

ORDINANCE NO. 2012-09
HOUSING DESIGN DEMONSTRATION PROJECT

An ordinance extending the sunset date of the City's pilot Housing Design Demonstration Project program; and amending Section 2.16.020.Q of the Bainbridge Island Municipal Code.

WHEREAS, the City of Bainbridge Island has the authority to adopt zoning provisions pursuant to RCW 36.70A.390; and

WHEREAS, on August 12, 2009, the City Council adopted Ordinance No. 2009-06, establishing a pilot Housing Design Demonstration Project program to allow for the development of a limited number of projects to increase the variety of housing choices available to residents of all economic segments and to encourage sustainable development through the use of development standard incentives; and

WHEREAS, Ordinance No. 2009-06 established a sunset date of August 26, 2012; and

WHEREAS, the City Council has determined that the pilot Housing Design Demonstration Project program should be extended for two more years, to a new sunset date of August 26, 2014, to allow time for the City to further evaluate the program; now, therefore

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 2.16.020.Q of the Bainbridge Island Municipal Code is amended to read as follows:

Q. HOUSING DESIGN DEMONSTRATION PROJECTS

PURPOSE AND GOALS

The purpose of this section 2.16.020.Q is to allow the development of a limited number of housing design demonstration projects to increase the variety of housing choices available to residents of all economic segments and encouraging sustainable development through the use of development standard incentives. The goals of this chapter are to encourage innovative building design in housing projects by increasing the housing supply and the choice of housing styles available in the community, by promoting diversity in housing affordability and choice by encouraging smaller and more varied home sizes and mixes of income levels, and by promoting high quality design. An additional goal is to encourage the use of innovative site development practices and green building practices by encouraging the use of conservation design methods and principals such as, low impact development techniques, green building materials, water and energy conservation, and mitigation that offsets impacts to biodiversity. Two final goals are to help identify any zoning code amendments that are necessary to support the development of innovative housing choices on Bainbridge Island, and to identify effective incentives to encourage green building and low impact development standards. The demonstration projects developed under this chapter shall use innovative design and development techniques to achieve these goals.

APPLICABILITY

This section 2.16.020.Q is applicable to all properties located within the Winslow Study Area of the Winslow Master Plan and the Winslow Sanitary Sewer System Service Area. An application for housing design demonstration project may be applied to single-family residential subdivisions, mixed-use/ multifamily and multifamily developments. Since the purpose is to provide housing projects as demonstrations, the city will accept projects for consideration and approval prior to the sunset date of this ordinance. The city will limit acceptance of Tier 3 density incentive projects outlined in this section to three projects.

REVIEW AND APPROVAL PROCESS

Housing design demonstration project applications shall be reviewed as specified in the same manner as other applications for the same type of underlying land use permit (see BIMC 2.16.030 through 2.16.210), with additional review as outlined in this subsection.

Conceptual Proposal Review. Applicants proposing a demonstration project shall meet with city staff during the conceptual phase to discuss the goals and evaluation parameters of the proposed project. The conceptual proposal review is an informal discussion between the applicant and city staff regarding a proposed project. There are no required application materials for this stage. Applicants shall contact the Planning Department staff to request a meeting, and the meeting shall be scheduled by staff for no more than three weeks after the request date. The purpose of the conceptual proposal review is to determine if the proposal is eligible to be considered as an application for housing design demonstration project and to assist the applicant by identifying (1) requirements for submittal, including types of supplemental materials for application; (2) compliance with applicable city plans, goals, policies, codes, or guidelines and possible revisions to the project that will enhance the proposal with respect to these requirements; (3) areas of Title 18 Zoning and Title 17 Subdivisions where the applicant seeks flexibility; and (4) required plans studies, reports, and /or other materials specific to the proposal that will provide necessary information for staff and the design review board, and to review the project under the criteria outlined in BIMC 2.16.020.Q.4.

Public Participation Program. The applicant is required to participate in one or more community meetings, either through the City's 1) Public Participation Program following the procedures outlined in Resolution Nos. 2010-32 and 2001-11, or 2) an equivalent public meeting that includes participation by city staff, as approved by the director.

Preapplication Conference. The applicant shall apply for a preapplication conference pursuant to BIMC 2.16.020.G. Housing design demonstration projects shall be reviewed by both staff and the design review board, pursuant to BIMC 2.16.020.F. The applicant shall submit a HDDP proposal consistent with the requirements in the Administrative Manual. The applicant shall consider input received during the public meetings and conceptual review with city staff in the crafting the proposal. The proposal will be evaluated pursuant to BIMC 2.16.020.Q.4 by city staff and the design review board at one meeting. The evaluation factors outlined in BIMC 2.16.020.Q.4 related to housing diversity and innovative building design practice shall be evaluated by the director, and those related to innovative site development practices shall be evaluated by the director and the design review board. The director shall prepare written findings of facts, and applicants will receive preliminary notification from the director whether the proposal qualifies as a housing design demonstration project, or feedback about how to improve the proposal to qualify. If the applicant changes the proposal in any significant manner other than a response to feedback from the public meeting, conceptual review, or the preapplication review, an additional preapplication conference may be required.

Application Submittal. An applicant may submit a land use application for a housing design demonstration project after completion of a required conceptual and preapplication review and notification by the city that the proposal qualifies as a housing design demonstration project. Upon receipt of an application, the director shall provide notice to the applicant and public in accordance with BIMC 2.16.020.K, and commence the application review process.

Permit Decision. The decision to approve or deny a housing design Demonstration Project shall be made as part of underlying land use permit approval. The decision shall be based upon the decision criteria of the underlying planning permit, and the decision criteria outlined in BIMC 2.16.020.Q.5. Housing design demonstration project approval conditions shall be included in the final permit approval and shall address any ongoing compliance requirements including compliance with approved design plans.

Building Permit. The applicant shall submit a building permit that is consistent with all conditions of the land use permit approval. The applicant shall also submit documentation that the project has applied for certification by a green building rating system, such as Evergreen Sustainable Development, LEED, or BuiltGreen. Proof of ongoing certification shall be required during construction and project certification must be completed prior to final occupancy.

Living Building Challenge. For projects pursuing the Living Building Challenge standard of the International Living Building Institute, the applicant must show proof of pursuing ongoing certification during construction for all required elements. After construction and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the Site, Materials, Indoor Quality and Beauty/ Inspiration components of the Living Building Challenge and that the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If certification of those elements has not been achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be taken to achieve certification.

EVALUATION METHOD

Each project will be evaluated for innovation and achievement of the goals of BIMC 2.16.020.Q using a number of factors. The evaluation factors are divided into three categories. If a project does not meet a required evaluation factor, the applicant is required to provide a written explanation about why the evaluation factor is not appropriate or cannot be met in this instance. Examples of sustainable development methods do not limit other mechanisms of meeting the evaluation factor. The city council will pass a resolution to adopt a quantitative system to implement this evaluation method. That evaluation method may include a reference to an established third party green building checklist such as the Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, LEED or BuiltGreen.

Housing Diversity. Evaluation will review:

Unit Type: The project includes a variety of unit types, for example, single-family, townhomes, flats, duplex, live/work, or accessory dwelling units.

Unit Size: The project includes a variety of housing unit sizes that provide for a broad mix of income levels and family size; and

Affordable Housing: The project includes housing units that are affordable to the spectrum of income levels as defined in BIMC 18.21 Affordable Housing. Designated affordable housing shall remain affordable for 50 years from the time of final inspection on the affordable unit.

Innovative Site Development. Evaluation will review:

Low Impact Development. The project uses a low impact development approach to storm water management through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as (a) using rain gardens and other water-absorbent plant growth media, with drought tolerant native plants, combined with curb cuts and other proven low impact development techniques for rainwater catchment and absorption, to lessen storm water runoff (invasive species shall not be planted); (b) Where there is to be an earthen separation between the street and sidewalk and bioswales, (c) amended soils.

Impervious Surfaces. The project reduces impacts from impervious surfaces through use of techniques such as (a) porous asphalt, paver blocks or large aggregate pervious concrete for parking and highly used bicycle and pedestrian areas; (b) lattice blocks (or similar products) that permit grass growth for fire lanes and overflow parking; (c) crushed stone or brick for lightly used pedestrian paths; and (d) recycled asphalt and recycled concrete in the base course of pervious and/or impervious surfaces.

Landscaping. The project uses low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate appropriate.

Common Open Space. The project provides connected common open space area set aside as active open space and designed and integrated into the project.

Transportation. The project (a) uses a design that provides enhanced sensitivity to pedestrian travel; (b) internally preserves existing informal, internal connection to external trail(s), or creates new connections where appropriate, to implement the Non-motorized Transportation Plan (NMTP); (c) reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit, (d) minimizes the visual dominance of automobiles throughout the project, or (e) the project accommodates needs of alternative vehicles through techniques such as parking and charging facilities for electric cars, locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location close to a main building entrance, using parking spaces designed for sub-compact vehicles, such as smart™ cars, integrating a parking space for a vehicle sharing program, such as zipcar™.

Composting: The project designates an area where residents can compost their food and yard waste. The compost area may be located in active open space areas.

Biodiversity: The development addresses biodiversity issues by incorporating development impact offsets as outlined in the policies of the Environmental Element of the Comprehensive Plan.

Innovative Building Design. Evaluation will review:

Alternative Energy: The project utilizes, at least in part, alternative power and heat technologies including, but not limited to solar, passive solar, wind, and geothermal.

Energy Efficiency: The project exceeds base energy efficiencies required by the Building Code by integrating energy efficient building design and appliances.

Water Efficiency: The project uses water efficiently by integrating low-flow water fixtures and/or water re-use systems (i.e. greywater for toilets, landscaping).

Green Building Materials: The project utilizes sustainable or 'green' building materials internally and externally.

Accessibility: The project design incorporates access for residents of all ages and mobility inside and outside the home.

APPROVAL CRITERIA

In addition to decision criteria required by the underlying planning permit or approval, an application for a housing design demonstration project may be approved if the following criteria are met:

- The applicant clearly demonstrates evaluation factors listed in BIMC 2.16.020.Q.4 as evaluated by the design review board and the planning department;
- The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines, is needed to achieve the desired innovative design and the goals of this chapter;
- The project is harmonious in design and appearance with the intended character and quality of development in the immediate vicinity of the subject property, and with the physical characteristics of the subject property;
- The project does not adversely impact existing public service levels for surrounding properties;
- The project complies with all other portions of the BIMC, except as modified through this housing design demonstration project process;
- If a project will be phased, each phase of a proposed project must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the project to stand alone if no other subsequent phases are developed; and
- The applicant is meeting required housing diversity standards.

DEVELOPMENT STANDARD INCENTIVES

The applicant may request that development standards from Titles 17 and 18 be modified as part of a housing design demonstration project. The city will review the request to modify development standards through the project review process outlined in BIMC 2.16.020.Q.3 and considered in relation to all required decision criteria. Requirements of Title 16 may not be modified. The following development standards may be modified.

- Minimum lot dimensions and size.** Reductions in lot size or dimensions are subject to approval by Kitsap County Health District.
- Maximum lot coverage.** Increases in maximum lot coverage will be evaluated pursuant to the innovative site development evaluation criteria in BIMC 2.16.020.Q.4.
- Open Space.** For demonstration projects developed under BIMC Title 17 flexible lot subdivision, open space requirements in BIMC 17.12.030.A do not apply, and open space incorporated into the project shall be evaluated pursuant to the evaluation criteria in 2.16.020.Q.4.
- Residential Parking.** The parking requirements outlined in BIMC 18.15.020 may be modified to require 1 parking space for homes under 800 square feet; 1.5 parking spaces for homes between 800-1,500 square feet. This reduction may not be combined with any other reductions to result in less than 1 space per unit, and additional guest parking may be required pursuant to BIMC Table 18.15.020-1. A limited number of parking spaces may be designed to accommodate alternative fuel or sub-compact vehicles such as smart™ cars, with parking stall dimensional standards reduced from the standards outlined in BIMC 18.15.020.J. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened.
- Commercial Parking:** A reduction in commercial parking requirements may be granted for live-work project proposals that contain integrated living and working space, or other commercial components primarily serving an immediate neighborhood. Proposed

reductions shall be reviewed pursuant to provisions for other uses and special cases in BIMC Table 18.15.020-1.

Setbacks. Unless required for public safety purposes, such as sight distance, setbacks required BIMC Title 18 in any district other than the Mixed-Use Town Center or the High School Road zoning district may be reduced as described below. Additional vegetative landscaping screen may be required by director when reducing setbacks.

Front setback within project: 10 feet

Rear setback within project: minimum of 5 feet

Side setback within project: minimum of 5 feet

Roadside Buffers. A reduction in required roadside buffers will consider existing vegetation and the buffering provided by surrounding properties.

Building Height. Existing bonus height may be achieved as outlined below.

Residential buildings in residential zones outside the Mixed-Use Town Center and High School Road districts may achieve the extra 5 feet in height provision of the applicable zoning district through the housing design demonstration project approval process for the underlying land use permit instead of a conditional use permit process.

Buildings within the Mixed-Use Town Center or High School Road districts may achieve a maximum building height not to exceed the optional height outlined in BIMC Table 18.12.020-3.

DENSITY BONUS INCENTIVES

An increase in density may be permitted as outlined below. The city council adopted Resolution 2009-25 containing a quantitative evaluation method that links maximum residential bonus density to varying levels of green building and affordable housing provided, as outlined in Table 2.16.020.Q-1 below.

Table 2.16.020.Q-1: Housing Design Demonstration Project Density Bonuses			
Incentives In addition to Flexible Development Standards in BIMC 2.16.020.Q.6		Requirements to Receive Incentives	
		Innovative Site Development (BIMC 2.16.020.Q.4.b) and Innovative Building Design Practices/ Green Building (BIMC 2.16.020.Q.4.c)	Housing Diversity Requirement (BIMC 2.16.020.Q.4.a and 18.21)
TIER 3			
Green	2.5 x Base Density OR Max. Bonus Mixed-Use FAR	Living Building Challenge: Net zero energy and water documentation, Qualifies in all six performance areas with required 16 pre-requisites: site (3), energy (1), materials (5), water (2), indoor quality (3), and beauty and inspiration (2).	NA
Housing	2.5 x Base Density OR Max. Bonus Mixed- Use FAR	LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development AND Achieve Minimum Required Points in Innovative Site Development Practices	50% affordable housing AND Home size not larger than 1600 sq. ft.
TIER 2			
Green	1.5 x Base Density	LEED Platinum or Gold, or Built Green 5	Home size not

Table 2.16.020.Q-1: Housing Design Demonstration Project Density Bonuses			
Incentives In addition to Flexible Development Standards in BIMC 2.16.020.Q.6		Requirements to Receive Incentives	
		Innovative Site Development (BIMC 2.16.020.Q.4.b) and Innovative Building Design Practices/ Green Building (BIMC 2.16.020.Q.4.c)	Housing Diversity Requirement (BIMC 2.16.020.Q.4.a and 18.21)
	OR Max. Bonus Mixed-Use FAR	<ul style="list-style-type: none"> For projects pursuing LEED, applicant must check off within the LEED checklist a minimum threshold for 20-30% water use reduction For projects pursuing Built Green, applicant must achieve 20-30% water use reduction For projects pursuing LEED or Built Green, applicant shall seek to achieve within the checklist a minimum threshold for 25-30% improved energy performance <p style="text-align: center;">AND</p> Achieve Minimum Required Points in Innovative Site Development Practices	greater than 1600 sq. ft. AND 4 points in Housing Diversity category
Housing	1.5 x Base Density (Zones R-8 & R-14) OR 2.0 x Base Density not to exceed R-8 density (Zones R-2, R-2.9, R-3.5, & R-4.3) OR Max. Bonus Mixed-Use FAR	LEED Silver or Built Green 4 <ul style="list-style-type: none"> For projects pursuing LEED, applicant must check off within the LEED checklist a minimum threshold for 20-30% water use reduction For projects pursuing Built Green, applicant must achieve 20-30% water use reduction For projects pursuing LEED or Built Green, applicant shall seek to achieve within the checklist a minimum threshold for 20-25% improved energy performance <p style="text-align: center;">AND</p> Achieve Minimum Required Points in Innovative Site Development Practices	Home size not greater than 1600 sq. ft. AND 10 pts. of affordable housing subcategory AND 17 pts. total in Housing Diversity category
	TIER 1		
Green	NO Density Bonus	LEED Certification	NA
Housing	NO Density Bonus	NA	Home size not greater than 1,600 sq. ft. AND 7 points in Housing Diversity category

EVALUATION SCORING SYSTEM

For the purposes of implementing this section 2.16.020.Q, city council has adopted an evaluation scoring system in resolution 2009-25 dated November 9, 2009. Evaluation of applications for housing design demonstration programs shall be evaluated pursuant to that scoring matrix as applied to this section 2.16.020.Q, and in case of inconsistency between the provisions of that resolution and this section, the provisions of the resolution shall govern. Resolution 2009-25

contains definitions that are to be used only for purposes of the evaluation scoring matrix, and in case of inconsistency between those definitions and the definitions in BIMC 18.36, the provisions in the resolution shall govern, but only as they apply to evaluations for applications for housing design demonstration programs.

DEMONSTRATION PROJECT VISIT

In order to learn from the innovative design practices used, all demonstration projects completed under this section 2.16.020.Q shall allow city staff to conduct occasional site tours. City staff will make a request of the property owner prior to conducting a tour and will not access the properties for tours more than once every three months. The site tours will be limited to the exterior and common grounds of the property, and conducted during regular business hours. Visits will be coordinated through the staff and property owner, and the owner will receive written notice no less than two weeks in advance of each visit. Any additional access to private property or at alternative times shall be at the permission and cooperation of the individual homeowner only.

DEMONSTRATION PERIOD

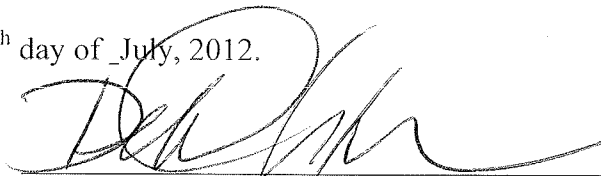
This section 2.16.020.Q and related provisions of BIMC Title 2, Title 17, and Title 18 shall expire on ~~August 26, 2012~~ December 31, 2013.

Section 2. If any section, sentence, clause or phrase of this chapter shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

Section 3. This chapter shall take effect on and be in force five days from and after its passage, approval, and publication as required by law.


PASSED by the City Council this 18th day of July, 2012.

APPROVED by the Mayor this 18th day of July, 2012.



Debbi Lester, Mayor

ATTEST/AUTHENTICATE:


Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	April 18, 2012
PASSED BY THE CITY COUNCIL:	July 18, 2012
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ORDINANCE NO.	2012-09