 55 db at the property line.) A realistic answer is to place units away from neighboring properties, or use screening materials to reduce noise to legal levels.

Staff recommendation	Focused on impact	Less intrusive	Fair & flexible	Few negatives	Less bureaucratic
Require new single family homes and homes adding more than 1,000 square feet to locate HVAC in the back yard or, if HVAC units are located in the side yard, require sound screening and prohibit placement within the five-foot minimum side setback.	✓	✓	✓	✓	✓

Immediate action and next steps

The above code and procedural changes have emerged from previous Planning Commission discussions, extensive research, and discussion with the residents, stakeholders, and affected City staff. The majority of public comments to date – including those expressed at the April 8 community meeting, and at recent neighborhood meetings – have leaned strongly in favor of these steps.

Staff suggests that Planning Commissioners provide direction on the above issues at this time and consider the remaining Phase Two issues at the Commission’s June 4 meeting. At that time, staff will provide additional research, examples and illustrations of alternative proposals for addressing the size, scale and placement of residential buildings.

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Available for review in Neighborhood Outreach Office:

Public comment on Neighborhood Character Phase Two, including results of April 8 Community Meeting