

PLANNING COMMISSION AGENDA ITEM COVER SHEET

Meeting Date		Staff Contact	
4/28/2011		MOSHÉ QUINN	
Subject:			
<p>The purpose of this agenda item is to consider changes to the Bellingham Municipal Code, which would simplify and coordinate the definition of "Floor Area or Space" and "Floor Area Ratio". The action is requested by the Planning and Community Development Department and will result in a clear and concise definition of Floor Area or Space and Floor Area Ratio.</p>			
Attachments:			
1. Staff Report			
2. Draft Findings of Fact, Conclusions and Recommendations			
3. Draft Ordinance			
4.			
5.			
Meeting Type		Category	
<input checked="" type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Legislative		
<input type="checkbox"/> Public Meeting	<input type="checkbox"/> Quasi-judicial		
<input type="checkbox"/> Work Session	<input type="checkbox"/> Information Only		
<input type="checkbox"/> Briefing			
Clearances		Initials	Date
Jeff Thomas, Director		<i>KOH</i>	4/15/11
Alan Marriner, Legal		<i>AMM</i>	4/15/11
Kurt Nabbefeld, Senior Planner		<i>KD</i>	4/15/11
Moshé Quinn, Planner II		<i>MQ</i>	4-15-11
Previous Commission Meeting or Action:			
Recommended Action:			
Staff recommends approval of the proposed code amendments.			

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CITY OF BELLINGHAM PLANNING STAFF REPORT

Agenda Topic:	Amendments to Title 20 of the Bellingham Municipal Code (BMC) regarding the definitions of Floor Area or Space and Floor Area Ratio.
For:	April 28, 2011 - Planning Commission Public Hearing
Staff Contact:	Moshé Quinn, Planner II

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I. SUMMARY OF PROPOSAL:

15 The purpose of this proposal is to consider changes to the Bellingham Municipal Code (BMC)
16 Sections 20.08.020 F. 2 and BMC 20.08.020 F. 3, and will simplify and coordinate the definition
17 of "Floor Area or Space" and "Floor Area Ratio". The specific amendments include:

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20.08.020 F - Specific Definitions

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- F. 1. [No change]
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2. **Floor Area or Space:** ~~The sum of the gross horizontal area of the floor or floors of the building, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and areas having a ceiling height of 7½' or more, but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on 2 or more sides, areas having a ceiling height of less than 7½' and areas used exclusively for storage or housing of mechanical or central heating equipment.~~
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- a. **General:** The sum of the gross area of the floor(s) of a building measured from the exterior face of the exterior walls or from the centerline of a wall separating two buildings, including elevator shafts and stairwells on each floor, and areas having a floor to ceiling height of 7' or more, but excluding all parking and loading areas, areas used exclusively for mechanical equipment, unroofed areas, roofed areas open on two or more sides, and any space where the floor to ceiling height is less than 7'.
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- b. **Single Family Development:**
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- i. **Main Residential Building:** For the purpose of determining the maximum size of a main residential building in BMC 20.30 single family development, "total floor area" shall include the sum of the gross horizontal area of the floor(s) of the building, measured from the exterior faces of the exterior walls, including elevator shafts and stairwells on each floor and including attached garages, but excluding unroofed areas and roofed areas open on two or more sides.
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- ii. **Accessory Residential Building:** For the purpose of determining the maximum size of accessory residential buildings in BMC 20.30 single family development, "total floor area" shall include the sum of the gross horizontal

1 area of the floor(s) of the building, measured from the exterior faces of the
2 exterior walls, including elevator shafts and stairwells on each floor,
3 garages, and areas having a floor to ceiling height of 6' or more, but
4 excluding unroofed areas, roofed areas open on two or more sides, and
5 any space where the floor to ceiling height is less than 6'.
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7 c. **Retail Establishments:** Individual retail establishments meeting the provisions
8 of BMC 20.10.025 shall be calculated per Section 20.10.025 B.
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10 **3. Floor Area Ratio (FAR):** The total gross floor area of the building(s) on a site
11 divided by the site area. For the purposes of calculating FAR, all floor area with ceiling
12 height not more than 3 feet above the adjacent finished ground level is excluded. ~~he~~
13 ~~total gross floor area includes the total enclosed area of all floors of a building~~
14 ~~measured to the outside face of the structural members in exterior walls, including~~
15 ~~elevator shafts and stairwells on each floor and service and mechanical equipment~~
16 ~~rooms; but excluding exterior decks and balconies, all floor area with ceiling height~~
17 ~~not more than 3 feet above the adjacent finished ground level, and structured parking~~
18 ~~(including garbage facilities therein).~~
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20 **4. through 5** [No change]
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22 II. PLANNING COMMISSION ROLE:

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24 The role of the Planning Commission is to make a recommendation on this proposal to the City
25 Council. This proposal is a legislative development code amendment requiring a Type VI
26 process. The Planning Commission must hold a public hearing and issue findings of fact and
27 conclusions along with a recommendation to the City Council. Draft findings and conclusions
28 are included in the staff report, see Attachment A. The Commission should adopt or modify the
29 draft findings as needed to support the Commission's recommendation.
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31 III. BACKGROUND:

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33 The Planning and Community Development Department has been working on several code
34 changes to improve the City's land use and development code. The changes are intended to
35 provide clear and concise development standards that will improve usability for citizens,
36 professionals, and staff.
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38 In June 2010, staff held an informational session with the Planning Commission to discuss
39 possible changes to the City's land use and development code, which included new provisions,
40 minor amendments, and code corrections. Since that time, staff has evaluated a majority of the
41 code changes presented to the Commission and grouped the amendments based on common
42 subject matter into a series of consecutive reports for processing. This proposal is part of Wave
43 II being processed this year.
44

45 On April 7, 2011, the City held a focus group meeting to provide an opportunity for feedback
46 and discussion of the proposed amendments with people who frequently use the Land Use
47 Development Code. In general, the participants at the meeting were in favor of the proposed
48 amendments and believed the changes improved the City's land use and development
49 regulations.
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2 **IV. ISSUE:**
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4 **Floor Area or Space definition:**
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6 The floor area definition is most commonly used for rules that set maximum building or use size
7 and parking requirements. Ceilings are sometimes lowered or rooms labeled as storage to avoid
8 the regulation. The exclusion of space with a ceiling height of less than 7.5' and storage areas
9 from the floor area definition results in functional space being excluded. For example, the
10 International Residential Code (the building code for one and two family dwellings) allows a
11 minimum 7' ceiling height for habitable rooms. Rooms with sloped ceilings must have a
12 minimum ceiling height of 7' over at least 50% of the required floor area and no portion with less
13 than a 5' ceiling height. The 7.5' ceiling height within the current Floor Area or Space definition
14 was based on the Uniform Building Code, which no longer applies.
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16 The floor area calculation method for a single-family residence (SFR) is not being changed,
17 which currently requires parking and storage areas to be included in the total floor calculation to
18 determine that the residence does not exceed the 5,500 square foot size limit. A SFR
19 accessory building also has a prescribed size limit and includes parking areas and areas having
20 a ceiling height of 7.5' or more. Because the current definition of floor area excludes parking
21 areas, storage areas, and areas having a ceiling height of less than 7.5', permit center
22 applicant's often provide incorrect floor area calculations for these types of residential buildings.
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24 The definition is also not coordinated with the floor area ratio definition, which increases
25 complexity and may cause confusion. Most codes coordinate these two definitions.
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- 27 a. all parking and loading areas, areas used exclusively for mechanical equipment,
28 unroofed areas, roofed areas open on two or more sides, and any space where
29 the floor to ceiling height is less than 7'.
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32 **V. ANALYSIS:**

33 The proposed general floor area definition would change the ceiling height exclusion from 7.5' to
34 7', remove the exclusions for storage, and exclude all parking and loading areas, areas use
35 exclusively for mechanical equipment, unroofed areas, roofed areas open on two or more sides,
36 and any space less than 7'. It would also clarify where the measurement should be taken from
37 the outside walls and walls between buildings.
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39 The current floor area ratio definition included a number of additions and exclusions in order to
40 operate with existing floor area definition. The proposed changes to the floor area definition will
41 work in conjunction with the proposed FAR definition, allowing extra language in the FAR
42 definition to be removed.
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44 The proposed code amendment further improves the floor area or space definition by clarifying
45 what has become a confusing and often misinterpreted definition. The Planning and
46 Community Development Department has issued three separate policies concerning the
47 definition of 'floor area'. These included determinations of what constitutes exempt storage
48 area, excluding areas with low ceiling heights in stairwells and excluding basements with less
49 than 7 ½' ceiling heights from the 5,500 square foot single family residence size limit.

1 Reduction of the ceiling height to 7' and removing the word 'storage' from the floor area
2 definition would correct this minor code inconvenience and remove three interpretations from
3 the "Interpretation and Policy Book" used by staff.

4 Floor area is used in a number of places in the Title 20 development regulations. As
5 mentioned above, the most common uses are:

- 6 • Parking requirements (BMC 20.12.010). The definition change may have some minor
7 impacts on parking calculations based on floor area or gross floor area such as
8 shopping centers or offices. Some parking requirements are based on other factors.
9 Retail uses and restaurants provide parking based on floor area open to the public,
10 residential uses are usually per dwelling unit or based on number of bedrooms and
11 some industrial or service businesses are based on the number of employees.
- 12 • Maximum building sizes in some zones, usually Neighborhood Commercial. The
13 Zoning Tables establish the maximum size for the specific Neighborhood Areas.
- 14 • Size limits for infill housing. There may be a limit on the total building size and/or each
15 floor level and a maximum FAR. The rules typically specify when garages are included
16 or excluded from the calculation.

17 Regulations limiting size of retail establishments and single family residences (SFR) contain
18 floor area definitions specific to those rules (BMC 20.10.025 Retail Establishments – Maximum
19 Size and BMC 20.16.020.S3 SFR containing 5,500 sq ft or more) rather than relying on the
20 general floor area definition. For further clarification, single family residential building
21 accessory residential buildings, and retail establishments have been separated from the
22 general floor area definition to provide less confusion.

23 24 **VI. COMPREHENSIVE PLAN GOALS AND POLICIES:**

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26 The proposed code amendments are consistent with and will implement the City's 2006
27 Comprehensive Plan, which identifies nine guiding principles to make changes to the City's
28 regulatory system as identified in Chapter 2 of the Land Use section. Within this section, the
29 principles are outlined in Part 3-Land Use Regulatory System, titled "The New System". The
30 specific principles particularly applicable to the proposed amendments are as follows:

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- 32 • Assure fair and predictable results and avoid unnecessary delays.
- 33 • Organize, consolidate and simplify development regulations and permitting procedures.
- 34 • Develop a system that is easier and more cost effective to administer.
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36 Part 9-Land Use Policies; Subsection E, Residential Development Policies, further supports the
37 proposed amendments by providing guidance under the following policy:

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39 **LU-35** Develop clear land use and environmental permitting procedures which provide a
40 balance between accommodating development and protecting the public health, safety and
41 welfare.

42 43 **VII. PUBLIC COMMENT:**

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45 Notice of the Planning Commission hearing was mailed to neighborhood representatives and
46 associations, Washington State Department of Community, Trade and Economic Development,

1 and other parties with an interest in this topic. The notice was also published in the Bellingham
2 Herald. A citizen focus group was held on April 7, 2011.

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4 **VIII. STATE ENVIRONMENTAL POLICY ACT (SEPA):**

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6 A Determination of Non-Significance was issued on March 25, 2011.

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8 **IX. STAFF RECOMMENDATIONS:**

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10 Staff recommends approval of the proposed amendments to the Bellingham Municipal Code.

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12 **X. LIST OF ATTACHMENTS:**

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14 A. *Draft Findings of Fact, Conclusions and Recommendations*
15 B. *Draft Ordinance*
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