

**Infill Housing Toolkit  
Decision Agenda  
Bellingham Planning Commission  
May 14, 2009 Worksession**

ISSUE	NOTES	DATE/DECISION
<p><b>Issue 1: <i>The applicability of the Toolkit to Single Family Residential Zones.</i></b> Options for consideration:</p> <p>1. Concern that the Infill Housing Toolkit will allow multi-family housing forms in single-family neighborhoods could be addressed by deleting the second sentence in 20.28.020.A as follows:</p> <p><b>20.28.020 Applicability</b> A. The housing types in this chapter are permitted in all zones that allow residential uses except: Residential Single, Neighborhood Commercial, and property regulated by BMC 16.80 Lake Whatcom Reservoir regulatory chapter. <del>In single family zones, these housing types may be permitted if approved as part of an amendment to this title through a Type VI process.</del></p>	<p>This would not preclude a rezone from adding any toolkit form in the future to a SF zone but may make it less obvious that it is possible to do so.</p>	
<p>2. Concern that by requiring a full Type VI legislative process to add any infill housing forms to Residential Single zoned areas, the City is making it too difficult and the forms should be allowed in all residential areas.</p> <p><u>Proposal:</u> Allow the Toolkit in all areas of the City that allow residential use except Neighborhood Commercial and the Lake Whatcom Watershed by making the following changes:</p> <p><b>20.28.020 Applicability</b> A. The housing types in this chapter are permitted in all zones that allow residential uses except: <del>Residential Single,</del> Neighborhood Commercial, and property regulated by BMC 16.80 Lake Whatcom Reservoir regulatory chapter. <del>In single family zones, these housing types may be permitted if approved as part of an amendment to this title through a Type VI process.</del></p>	<p>Staff does not recommend this approach as it would be a blanket approach and would not be appropriate.</p>	

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<p><b>3.</b> As written in the Applicability Section, the process required to add one or more of the infill housing forms to existing Residential Single zones is confusing to a number of citizens. Fear that the toolkit may be applied piecemeal to particular lots in existing neighborhoods has also been articulated.</p> <p><u>Proposal:</u> Amend 20.28.020 A to clarify that adding the Toolkit to single family zones would require a "rezone" and clarify that any additions would need to be area-wide. If the proposal is not area-wide, require that any additions would also require a Comprehensive Plan amendment and be considered as part of the annual review to strengthen the process requirements.</p> <p><b>Additionally staff recommends limiting applicability in Residential Multi-Duplex areas with new language added to #3 below:</b></p>	<p>Would clarify and strengthen process requirements, prevent spot-zones, and limit applicability in MF Duplex zones to those forms that are single-family detached.</p>	<p>5/14: Recommend to approve option #3 with following modifications: Add <u>"Duplex/Triplex of no more than two units"</u> to be allowed in RM-Duplex zones. Also add a sentence at the end to state: <u>"In addition, the neighborhood pre-application meeting shall occur prior to the docketing process for Comprehensive Plan amendments."</u></p>
<p><b>20.28.020 Applicability</b></p> <p>A. The housing types in this chapter are permitted in all zones that allow residential uses except: Residential Single, Neighborhood Commercial, and property regulated by BMC 16.80 Lake Whatcom Reservoir regulatory chapter. <del>In single family zones, these housing types may be permitted if approved as part of an amendment to this title through a Type VI process.</del> <b><u>In Residential Multi – Duplex zones, only Small House, Smaller House, Cottage, Detached Accessory Dwelling Unit and Carriage Houses are permitted.</u></b></p> <p><u>Each housing type or types in this chapter shall be permitted in any Residential Single zone <b>only</b> as a legislative rezone, with all of the notice requirements, hearings and safeguards afforded by a Type VI legislative process. The housing type or types permitted as a rezone in each residential single zone shall be added as a "Special Regulation" to the Zoning Table in Title 20. Addition of <b>any of</b> the housing types in this chapter to any Residential Single Area shall not be permitted in only a part of any Area, unless such amendment is considered during the annual review of Comprehensive Plan amendments.</u></p>	<p>Staff recommends option #3 to clarify when and how these housing types might be added to Residential Single zones through the rezone process. <b>Additionally staff recommends modifying permitted uses in Residential Multi – Duplex as shown, and "any of."</b></p>	
<p><b>4.</b> Make no changes to the current language.</p>		

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<p><b>5. Other options raised in public process:</b></p> <ul style="list-style-type: none"> <li>• Compromise by allowing only “single-family detached” forms to be added to single-family neighborhoods, e.g. Small and Smaller Lot, DADU, Carriage and Cottage</li> <li>• Use a pilot or demonstration project to demonstrate forms</li> <li>• Allow only those neighborhoods who wish to allow the forms to do so</li> <li>• Only allow Toolkit Housing in Residential Transition Areas surrounding Urban Villages.</li> </ul>		
<p><b>Issue 2:</b> Clarify that Small Lot and Smaller Lot forms are a detached single family form of housing rather than simply a lot configuration.</p>		<p>4/30: Modify the titles of Small Lot and Smaller Lot to Small House and Smaller House.</p>
<p><b>Issue 3:</b> The backup requirement in alleys is too large and should be reduced.</p>		<p>4/30: Reduce the 22’ back up distance on alleys to 20’.</p>
<p><b>Issue 4:</b> Side street parking setback on all forms are too big and will constrain the site.</p>		<p>4/30: Reduce the side street setback for garages, carports and open parking from 20’ to 10 feet.</p>
<p><b>Issue 5:</b> Open space minimum dimensions in Garden Court should be an average of 20’.</p>		<p>4/30: Change the section to read: 20.28.140.D.1. Shared open space shall be provided in the amount of 200 square feet for each dwelling unit. It shall be consolidated, <u>no dimension less than 20 feet with a minimum average dimension of 20 feet.</u></p>

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<p><b>Issue 6:</b> Parking in Garden Court does not allow parking between structures. This should be changed to allow it because it can facilitate better site design and use of available space.</p>		<p>4/30: Allow parking between structures for Garden Court by changing the section to read: 20.28.140.E.2.  <u>Parking generally shall be located to the rear or side only, but 20% of parking may not be located between structures, but may not be located or between structures and a public street;</u> <del>and parking generally shall be located to the rear or side only.</del></p>
<p><b>Issue 7:</b> The height limit for the entire Infill Housing Toolkit is 25'. This height limit may be too small for Townhouses, and it may be prudent to allow Townhouses to go up to 35' in some cases. The Planning Commission might consider:</p> <ol style="list-style-type: none"> <li>1. Increasing the height for Townhouses from 25' to 35', or</li> <li>2. Adding a new housing type, the Tall Townhouse which could go up to 35' or</li> <li>3. Do nothing and leave the proposal as it is.</li> </ol>	<p>Staff is attracted to alternative #2 because it would provide another alternative for toolkit implementation and has been recommended by designers.</p>	<p>4/30: Do nothing and leave the proposal as it is.</p> <p>5/14: Discussed again in light of additional public comment but did not change decision. Expressed support for City Council evaluating this possibility, i.e. "Tall Townhouse" with certain criteria.</p>
<p><b>Issue 8:</b> The Green Factor landscaping standards that accompany certain forms of the Infill Housing Toolkit specify a multiplier of only .2 for structured soil systems. These systems have proven to be very effective in our area and the multiplier should be increased to encourage their use in these projects.</p>		<p>4/30: Increase the multiplier for structured soil systems to 0.4.</p>

<b><u>NEW ISSUES NOT PREVIOUSLY LISTED IN STAFF REPORT:</u></b>		
<b>Issue 9:</b> Fairhaven Design Guidelines and any new urban village design guidelines are located in BMC 20.26 and are not currently referenced in the Toolkit. To ensure that all Toolkit forms include and abide by those guidelines, a reference to BMC 20.26 should be included in the General Standards under Design Review.		4/30: 28.28.030 Process A. In accordance with BMC 21.20, all housing forms will use a Type II process, and all land use applications may be consolidated under the highest type. Design review applies as outlined in BMC 20.25 <b>and 20.26</b> with additional design standards and guidelines as specified under each housing type.
<b>Planning Commissioner Robinson's questions and suggested changes:</b>	<b>NOTES</b>	<b>DATE/DECISION</b>
<b>20.28.020 Applicability</b> C. <b>Property ownership may be held in common, through a subdivision or a binding site plan.</b>	Staff suggestion to clarify implementation question.	5/14: Approved change as written.
<b>20.28.040 Definitions</b> <b>J. Townhouse:</b> A dwelling in a row of units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common <del>fire-resistant</del> walls.	Delete ref. to code issue.	5/14: Approved change as written.
<b>M. Design Guidelines:</b> <del>Guidance for meeting the intended project design.</del> <b>Guidelines for meeting the intention of the ordinance.</b>	Clarifying language.	5/14: Approved change as written.
<b>20.28.050 General Standards</b> C. Subdivision. First line: add the word "types" as follows: Sites with cottage, shared court, garden court, and townhouse <b>types</b> may be subdivided ... Last line – the final sentence is also very confusing to me. C. Subdivision.... Subsequent alterations to buildings are subject to review and approval of plans such that they are <b>consistent with the project as a whole consistent with the regulations in this Chapter that were previously applied to this site.</b>	Clarifying language.	5/14: Approved change as written.

SUGGESTED CHANGE	NOTES	DATE/DECISION
<p><b>20.28.050.F. Private Lanes and Alleys</b></p> <p>3. Lanes and alleys must be <del>constructed and</del> maintained to City Standards, and legal documents regarding common facilities and maintenance must be submitted for approval by the Planning Director and recorded.</p> <p>4. <u>Lanes and alleys must be constructed to the following improvement standards:</u></p>	<p>Clarifying language.</p>	<p>5/14: Approved change as written.</p>
<p><b>20.28.050.F.</b></p> <p>7. Parking is not allowed <u>within the lane width but may be allowed in a pocket abutting a lane. on a lane except when incorporated as pocket parking.</u></p>	<p>“Pocket parking” is not defined anywhere, and where it is allowed could create confusion.</p>	<p>5/14: Approved change as written.</p>
<p><b>20.28.060 Smaller Lot</b></p> <p>G. 1.</p> <p>d. Suggest adding to this as follows, “A change of materials, <u>colors or textures</u> on different elements is encouraged to provide further articulation and additional variety and character.</p> <p>G.2</p> <p>a. <u>Front yards can provide small extensions of the entry porch for semi private activity.</u> Front yard parking aprons are not allowed.</p>	<p><u>This item is repeated throughout and the proposal is to add it wherever this phrase is located.</u></p> <p>This is a confusing design guideline reference – staff recommends striking it.</p>	<p>5/14: Approved change as written.</p>
<p><b>20.28.070 Small Lot</b></p> <p>D. Open Space</p> <p>1. A minimum of 60% of the site area shall be in landscaping and pervious materials (may include pervious paving and green roofs). Exceptions may be made in erosion hazard zones or areas with shallow bedrock as determined by the Planning Director <u>City.</u></p>	<p>Consistency with similar reference in Smaller Lot.</p>	<p>5/14: Approved change as written.</p>

<p><b>20.28.080 Cottage</b></p> <p><b>D.2.</b> Private usable open space must be directly accessible from the dwelling unit, and be <del>screened</del> <b>separated</b> from shared spaces or paths and other units.</p> <p><b>E.1</b> <del>Each dwelling unit shall provide at least one on-site parking stall.</del> <b>The project shall include at least one on-site parking stall per unit.</b> The Planning Director may reduce parking requirements based on applicant’s demonstration of site-specific factors that justify a lower standard. Parking stalls shall be at least 9’ X 18’.</p>	<p>Concern about requiring fences vs. other forms of separation.</p> <p>Clarifying language.</p>	<p>5/14: Approved change as written.</p>
Additional code changes to Implement Infill Housing Toolkit	NOTES	DATE/DECISION
<p>1. <b>Adopt a new Chapter Subsection BMC 20.12.030.E. adopting a “Green Factor” landscaping regulation</b> designed to improve the quantity and quality of planted areas while allowing greater flexibility for designers to meet open space and landscaping requirements. Green factor landscaping would only be required for selected infill housing types.</p>	<p>See draft ordinance for exact language.</p>	<p>5/14: Moved to recommend adoption.</p>
<p>2. <b>Modify BMC 20.08.020 F.3. Floor Area Ratio</b> definition to remove references to right of way and public spaces.</p>	<p>See draft ordinance for exact language.</p>	<p>5/14: Moved to recommend adoption.</p>
<p>3. <b>Amendment to the Subdivision Ordinance (Bellingham Municipal Code, Title 18) to include provisions in BMC 18.04.040</b> Scope as necessary to implement the infill housing types contemplated in the proposed new Infill Housing Chapter mentioned above.</p>	<p>See draft ordinance for exact language.</p>	<p>5/14: Moved to recommend adoption.</p>
<p>4. <b>Amendments to BMC 21.10.040.C</b> to add infill housing applications to the list of decisions requiring a Type II review process. Type II requires a public notice and comment period.</p>	<p>See draft ordinance for exact language.</p>	<p>5/14: Moved to recommend adoption.</p>