

MEMORANDUM

TO:	Design Review Committee City Council
FROM:	Applicant, Holland Partner Group
SUBJECT:	Hearing Brief
DATE:	May 29, 2018

This memo addresses the design review issues raised by residents of the Awbrey Glen subdivision (the “Subdivision”), which relate to the compatibility of multi-family uses near an existing single family development in terms of height, bulk, massing, setbacks and scale.

The applicable code section relating to compatibility between single family and multi-family developments subject to design review is section 18.19.050(3) Multifamily:

a. Stacked Housing.

- i. All on-site parking areas shall be screened with landscaping. Parking spaces shall be clustered in small groups of no more than six to ten spaces.
- ii. Stacked houses abutting or located in single-family residentially zoned areas shall be designed to mitigate size and scale differences.
- iii. Walls shall be articulated in order to avoid a blank look and to provide a sense of scale.
- iv. Detached garages shall be located to the rear of stacked unit(s) so as not to be directly viewable from a public street.
- v. Attached garages shall account for less than fifty percent of the front face of the structure. Garages visible from the street shall be articulated by architectural features, such as windows, to avoid a blank look.

In addition, section 18.19.030, incorporates the City’s Design Review Manual (DRM). It is important to note at the outset that many of the design review provisions of both the code and the DRM are highly subjective and relatively few of them contain clear and objective standards. It’s undisputed that the application meets all of the objective standards, such as parking spaces

“clustered in small groups of no more than six to ten spaces” and detached garages shall not be “viewable from a public street”.

The application also meets the subjective standards, as discussed in detail below, but for the purposes of preserving the issues in the event of an appeal, the applicant questions the constitutionality of the subjective design standards as applied to this development under *Anderson v. City of Issaquah*, 70 Wn. App. 64, 851 P.2d 744 (1993) (The standard for constitutionality is whether the design review standards contain “ascertainable standards” or whether the decision maker is required to “guess” at the standards); *cf. Pinecrest Homeowners Assn v. Cloninger & Assocs.*, 151 Wash. 2d 279, 292, 87 P.3d 1176, 1182 (2004) (“The aesthetic standards in *Anderson* were much more general than the design criteria at issue here”).

In interpreting and applying the DRM, the City Council is guided by the language of the DRM, which states that the City can approve a project which meets the “overall intent” of the DRM, even if cannot meet “every development guideline set forth in each section” (page 3, under heading Design Principles vs. Design Guidelines) and that “a project should not be expected to meet every design guideline” (page 4, under heading Standard Design Guidelines; see also page 14 and page 17 under heading Design Guidelines).

The DRM contains several subjective provisions relating to stacked housing near single family residences, including but not limited to:

- “Mitigate size and scale differences” to minimize impacts on adjacent lower intensity uses) (page 13)
- “Stacked houses abutting or located in single-family residentially zoned areas shall be designed to mitigate size and scale differences.” (page 16)
- Development adjacent to residentially zoned properties “should be built with a residential feel.” (page 15)

The Subdivision relies mostly on page 6 of the DRM, which contains the following Standard Design Guidelines relating to Massing & Setbacks:

- Massing and setbacks are major elements of a site plan. These elements have the greatest impact as to how the proposed development relates to the surrounding area and how individuals living and visiting the area interact with the development. Major components that define the character and quality of the proposed development include the size, scale, and placement of buildings, lot coverage, and traffic/pedestrian circulation.
- Higher density/larger structures abutting lower density residential structures should be designed to mitigate size and scale differences. In some cases, creating a natural buffer may be appropriate. (see exhibit 3)

The Subdivision relies heavily on this provision for the argument relating to a 150 foot greenspace buffer, but this section specifically states that a natural buffer may be appropriate “in

some cases” not in all cases where higher density/larger structures abut lower density residential structures. In this case, such a large greenspace is not needed to mitigate size and scale differences due to the design of the proposed use and the relatively high density of the Awbrey Glen subdivision.

The single family lot sizes in the subdivision are about 6,000 square feet, which is on the smaller side for a single family neighborhood, and the houses in the subdivision are fairly large (mostly over 3,000 square feet according to County GIS records) two story homes. At these numbers, the subdivision’s floor area ratio (“FAR”) is over 50%. The dwellings in the subdivision have small backyards and small setbacks between the dwellings. Some of the dwellings appear to be zero lot line dwellings and the spacing between dwellings averages about ten feet.

Given the relative high density of the existing development, the minimal distances between its structures, the substantial lot coverages of the buildings and the height of the buildings, the Applicant’s proposed residential buildings (which are much farther away from the single family units than the units in subdivision are to each other and have greater landscaping and fencing between them and the subdivision than the units in the subdivision) cannot be said to be incompatible with the existing subdivision to the south. Neither the DRM, nor any applicable code provision requires any green space between the proposed development and the existing subdivision. Despite that, through the increased setbacks and landscaping proposed by the Applicant, and the existing back yards of the subdivision, an approximately 60 foot green space will exist between the two developments.

Although the existing subdivision has relatively high density, and the DRM provisions relating to Massing and Setbacks do not define the dimensions of the greenspace, the Applicant, through its revised plans, has done many things to mitigate any size and massing differences between the projects. For example, the Applicant has revised the proposal to move the three buildings at the southern end of the project substantially northward so they are approximately forty feet north of the south property line, far in excess of the fifteen foot setback required by the zoning code. This creates a separation of more than 50 feet between the buildings and the closest residence to the south, with a separation of about 60 feet or more from most of the existing residences.

Given the lack of any dimensional requirements in the DRM for a greenspace and the fact that the proposed location of the buildings are providing a 40 foot setback from the property line, which is nearly three times the minimum 15 foot setback required under code, the spacing between the three stacked buildings and the existing residences to the south more than qualifies as a greenspace buffer under the DRM.

Moreover, the Applicant has done much more to assure compatibility and to mitigate its size and scale differences than merely providing spacing between the buildings and the residences. The Applicant also reoriented the buildings to substantially reduce the number of south facing windows and decks, as well as increasing the separation from most of the residences. The eastern building has been reoriented, so that its narrow facade is facing the neighborhood, with open space on both sides. The single family residential unit across from this building has substantial upper story vegetation. The western building has been placed on a forty-five degree angle, to greatly increase the spacing from the residences as well as to provide variety in the way

the buildings are oriented. This also serves to soften direct sight lines between the windows and decks of the Applicant's project and the windows of the units in the subdivision.

In addition to moving the buildings further away and providing a substantial green space/natural buffer between the buildings and the south property line, the elevation of the buildings has been lowered by three to seven feet to reduce the overall height of the buildings. This achieves many purposes, including mitigating the size and scale differences, but also lowering the height of windows and balconies on the stacked buildings to increase privacy of the residences to the south.

The sight line to the roof of the three stacked buildings from the back yards of the residences to the south will be lower than the sight line to the roofs of the surrounding single family residences, given the close proximity of the two story dwellings to each other. The stacked buildings are only one story taller, but are located much further away to mitigate for the increased scale and lower height of the buildings in the subdivision. See the Applicant's section exhibit which is part of the materials submitted for the Design Review hearing.

When the lowered elevation is combined with the reoriented buildings and the increased setbacks, the result that is achieved is a development pattern where the stacked housing is actually less intensive than the single family residences to the south in terms of building to open space ratio. There are ten large houses along the southern property line located on lots that are approximately 6,000 square feet in size with only ten feet of space between the buildings. Thus, the existing residences consist mostly of a built environment with very little greenspace. In contrast, the spacing between the three proposed stacked buildings is five or six times greater than the spacing between the residences, creating much more open area and greenspace than the small back yards of the single family residences to the south.

Only a portion of the expansive open area between the proposed buildings will be used for surface parking. These areas will be hidden from view from the subdivision by substantial landscaping, far exceeding the City's code requirements, along south property line together with a site obscuring fence and a row of trees placed ten feet on center that will be 12 feet high at the time of planting and will mature to a height of 20 feet within seven years.

This landscaping, including the sight obscuring fence that will be provided and integrated into the landscaping, meets several provisions of the DRM, including, but not limited to the following:

- "Tree spacing will be determined by the species of trees planted. The desired effect is a visual appearance of a continuous foliage canopy at maturity or seven years after tree planting (whichever comes first)." (page 10)
- "Landscaping should be done with purpose, such as providing a buffer against less intense uses, screening parking or other components viewed as being intrusive, and defining the streetscape. (page 4, under heading Landscaping & Screening).
- "If the site is to be fenced, then the fencing should be incorporated into the landscaping so as to have little or no visual impact." (page 5)

- “The vertical intensity of landscaping should increase as the height of the structure increases.” (page 17).

Given the lack of north facing second floor windows in the row of ten residences that face the three stacked buildings (only four of those houses have second story windows on the north side and at least one of these is hidden by an existing tree), there will be only very limited views of the stacked housing from the existing residences, and once the row of trees has matured to 20 feet even the limited views from the upper story windows of the single family residences will be blocked by the Applicant’s vegetative screening. There is no requirement and the Design Review goals, principles and standards were never intended to have one development never see another development.

In addition to the above, several other strategies have been employed to mitigate size and scale differences and break up blank walls, including:

- **Differentiate the building base**—stone will be placed on the ground floor to both ground the building by creating a strong horizontal base, and break up the height of the three story facade. The upper floors are differentiated by a horizontal trim band that acts as a transition for siding color change. This change of color on the upper stories also helps break up the visual height of the building.
- **Segment buildings into smaller controllable sizes**—the buildings are divided up vertically, with wall plane changes, decks and stairs. This discourages long barrack-like structures.
- **Combination of building masses to convey human scale**—at the first floor, stone and the horizontal trim band will be used to create a building base that relates to a human scale.
- **Articulating building forms**—the use of decks, porches and changes in wall planes break down the large building masses into a collection of individual massing elements.
- **Varying roof lines**—the horizontal eave and ridge lines are discontinuous, and the corners of the buildings have eave heights that are noticeably taller than the rest. This helps to break up the roof over the length of the building.
- **Use of Hip roofs**—by design, hip roofs eliminate the large triangular pediments on the ends of the building. This reduces the wall height under the roof eaves.

The Applicant has gone to great lengths to mitigate the size and scale impacts of the proposed development and to provide more than adequate buffering, screening, setbacks, wall and roof articulation, landscaping and greenspaces that more than meets the intent of the DRM. Although the Applicant is not required to meet every design guideline, the above discussion, together with the evidence in the record demonstrates that the Applicant has in fact met all of the design standards and guidelines.