



MEMORANDUM

DATE: May 27, 2008

TO: Chair Robertson and Planning Commission Members

FROM: Cheryl Kuhn and Steph Hewitt, Neighborhood Outreach
Matthews Jackson, Land Use
Department of Planning & Community Development

SUBJECT: Neighborhood Character Phase Two – Staff recommendations
on size and scale of new homes

On June 4, the Commission will continue its discussion of Neighborhood Character Phase Two, considering regulatory and procedural changes which respond to citizen concerns about neighborhood redevelopment impacts. At this meeting, staff will present recommendations for addressing issues of housing size and scale. If the Planning Commission reaches consensus on these issues, the staff and Commission chair will present the City Council this summer with a complete package of preliminary Phase Two recommendations.

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 complete its review of a second round of recommendations for Council consideration.

On May 14, the Commission reached consensus on the following Phase Two preliminary recommendations:

- Require 30 percent tree retention for subdivisions;
- Refer to the Environmental Stewardship Initiative the issue of limiting tree removal within two years of redevelopment;
- Revise construction hours for remodels and additions to 7 a.m.-8p.m. on weekdays, 9 a.m.-8 p.m. on Saturdays and Sundays;
- Establish maintenance standards specific to abandoned building sites and vacant houses;
- Require new single family homes and homes adding more than 1,000 square feet to locate HVAC units in the back yard or, if units are located in the side yard, require sound baffling and prohibit placement within the five-foot minimum sideyard setback;
- Refer to the Innovative Housing Initiative issues of PUD setbacks and compatibility with adjacent neighborhoods;
- Take no action on the longevity of building permits, but continue to address negative impacts of construction activity.

Discussion on June 4 will focus on the remaining Phase Two issues pertaining to housing size and scale. Again, the following information 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 consideration.

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?

Potential Phase Two Solutions **~ Size and Scale Impacts on Sunlight, Privacy ~**

Aside from addressing certain height issues, Phase One left size and scale issues to be considered in Phase Two. The Planning Commission has identified several approaches of interest, and staff has pursued all of these approaches in various ways:

- By meeting with staff of various cities and discussing at length their experience with these methods;
- By visiting neighborhoods inside and outside Bellevue to view first-hand how various approaches work, or don't work, in practice;

- By talking with Bellevue city staff and seeking their opinions on the effectiveness of these methods, the appropriateness for Bellevue, the potential impacts on staff workload, and the degree of clarity for applicants;
- By talking with residents and groups – including focus groups, neighborhoods, community meeting attendees, and stakeholders – to ascertain their opinions of these methods.

The majority of discussion has focused on tools – Floor Area Ratio, daylight plane, setbacks, building articulation – to address the impacts of housing bulk. At the conclusion of Phase One, the Planning Commission asked staff to evaluate single family FAR as an option to imposing development standards for homes over a certain size threshold.

Floor Area Ratio vs. Development Standards – Staff found FAR to be the tool that cities most commonly use (in conjunction with lot coverage and height limits) to address bulk of single family homes. In discussing FAR with various groups:

- The majority of focus group members preferred FAR as the simplest and most reasonable method of addressing size and scale issues. In general, residents were supportive.
- Builders and developers are generally opposed to single family FAR, and claim that it would unnecessarily restrict both size and architectural creativity.
- Other cities facing similar issues see FAR as working well, especially when combined with increased setbacks.
- Some Planning Commissioners have expressed doubt that single family FAR is an appropriate tool for Bellevue. City staff agrees that FAR fails to address the two major complaints about size and scale; i.e., loss of light and loss of privacy.

Development Standards Based on FAR Threshold – Initially staff looked into the concept of development standards (daylight plane, setbacks, etc.) for homes over a certain square footage. This approach misses the mark because homes on very small lots may fall below the square footage threshold and still – because they are out of scale with the lot – intrude on neighbors’ sunlight and privacy. Commissioner Hal Ferris has proposed establishing a gross FAR threshold, above which building projects would have to comply with certain requirements. Staff agrees that this approach addresses the real problems of daylight loss and privacy encroachment, and focuses on the “outlier” situations without placing unnecessary restrictions on every project. Staff proposes that the regulatory changes should focus on the infill that occurs within mature neighborhoods with established character, and not on new neighborhoods establishing a new character (i.e., new full subdivisions).

Staff Recommendation:

(1) Calculate gross FAR for new single family homes in existing neighborhoods. For projects exceeding the FAR threshold of 0.5, establish the following additional requirements:

- a. Increased side setbacks -- 7.5 feet minimum on both sides; AND,*
- b. Incorporation of EITHER daylight plane standards (roof pitch of 45 degrees beginning 10 feet above grade),) OR second story step-back (second story area limited to 75% of first floor, with step-backs occurring on both sides).*

(2) Apply the above rules to new single family homes in existing neighborhoods (tear-downs and vacant lots), new short plats, and existing single family homes adding more than 20 percent of impervious surface. Provide exemption for single lots in new neighborhoods where the character of the neighborhoods is just being established.

Guest cottage placement – The proposal to establish separate setbacks for guest cottages has received broad public support. Stakeholders and Planning Commissioners agree that it is a logical step to ensure sensitive placement of these buildings. Staff also favors consideration – at a future time – of a proportional requirement for guest cottages and other accessory structures.

Staff Recommendation:

- *Require a minimum setback for guest cottages of 20 feet from all property lines.*
- *Refer proposed accessory structure proportional requirement for consideration as part of the Innovative Housing Ordinance.*

Lot assembly limitation – One suggestion has been to limit the ability to combine lots. However, research has shown lot assembly to be a rare practice in Bellevue. Neither the public nor the Planning Commission has expressed interest in pursuing this approach. Staff recommends no action.

Staff Recommendation: Take no action

Potential solution	Focused on impact	Less intrusive	Fair & flexible	Few negatives	Less bureaucratic
FAR threshold for development standards	✓	✓	✓	✓	
Guest cottage setbacks	✓	✓	✓	✓	✓
Guidelines for Reasonable Development	✓	✓	✓	✓	✓

Immediate action and next steps

Staff suggests that Planning Commissioners provide direction on the above issues at this time and authorize the Commission chair and City staff to present preliminary recommendations on all Phase Two issues to the City Council at the next opportunity.

Neighborhood Character contacts

Cheryl Kuhn, 452-4089
 Steph Hewitt, 452-2564
 Matthews Jackson, 452-2729

Neighborhood Character ~ Phase Two

Size & Scale Residential Zoning Regulations - Eastside Jurisdictions					
	Building Height	Impervious Surface Coverage (maximum percent)	Lot Coverage (maximum percent)	Floor Area Ratio	Notable Misc.
<i>Issaquah</i>	30' measured from average finished or existing grade, whichever is lower to midpoint of highest point of roof structure	40 - 50% depending on zone (impervious surface includes decks, gravel, overhangs, structures greater than 18" off the ground)	N/A	N/A	N/A
<i>Redmond</i>	35' measured from average finished grade to highest point of roof structure	20 - 60% depending on zone	12-40% depending on zone (Note: lot coverage is the maximum percentage of a lot that may be covered by primary and accessory structures, including decks over 30 inches and covered porches)	N/A	20% minimum open space requirement in R3-R5 zones
<i>Kirkland</i>	25' - 30' depending on residential zone, measured from average building elevation to highest point of roof structure	N/A	50% (Note: lot coverage is the area of all structures and pavement and any other impervious surfaces on the property)	.20-.50, depending on zone (*.60 in R-5 if 4:12 roof pitch and 7.5' side yard setbacks)	N/A
<i>Mercer Island</i>	30' measured from average building elevation to highest point of roof structure	20 - 40% depending on lot slope	N/A	.45 of net lot area	N/A
<i>Sammamish</i>	35' measured from average finished grade to highest point of roof structure	30 - 70% depending on zone	N/A	N/A	N/A
<i>Bellevue</i>	30' measured from existing grade to midpoint of roof structure	50-55% depending on zone	35-40% depending on zone	N/A	50% greenscape requirement in front yard setback