

AGENDA

BOTHELL PLANNING COMMISSION

Bothell City Hall, 18415 101st Avenue NE

Wednesday, June 5, 2019, 6:00 PM

1. **CALL TO ORDER**
2. **PUBLIC COMMENTS**
A chance for members of the audience to address the Commission on a topic NOT scheduled for a public hearing on this evening's agenda. Please limit comments to 3 minutes per speaker.
3. **APPROVAL OF MINUTES**
May 15, 2019
4. **NEW BUSINESS**
Report from Council liaison
5. **PUBLIC HEARING**
None
6. **STUDY SESSIONS**
 - A. 2019 Housekeeping Code amendments (continued from May 15)
 - B. Downtown Public Open Space Code amendments
7. **OLD BUSINESS**
None
8. **REPORTS FROM STAFF**
9. **REPORTS FROM MEMBERS**
10. **ADJOURNMENT**

Official tapes of meetings are available through the Community Planning Division.

SPECIAL ACCOMMODATIONS: The City of Bothell strives to provide accessible meetings for people with disabilities. If special accommodations are required, please contact the ADA Coordinator at 425-806-6150 at least three days prior to the meeting.

Projected Schedule of Land Use Items as of May 30, 2019

City Council (CC) meetings, shown in **bold**, start at 6 p.m. unless otherwise noted.

Planning Commission (PC) meetings, shown in *italics*, start at 6 p.m. unless otherwise noted.

Other Board meetings shown in normal text, start at 6 p.m. unless otherwise noted.

Meetings are held in the **City Hall building at 18415 101st Avenue NE** unless otherwise noted.

For planning purposes only: schedule subject to change without notice

June 2019

Monday	Tuesday	Wednesday	Thursday	Friday
3	4 Shoreline Master Program Update - Joint Public Hearing with Ecology	5 <i>Downtown Public Open Space Code Amendments - Study Session</i> <i>Housekeeping Code Amendments - Study Session</i>	6	7
10	11 Critical Area Regulations -Study Session	12	13	14
17	18 Small Cell Wireless Facilities Code Amendments - Public Hearing Initiation of R-AC Minimum Density Requirements	19 <i>Nursing Home Code Amendment - Study Session</i> <i>Housekeeping Code Amendments - Public Hearing</i>	20	21
24	25	26	27	28

July 2019

Monday	Tuesday	Wednesday	Thursday	Friday
1	2 Critical Area Regulations Amendments - Public Hearing (tentative - could be 7/16)	3	4	5
8	9	10 <i>Downtown Public Open Space Code Amendments - Public Hearing</i> <i>Nursing Home Code Amendment - Public Hearing</i>	11	12
15	16 Shoreline Master Program Update - Adoption	17 <i>Canyon Park Update (tentative)</i>	18	19
22	23	24	25	26
29	30	31		

No Council, Board or Commission meetings in August

Minutes

BOTHELL PLANNING COMMISSION

REGULAR MEETING – May 15, 2019

COMMISSIONERS PRESENT: Patrick Cabe, Carston Curd, Jason Hampton, David Vliet

COMMISSIONERS ABSENT AND EXCUSED: Kevin Kiernan, Aaron Moreau-Cook, Brad Peistrup

COUNCIL PRESENT: Deputy Mayor Davina Duerr

STAFF PRESENT: Community Development Director Michael Kattermann, Senior Planner Bruce Blackburn.

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair David Vliet on May 15, 2019, at 6:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

<p>HAMPTON MOVED TO APPROVE THE MINUTES AS AMENDED FOR MAY 1, 2019, WITH ONE CORRECTION FOR “STAFF PRESENT” WHICH SHOULD INCLUDE STEVE MORIKAWA. CURD SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.</p>
--

PUBLIC HEARING: None

NEW BUSINESS:

Chair Vliet introduced Deputy Mayor Davina Duerr who reported on the measures from the 2019 Washington State Legislative Session that supported the Council’s legislative priorities:

- \$600 million for improvements along I-405.
- \$1.5 million for Downtown cleanup along with \$2.35 million Remedial Action Grant through the Department of Ecology.
- \$400K approved for Canyon Park Subarea Plan
- \$1.08 million approved for Park at Bothell Landing pedestrian bridge
- Funds for an additional nine Basic Law Enforcement Academy Training classes.

Deputy Mayor Duerr reported that the Council also reviewed the Shoreline Master Plan update and the Canyon Park Master Plan update. They also received a stream health assessment update.

STUDY SESSION:

Chair Vliet opened the Study Session on the 2019 Housekeeping Code Amendments briefing and introduced Senior Planner Bruce Blackburn.

Blackburn shared a brief presentation regarding the Annual Housekeeping Code Amendments.

Discussion ensued.

The study session continued with Blackburn presenting the draft Canyon Park Land Use Alternatives.

Discussion ensued.

OLD BUSINESS: None

REPORTS FROM STAFF:

Kattermann asked the commissioners if they think the July 3, 2019 should be cancelled or rescheduled due to the 4th of July holiday. It was discussed and agreed that this meeting would be cancelled.

Kattermann thanked the commissioners for being proactive in letting staff know when they will be absent for meetings.

Kattermann invited members of the Planning Commission to attend a Council meet and greet/Artist reception at City Hall on Tuesday, May 21, 2019 from 4:30pm to 6:00pm.

REPORTS FROM MEMBERS: None

ADJOURNMENT:

HAMPTON MOVED TO ADJOURN, CURD SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

The meeting was adjourned at 7:44 p.m.

**Continued Study Session:
2019 Housekeeping Code
Amendments**

MEMORANDUM

Community Development



City of Bothell

DATE: June 5, 2019
TO: Planning Commission
FROM: Bruce Blackburn, Senior Planner
SUBJECT: Study Session 2019 Housekeeping Code amendments

Objective

Study Session regarding the 2019 Housekeeping Code amendments to obtain direction on preparation of draft code amendments for public hearing.

Action

No action is requested this evening.

Policy Consideration

The Commission is being asked to consider policy implications and provide feedback on the approach and, in some cases, draft language to ensure consistency with the *Imagine Bothell...Comprehensive Plan*.

Housekeeping Code amendments

Each year, staff identifies a number of 'housekeeping and miscellaneous Code amendments to clarify and update standards and procedures, improve permit efficiency, and correct inconsistencies. The 2019 Housekeeping and Miscellaneous Code amendments include:

- A. Determine whether Planned Unit Development (PUD) clustering provisions can be applied to multi-family residential zones. Current language does not provide certainty.
- B. Clarify prohibition on 'rounding up' unit and lot yield in Title 12 (Zoning). Applicants often request 'rounding up' of unit or lot yield which is prohibited under current Plan and Code requirements.
- C. Amend Title 11 (Administration) to give applicants 180 days to re-submit additional materials requested by City. Code currently allows 90 days. Grants additional time for complex resubmittals and aligns with recent Title 20 amendments.
- D. Correct Title 12 (Zoning) requiring deduction of surface water facilities from net buildable area, which is inconsistent with other sections of the Code and the Comprehensive Plan.
- E. Clarify subarea descriptions in Title 12 (North Creek/NE 195th St. Subarea). Description of subareas needs clarification and a map.
- F. Clarify Title 12 regarding sign height. Code unclear that overall sign height includes base.
- G. Amend Title 11 to define "detached condominium units." Currently no definition. Detached condos have appearance of single family but are technically multi-family residential uses.
- H. Amend Title 11 procedures for plan and code amendments to update current board and commission review and recommendation structure.

Discussion of Housekeeping Code amendments

A. Whether Planned Unit Development (PUD) clustering provisions can be applied to multi-family residential zones. Current language does not provide certainty.

Background

The cluster subdivision Planned Unit Development (PUD) under 12.30.070(J)(1)(b) provides incentives in the form of increased lot numbers when developments voluntarily provide forest areas, large tree areas, passive and active open space or bio-infiltration or surface water dispersion into forest lands. Multi-family residential developers have asked for the ability to achieve similar bonus units if comparable open space is preserved. The current language focuses on single family residential zones.

Planning Commission discussion points from May 15, 2019

1. Provide data on applications for clustered PUDs.
2. Could the clustering PUD incentives include affordable housing?

Staff response

1. The table below lists the 10 clustered PUD applications and/or pre-application conference requests (a meeting prior to application submittal) received to date. These applications combined request 19 bonus lots and preserve 10.3 acres of open space.
2. Affordable housing could be an incentive applied to a PUD because a mechanism is available to increase capacity (bonus units) which is the nexus for requiring affordable housing. This type of effort is not currently included in the 2019 Docket and staff resources have not been budgeted for this item. Staff suggests the Commission include in its recommendation that this be a Code amendment to consider as part of the 2020 Docket.

The original intent of this Code amendment is to determine if bonus unit incentives for the preservation of open space should be extended to multi-family residential developments?

Alternatives include:

- a. Yes, apply to all multi-family residential zones; or
- b. Yes, but only apply to lower density multi-family zones such as R 5,000a and R 4,000 where clustering could be more effective. These are the zones where detached condominium units are frequently constructed and a detached style of development tends to occupy a greater amount of land than a townhome or a single building containing several units; or
- c. No, preserve the bonus unit incentives for affordable housing and postpone consideration until the 2020 Docket.

Staff will finalize this item once an alternative is selected by the Commission.

Note: Development review staff have identified an additional item in need of clarification: establishing a minimum dimension for open space areas. An applicant proposed at a pre-application conference to have some open space tracts as narrow as 10 feet, which is

not consistent with the objective and purpose statements of a clustered PUD. Staff suggests open space tracts have a minimum dimension of 20 feet which matches the mandatory PUD perimeter setback dimension.

Table - Clustered PUD applications to date

Project	Total Lots	Bonus lots	Open space preserved
Tang	5	1	13,013
Bothell Brickyard ¹	4	0	44,489
Landa	23	3	61,955
Crystal Creek	6	1	12,368
Whitescarver	47	9	123,055
Woodcrest ¹	7	0	16,508
Eagle Crest	13	1	13,259
Royal Meadows	25	4	53,624
Clyde Hill ¹	12	0	604,612
Pipers Crest ¹	6	0	110,297
Total	148	19	448,594 10.3 acres

1. Used clustering PUD to reduce lot areas below standard PUD allowances – no bonus lots were requested / proposed.

Proposed amendments

Note: New language is shown as underline and deleted language is show as ~~strikethrough~~.

12.30.070 Permissive modifications – Clustered subdivisions.

Clustered subdivision PUDs shall be subject to the following limitations in modification of regulations in addition to those limitations set forth in BMC [12.30.030](#), [12.30.040](#) and [12.30.050](#):

- A. For clustered subdivision PUDs, the minimum lot area as required in Chapter [12.14](#) BMC within the R 5,400d, R 7,200, R 8,400 and R 9,600 zoning classifications may be reduced up to 50 percent.
- B. For clustered subdivision PUDs, the minimum lot area as required in Chapter [12.14](#) BMC within the R 40,000 zoning classification may be reduced up to 60 percent.
- C. For clustered subdivision PUDs, the minimum lot circle diameter as required in Chapter [12.14](#) BMC within the R 5,400d, R 7,200, R 8,400 and R 9,600 zoning classifications may be reduced up to 50 percent.
- D. For clustered subdivision PUDs the minimum lot circle diameter as required in Chapter [12.14](#) BMC within the R 40,000 zoning classification may be reduced up to 60 percent.
- E. The number of lots in a clustered subdivision PUD shall be subject to the following lot yield methodology:
 1. The net buildable area of the development site shall be determined pursuant to BMC [12.14.030](#)(B)(3) wherein land area in roads and other rights-of-way, critical areas,

- critical area buffers, or land dedicated to the city for other purposes shall be deducted from the gross site area;
2. To determine the number of allowed lots upon the subject property, the net buildable area shall be divided by the underlying zoning classification's minimum lot area thereby deriving the number of allowed lots using whole numbers only. Rounding up of partial lot area is not permitted;
 3. Portions of the net buildable area placed into a dedicated open space tract pursuant to subsection J of this section shall be credited toward the allowed lot yield calculation; and
 4. An increase in the number of allowed lots for clustered subdivisions PUDs shall be permitted consistent with subsection (J)(1)(b) of this section.
- F. Side and Rear Yard Setbacks. Side and rear yard setbacks may be modified consistent with BMC [12.30.030](#)(B).
- G. Front Yard Setbacks. Front yard setbacks for individual lots may be modified consistent with BMC [12.30.040](#)(D).
- H. Building Coverage. The maximum building coverage percentage within the R 9,600, R 8,400, R 7,200 and R 5,400d zoning classifications for each residential lot within a clustered subdivision PUD may be increased up to 45 percent of the lot area; provided, however, that the total building coverage allowed on the total development site shall be no greater than 35 percent of the net buildable area of the development site.
- I. Hard Surface Cover. The maximum hard surface cover for each residential lot within a clustered subdivision PUD may be increased consistent with the schedule below; provided, however, that the maximum amount of hard surface coverage shall be no greater than that established for the underlying zoning classification as applied to the net buildable area of the development site:
1. R 40,000 Zone. No increase in hard surface coverage is allowed;
 2. R 9,600 Zone. Hard surface coverage placed within individual lots may increase from 45 percent up to a maximum of 55 percent;
 3. R 8,400 Zone. Hard surface coverage placed within individual lots may increase from 50 percent up to a maximum of 60 percent;
 4. R 7,200 Zone. Hard surface coverage placed within individual lots may increase from 65 percent up to a maximum of 75 percent; and
 5. R 5,400d Zone. Hard surface coverage placed within individual lots may increase from 70 percent up to a maximum of 80 percent.
- J. Open Space Preservation. Clustered subdivision PUDs shall reserve a portion of the site as dedicated, permanent open space not available for future development consistent with the following criteria:
1. Amount and Minimum Dimension of Land to Be Preserved.
 - a. All clustered subdivision PUDs shall provide for a minimum of 10 percent of the net buildable area of the site to be placed within a dedicated tract or tracts containing intact forest, rehabilitated or restored forest, a forest equivalent surface water facility, as defined herein, a tree preservation, or another type of passive open space tract to be preserved in perpetuity consistent with the provisions of subsection (J)(3) of this section;

b. Land preserved under this section shall have a minimum horizontal dimension of 20 feet; and or

c. For clustered subdivision PUDs, the city may approve an increase in the number of lots beyond the number established by the allowed lot yield method of subsection E of this section provided additional land is placed within a dedicated tract containing intact forest, rehabilitated or restored forest, forest equivalent surface water facility as defined herein, a tree preservation, or other type of passive open space, which tract is to be preserved in perpetuity consistent with the provisions of subsections (J)(2) and (3) of this section, consistent with the following schedule:

- (1) Preserving at least 15 percent of the net buildable area as open space tract consistent with this section, an increase of 10 percent of the calculated lot yield; or
- (2) Preserving at least 20 percent of the net buildable area within an open space tract consistent with this chapter, an increase of 15 percent of the calculated lot yield; or
- (3) Preserving at least 25 percent of the net buildable area with an open space tract consistent with this chapter, an increase of 20 percent of the calculated lot yield; or
- (4) Preserving at least 30 percent of the net buildable area within an open space tract consistent with this chapter, an increase of 25 percent of the calculated lot yield.

2. Type of Land to Be Preserved as Open Space. The type of open space shall be based upon the following hierarchical preferences. Applicants shall demonstrate that all reasonable efforts have been made to design the development in a manner that preserves the types of lands listed herein consistent with these hierarchical preferences:

- a. Intact forest areas as defined within Chapter [11.02](#) BMC;
- b. Rehabilitated or restored forest areas as defined within Chapter [11.02](#) BMC;
- c. Lands containing existing trees preserved pursuant to Chapter [12.18](#) BMC;
- d. Lands adjacent to critical area buffers which are also enhanced pursuant to Chapter [14.04](#) BMC;
- e. Lands used for forest equivalent surface water facilities, provided such facilities shall be limited to bio-infiltration or surface water dispersion into forest lands;
- f. Lands used for passive recreational open space purposes may contain trails, picnic tables, benches, and open lawn areas; provided, that existing significant trees shall not be removed to create open lawn areas and/or other passive recreational uses. Up to 20 percent of the passive recreational open space area may be used for active recreation uses such as playgrounds, tot lots, sports courts, playfields, shelters, gazebos, and other active recreation open space uses.

All passive and active recreational open space areas shall be accessible to residents of the development via dedicated access tracts or easements that are at least 10 feet in width; and

- g. Lands used for passive open space purposes containing trails, picnic tables, benches, and other passive recreational uses, provided such areas are accessible to

residents of the development via access tracts or easements that are at least 10 feet in width.

3. All lands preserved as open space shall be placed into a separate and permanent open space tract as follows:

a. All open space tracts shall be recorded on all documents of title of record for all affected lots.

b. Open space tracts shall be designated on the face of the plat or recorded drawing in a form as approved by the city attorney and shall be placed within an individual tract.

The designation shall include the following restrictions:

(1) The stated purpose of the open space tract shall be clearly indicated. For example, if the open space tract is adjacent to a critical area, the tract shall stipulate the purpose is to prevent harm to the environment, including, but not limited to, controlling surface water runoff and erosion, buffering, protecting plants, fish, and animal habitat, etc. If the purpose is to preserve existing mature trees and other plant materials, the tract shall stipulate that trees may not be removed except as needed to protect the health, safety and welfare of adjacent residential structures as reviewed and authorized by the city of Bothell; and

(2) The right of the city to enforce the terms of the restriction.

c. The city may require that the open space tract be held for its stated purpose in an undivided interest by each owner of a building lot within the development with the ownership interest passing with the ownership of the lot, or held by an incorporated homeowners' association or other legal entity (such as a land trust, which ensures the ownership, maintenance, and protection of the tract).

d. Statements shall be included which provide that the open space tract shall not be subject to future development or alteration except for maintenance of the tract for its intended purpose or for other common activities associated with the purpose of the tract.

K. Clustered subdivision PUDs may allow attached residential developments such as townhouses or other types of attached residential development, provided the dwelling unit is contained within its own individual lot, subject to the following additional requirements:

1. At least 40 percent of the net buildable area is preserved within a permanent open space tract as described in subsections (J)(2) and (3) of this section;

2. All buildings containing three or more dwelling units shall be set back from the perimeter of the development as described within BMC [12.30.030\(A\)](#) a minimum of 30 feet and shall install a Type III landscape buffer. Should the development contain both attached and detached residential buildings, the portion of the site that contains detached residential buildings may apply the 20-foot perimeter setback dimension of BMC [12.30.030\(A\)](#);

3. Attached residential buildings shall comply with the requirements of BMC [12.14.200](#), Exterior building design – Multiple-family residential; and

4. Increases in the lot yield for attached residential dwelling units as established under subsection J of this section shall be limited to a maximum of a 20 percent increase in lot or dwelling unit yield.

L. Clustered subdivision PUDs are eligible for modifications to the Bothell Design and Construction Standards and Specifications as adopted in BMC [17.02.010](#) in accordance with the same modifications available for a green PUD as described within BMC [12.30.060](#)(G).

B. Clarify prohibition on ‘rounding up’ unit and lot yield in Title 12 (Zoning). Applicants often request ‘rounding up’ of unit or lot yield which is prohibited under current Plan and Code requirements.

Background

The BMC requires whole numbers when calculating lot or unit count: BMC 12.14.030(B)(2)(a) applies to single family zones: ‘... no lot shall be less than that the minimum lot area per single family dwelling unit...’. BMC 12.14.030(B)(3)(a) applies to multi-family zones: “...one dwelling unit for each whole number multiple of the stated minimum land area per dwelling unit...”

Despite the clear language that stipulates ‘whole numbers’, applicants continue to seek rounding-up of lot or unit yield. Development Review staff is requesting clearer language indicating that lot and dwelling unit rounding up is prohibited.

Planning Commission discussion points from May 15, 2019

1. Concur with prohibition on rounding up consistent with Comprehensive Plan
2. Do other jurisdictions allow rounding up?

Staff response

2. Rounding up of adjacent jurisdictions:

The following adjacent jurisdictions allow rounding up:

- a. Snohomish County
- b. King County
- c. Kenmore
- d. Woodinville
- e. Kirkland

The following adjacent jurisdictions prohibit rounding up:

- a. Mill Creek
- b. Lynnwood
- c. Edmonds
- d. Brier

Proposed Code language:

12.14.030(B). Notes.

2. Single-Family Minimum, Average and Maximum Lot Area.
 - a. In the R 40,000, R 8,400, R 7,200 and R 5,400d zones, no lot shall be less than the minimum lot area per single-family dwelling unit, except as may otherwise be permitted under an approved planned unit development, in accordance with Chapter [12.30](#) BMC or under Fitzgerald/35th Avenue SE Subarea regulations in

- accordance with Chapter [12.52](#) BMC. No more than one primary dwelling unit shall be placed on a lot. Rounding up to attain the minimum lot area is not permitted.
- b. In the R 9,600 zone, subdivisions shall achieve an average of no less than 9,600 square feet per lot, except as may be otherwise permitted under an approved planned unit development, in accordance with Chapter [12.30](#) BMC or under Fitzgerald/35th Avenue SE Subarea regulations in accordance with Chapter [12.52](#) BMC. That is, the total area of all lots within a proposed subdivision divided by the number of lots shall amount to an average lot area of at least 9,600 square feet. Twenty percent of the lots in a subdivision may be smaller than 9,600 square feet, but no lot shall be smaller than 8,400 square feet, nor larger than 14,400 square feet. No more than one primary dwelling unit shall be placed on a lot. Rounding up to attain the minimum lot area is not permitted.
- c. In order to promote efficient use of land, no subdivision shall contain any lot having more than one and one-half times the minimum lot area, in the R 40,000, R 8,400, R 7,200 and R 5,400d zones, or one and one-half times the average lot area, in the R 9,600 zone (i.e., 14,400 square feet), except as follows:
- (1) Any subdivision of four lots or fewer may contain larger lots, but the property lines of such a subdivision shall be laid out so as to allow future subdivisions which comply with this subsection;
 - (2) A subdivision of five or more lots may contain larger lots to accommodate phasing of the subdivision; provided, that at completion of all phases, the subdivision complies with this subsection;
 - (3) A subdivision of five or more lots may contain a larger lot to permit the preexisting house and any related outbuildings and grounds to be retained intact on one property;
 - (4) These maximum lot size regulations do not apply to any common tracts for critical area protection, open space retention, storm water retention/detention or other purposes as may be required by the city as a condition of subdivision approval.
- d. Land area in roads and other rights-of-way, critical areas, critical area buffers, or land dedicated to the city, shall not be included in any proposed single-family lot, unless so stated in the conditions of an approved planned unit development, in accordance with Chapter [12.30](#) BMC.
- e. Land in an access easement, utility easement, or other form of easement which is not set aside as a separate tract shall be counted as part of the area of a parcel for the purpose of calculating minimum lot area.
3. Multifamily Minimum and Maximum Density.
- a. In the R 5,400a through R 2,800 zones, one dwelling unit shall be allowed for each whole number multiple of the stated minimum land area per multifamily dwelling unit except as otherwise may be permitted under an approved conditional use permit for specialized senior housing, in accordance with Chapter [12.10](#) BMC. Only whole numbers may be credited toward unit count. Rounding up is not permitted.
- b. In order to promote efficient use of land, no multifamily development shall contain fewer units than would result if the total number of units were calculated at one and

one-half times the minimum land area per multifamily dwelling unit for the zoning classification in which the subject property is located, except as follows:

- (1) The total number of units may be fewer than as required above if the development is proposed to be phased; provided, that at completion of all phases, the development complies with the above requirements;
- (2) These minimum density regulations do not apply to any multifamily/commercial combination zoning classification (e.g., R 2,800, OP, CB);
- (3) These minimum density regulations do not apply to any common tracts for critical area protection, open space retention, storm water retention/detention or other purposes as may be required by the city as a condition of development approval.

c. In the R 5,400a through R 2,800 zones, land area in critical areas, critical area buffers, or land dedicated to the city shall not be counted in the calculation of number of units or offspring lots allowed, unless so stated in the conditions of an approved planned unit development, in accordance with Chapter [12.30](#) BMC.

d. Land in an access easement, utility easement, or other form of easement which is not set aside as a separate tract shall be counted as part of the area of a parcel for the purpose of calculating number of units allowed.

C. Amend Title 11 (Administration) [11.06.003(D)(1) and (2)] to give applicants 180 days to re-submit additional materials requested by City. Code currently allows 90 days. Grants additional time for complex resubmittals and aligns with recent Title 20 amendments.

Background

Making application submittal time lines consistent for all of the different permits types (building, grading, right-of-way, conditional use permit, preliminary subdivisions, etc.) is an objective of the City's Development Services Initiative (DSI) which is a multi-year effort to improve the efficiency of the City's review and processing of permits.

Planning Commission discussion points – May 15, 2019

1. Concur with uniform time periods
2. Should there be an option for extending the 180 days submittal deadline in unusual circumstances?

Staff response

1. Staff is suggesting a new submittal period of 180 days
2. Staff is also proposing the ability for an applicant to request an additional 180 days when unique circumstances, such as the need to provide a complex special study, another City process (e.g. SEPA) or litigation not initiated by the applicant is in progress.

Proposed Language

11.06.003 Submission and acceptance of application.

*** * * No changes to paragraphs A, B, and C * * ***

D. Incomplete Application Procedure.

1. If the applicant is issued a written determination from the city that an application is not complete, the applicant shall have ~~90~~ 180 calendar days from date of personal delivery or date of mailing by the city to submit the required information to the city. Within 14 calendar days after an applicant has submitted the requested additional information, the city shall remake the determination as to completeness in the manner described in subsection A of this section. If the applicant again receives a determination of incompleteness, the procedure described in this subsection shall be repeated and may be repeated as required by subsequent determination of incompleteness until a determination that the application is complete is issued in the manner described in subsection A of this section.

The Director may grant an extension of time beyond the 180 days for a period up to a maximum of an additional 180 days under the following circumstances:

- a. Unique or unusual circumstances, such as the need to complete special studies or other analysis exist that warrant additional time for the applicant to respond. Provided, however, that the applicant shall submit evidence and/or documentation supporting the extension; or
 - b. Another city review, such as a variance or SEPA review, is in progress or a legal proceeding not initiated by the applicant is in progress.
2. If the applicant either refuses in writing to submit the required additional information or does not submit the required information within the ~~90~~ 180-calendar-day period, the community development director shall make findings and issue a decision, according to the Type I procedure in BMC [11.04.003](#), that the application has lapsed for failure to meet the time requirements set forth herein.
 3. Where the community development director has made a determination that the application has lapsed because the applicant has failed to subsequently submit the required information within the necessary time period, the applicant may request a refund of the unused portion of the application fee for staff time expended as determined in the sole discretion of the director of community development

D. Correct Title 12 (Zoning) [12.04.020] requiring deduction of surface water facilities from net buildable area, which is inconsistent with other sections of the Code and Comprehensive Plan.

Background

In 2015, the City removed a requirement to deduct surface water facilities (ponds, vaults, bio-filtrations swales, rain gardens, etc.) from lot area and dwelling unit yield. This was accomplished with a Comprehensive Plan amendment to Land Use Element Policy LU-P4 and Code amendments to 12.14.030.

The language in this section was simply missed and should have been removed in 2015.

Planning Commission discussion points – May 15, 2019

Should the site deduction only apply to specific types of LID surface water treatments, such as forest equivalent or bio-retention, before allowing surface water facilities to be credited toward lot area or unit yield?

Staff response

Not at this time. This is a Code amendment to bring this section into compliance with the Comprehensive Plan, Land Use Element Policy LU-P4, and other code sections, BMC 12.14.030, which were amended in 2015. Requiring that only specific types of LID surface water facilities may be credited toward lot area and unit yield would be inconsistent with the Comprehensive Plan because that provision is not within the Comprehensive Plan.

Background:

Ordinance, 2171 (2015) amended the Comprehensive Plan and Bothell Municipal Code by removing the deduction of all surface water facilities from lot area and dwelling unit yield. It was decided that deducting surface water facilities from net buildable area was a potential disincentive to installing LID facilities such as bio-retention ponds, forest dispersion and rain gardens. LID facilities better mimic natural systems and processes, however, they occupy greater amounts of land compared to underground vaults and pipes.

Proposed language

12.04.020 Zoning classifications.

In order to regulate the use of land and structures, the city is divided into the following land use zoning classifications. The development potential of any individual property under these zoning classifications shall be based on the net buildable area of that property, and shall be further subject to planned unit development provisions, availability of necessary utilities, critical area regulations, impact mitigation and other applicable development policies, regulations and standards. For the purposes of this title, “net buildable area” means gross land area, measured in acres, minus land area in roads and other rights-of-way, ~~surface storm water retention/detention/water quality facilities~~, critical areas, critical area buffers, and land dedicated to the city.

E. Clarify subarea descriptions in Title 12 (North Creek/NE 195th St. Subarea) [12.56.030]. Description of subareas needs clarification and map.

Background

The North Creek / NE 195^h ST Subarea contains two subdistricts, ‘A’ and ‘B’. These subdistricts are a legacy of the initial North Creek Subarea plan adopted in the mid-1980s. Currently, the sub districts are used to control building heights and apply specific setback distances.

Planning Commission discussion points – May 15, 2019

1. Is it possible to simply remove references to subdistricts A and B and apply any special building height and setback provisions to the individual zoning classifications similar to the practices of other Subareas?

2. Should the subdistricts be mapped and shown within BMC 12.56.

Staff response

1. The North Creek / NE 195 ST Subarea Plan includes a description of subdistricts A and B. Removing references to subdistricts A and B in the code is not an option because these subdistricts are mandated in the Comprehensive Plan. The BMC must implement the Plan.
2. Amending the Code to correctly describe the subdistricts and revising the zoning map to show the subdistricts is suggested.

Proposed language

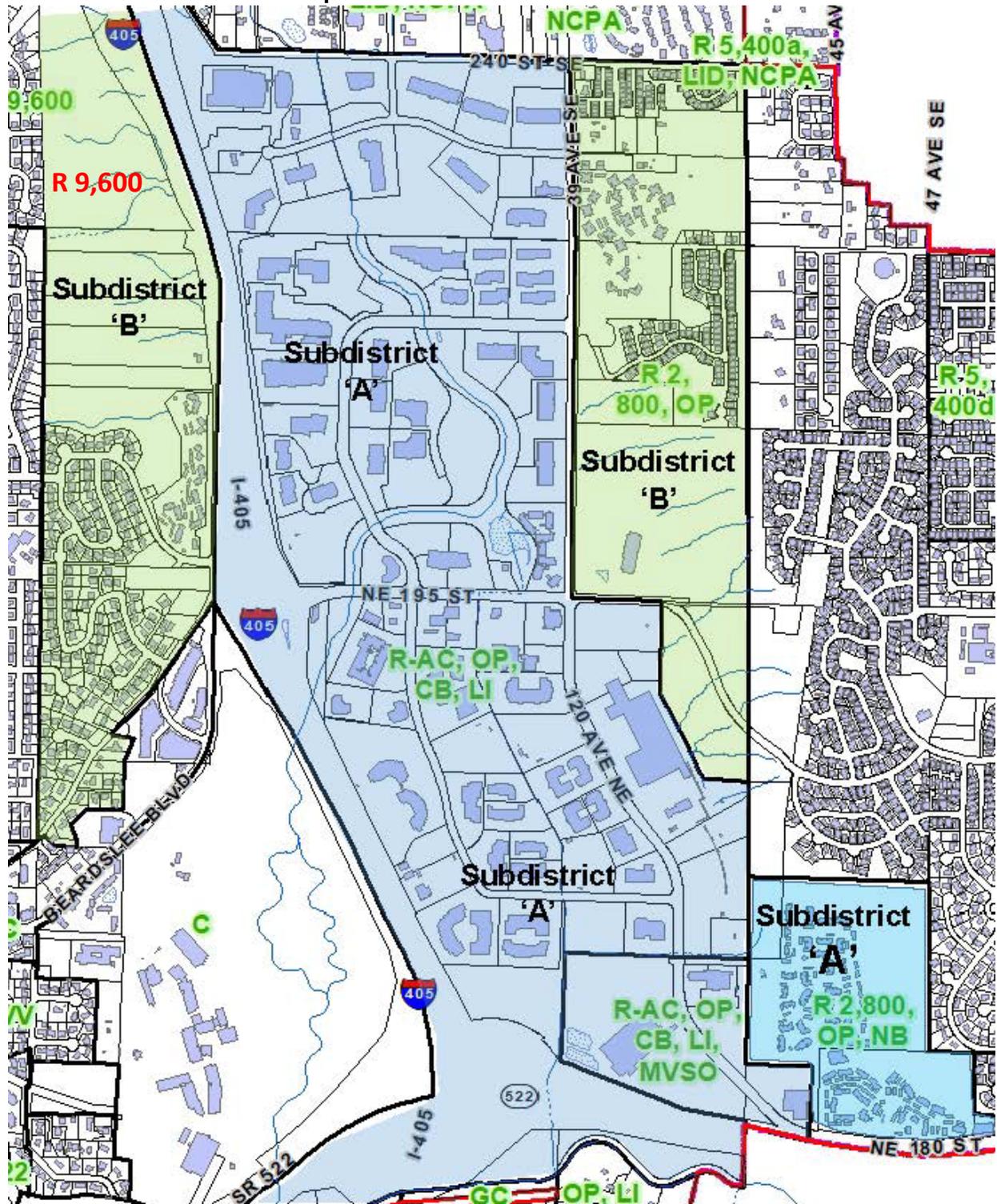
12.56.030 Subdistricts.

The North Creek Valley special district shall be divided into two subdistricts as follows:

- A. Subdistrict A shall comprise all lands zoned R-AC, OP, CB, LI; R 2,800, OP, NB and R-AC, OP, CB, LI, MVSO in the southeast corner of the subarea; and R 2,800, OP, NB in the southeast ~~west~~ corner of the subarea.
- B. Subdistrict B shall comprise all lands zoned R 9,600 within the western portion of the subarea and R 2,800, OP in the eastern part of the subarea.

A revised map is shown on next page

North Creek Subdistricts map – corrected



F. Clarify Title 12.22.020 regarding sign height. Code is unclear that overall sign height includes the base/foundation.

Background

Sign applicants tend to measure the height of the sign by excluding the base foundation supporting the sign. This can result in a monument sign being taller than the 6-foot maximum height. Staff is requesting the code be clarified to include the base or foundation of a sign in its total height.

Planning Commission discussion points – May 15, 2019

1. Clarification that height includes base/foundation should be provided
2. Include an illustration depicting how sign height should be measured
3. Would earth berms or other mounding of soil allow greater height?

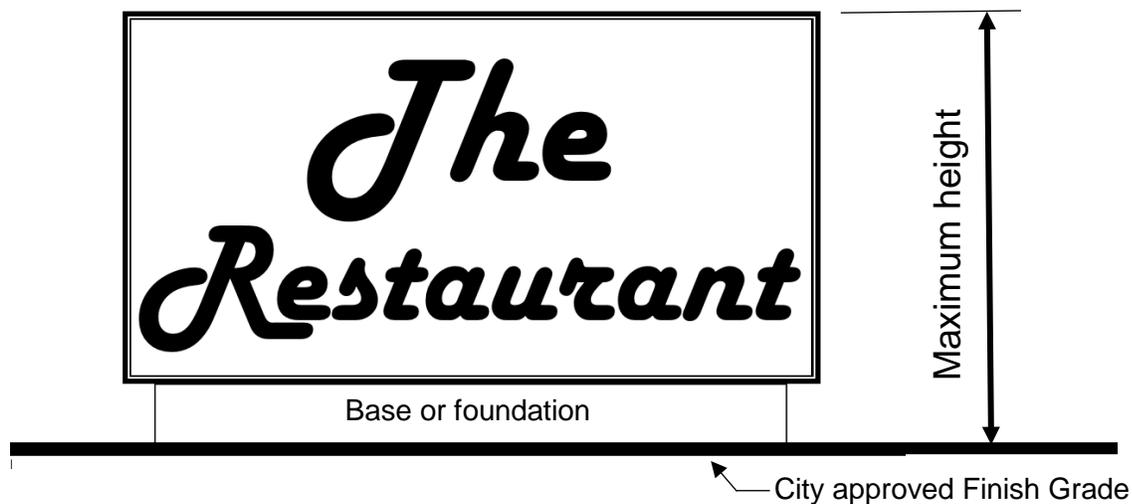
Staff response

1. See proposed Code amendments below
2. An illustration will be included
3. City approved finish grade specifically excludes earth berms. In other words, mounding of soil immediately adjacent to the sign could not be used to increase the height of a sign pursuant to the definition of City-approved finish grade (11.02.008):
“Grade, city-approved finish” means the grade which exists after completion of all city-reviewed and approved ground alterations around all buildings, structures, streets, sidewalks, and other improvements. City-approved finish grade does not include landscape berms.

Proposed amendment

12.22.020 Definitions

“Sign height” is the vertical distance from the City-approved finish grade below the sign to the uppermost element of the entire sign structure including any base or foundation as illustrated below.



G. Amend Title 11 to define “detached condominium units.” Currently no definition. Detached condos have appearance of single family but are technically multi-family residential uses.

Background

There are approximately 600 ‘detached condominium’ units within the City. This housing product is a single structure with a single dwelling unit, defined yards, and other features which has the appearance of a more traditional lot by lot residential subdivision subject to 58.17 RCW. But, these developments were processed and are subject to the Condominium Act of 64.34 RCW and are actually condominiums. Development Review staff is requesting a Code definition for this housing type.

Planning Commission discussion points – May 15, 2019

Concur that a definition is needed

Staff response

See proposed Code amendments below

Proposed Language

11.02.004 “C”

“Condominium” means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to Chapter [64.34](#) RCW. (RCW [64.34.020](#)(10).)

“Condominium, Detached” means a condominium pursuant to Chapter 64.34 RCW comprising one dwelling unit within one structure that is surrounded by a yard area and has an outward appearance of a detached single family residence. All other legal features of a condominium including common ownership, shall be consistent with Chapter 64.34 RCW.

H. Amend Title 11 procedures for plan and code amendments to reflect current structure and practices.

Background

Title 11 (11.18.060) identifies roles for City advisory bodies when amending the Comprehensive Plan and Bothell Municipal Code. The list was developed in 1996 during the creation of the City’s first GMA compliant Plan and implementing regulations. Considerable collaboration occurred between the different advisory bodies during that process.

Today, Plan and Code amendments are not usually as comprehensive but collaboration between the City’s advisory bodies continues to be an integral component of the Plan and Code amendment process.

It is also incumbent upon the City to utilize this resource efficiently to avoid advisory body ‘burn-out’, duplication and confusion regarding roles and responsibilities.

Planning Commission discussion points – May 15, 2019

1. Clarify the collaboration process to make it clearer and easier to understand. The Planning Commission also recognizes the importance of collaboration and would like to see that practice improved with improved coordination between advisory bodies
2. The Planning Commission is the logical body to provide the overall ‘voice’ to the Comprehensive Plan and development regulations and should be the lead body for amendments to the Comprehensive Plan through consultation with other advisory bodies such as Parks Board, Landmark Preservation Board and Shorelines Board
3. Advisory bodies should take advantage of the expertise of other advisory bodies. For example, the Parks Board should be consulted on matters pertaining to the Parks and Recreation Element and the Shorelines Board should be consulted on matters pertaining to the Shorelines Element
4. The Commission would like a synopsis of recent Code amendments to Titles 17 Transportation and 18 Utilities

Staff response

1. An improved process and procedures between the City’s advisory bodies regarding the Comprehensive Plan is suggested. The roles and responsibilities of each advisory body is clarified and the process ensures a more thorough coordination between advisory bodies. The Planning Commission’s role as the lead advisory body regarding amendments to the Comprehensive Plan is also clarified.

Two process terms are suggested:

- a. Recommendation – an advisory body produces a recommendation that is provided to the Planning Commission which will then make its own recommendation to the City Council.
 - b. Consult – one advisory body seeks input, comments and the expertise of another advisory body in formulating its recommendation
2. The Planning Commission would become the ‘voice’ or lead advisory body to the City Council regarding Comprehensive Plan and most (not all) Code amendments. The Planning Commission will either consult with or receive a recommendation from other advisory bodies with the Planning Commission being responsible for sending a ‘final’ recommendation to the City Council.

The current process misses this overall ‘voice’ because different advisory bodies make independent recommendations to the Council.

3. More consultations have been added. Of particular note are new roles for the Landmark Preservation Board and the Parks and Recreation Board and a provision that includes consultation with all advisory bodies regarding amendments to the Capital Facilities Element.
4. A synopsis of recent Code amendments to Titles 17 Transportation and 18 Utilities is provided below. Recent amendments to Title 17 Transportation include policy issues, such as impact mitigation, impact fees, concurrency analysis and other policy-based regulations that should be reviewed by the Planning Commission.

On the other hand, recent amendments to Title 18 Utilities are technical revisions to rates, billing procedures and Fats, Oils, and Grease (FOG) standards. Those types of amendments contain few policy implications.

Note: The Human Services Element was combined with the Housing Element creating the Housing and Human Services Element and is reflected in the revised table.

Recent Title 17 Code amendments

Ordinance	Action
2014 (2009)	Concurrency processes, impact fees, mitigation procedures
1946 (2005)	Comprehensive Update of Titles 11, 12, 14, 17, and 22 as part of the 2015 periodic Plan and Code update
1881 (2002)	Adjusted traffic impact thresholds triggering when a full traffic analysis will be submitted from 3 PM peak hour trips to 10 PM peak hour trips
1778 (1999)	Amended frontage improvements by exempting sites with no sidewalks closer than 240 feet from installation of frontage improvements
2200 (2016)	Established minimum width for sidewalks at 5 feet (this was always the minimum width in the standards – it was simply added to the Code) Established maintenance is the responsibility of the directly abutting property owner
2154 (2014) 2096 (2012)	Established street use permit process and procedural requirements
2062 (2011)	The City stopped billing for street lights which is now done by PSE and Sno Co PUD
2169 (2015)	Established a Transportation Benefit District

Recent Title 18 Code amendments

Ordinance	Action
1998 (2008)	References the King and Snohomish County Health Departments requirements for minimum lot sizes for on-site septic systems,
2261 (2018)	Fats, Oils and Grease (FOG) amendments <ul style="list-style-type: none"> • Definitions • Control program and pretreatment requirements • Standards and specifications • Inspection monitoring and reporting • Prohibited Acts • Enforcement • FOG mandatory practices
2105 (2012) 1849 (2001)	Sewer Line Billing Payments Correction of RCW references
14 Ordinances changed sewer rates	Sewer Rate Changes Utility Tax

Proposed Language

11.18.060 Timing and process for consideration of suggested amendments.

- A. The city council shall initiate consideration of suggested amendments by motion. The scope and timing of consideration of suggested plan amendments shall be determined

by the council, except for amendments to correct a deficiency identified during project review which shall be considered annually pursuant to BMC [11.18.040](#).

The city council shall generally ~~assign suggested amendments to request that the planning commission which body will request a recommendation or consult with other advisory bodies as outlined in Table 11.18-1. In crafting its recommendation, an advisory body will consult with other advisory bodies as outlined in Table 11.18-1. The appropriate city advisory body develop recommendations concerning suggested amendments and the city council shall take final action upon all any suggested amendments and in accordance with the following table, except that the city council reserves the authority to consider and act upon any suggested amendment without referring the suggested amendment to an the applicable advisory body for recommendation. The council and its advisory bodies (with concurrence of the council) may prioritize suggested amendments for further consideration and may defer to future years or decline to further consider suggested amendments.~~

For the purposes of this Chapter, ‘recommendation’ means a process where an advisory body crafts a recommendation to another advisory body or to the city council and ‘consults with’ means one advisory body seeks input and advice from another advisory body.

Table 11.18-1 – Consultation and Recommendations

Type of Amendment	Recommendation and Action Process (unless council decides to consider and act upon an amendment without prior referral to an advisory body)
Amendments to Imagine Bothell... Comprehensive Plan	
Executive Summary, Table of Contents, Introduction, Vision Statement and Glossary	Planning commission makes recommendation to city council; council takes final action.
Land Use Element	Planning commission consults with and shorelines board (if shorelines jurisdiction is involved); parks and recreation board (if city parklands are involved); and landmark preservation board (if designated historic districts are involved) and makes collaborate in making recommendation to city council; council takes final action.
Natural Environment Element	Planning commission consults with and shorelines board (if shorelines jurisdiction is involved) collaborate in making and makes recommendation to city council; council takes final action.
<u>Shorelines Element</u>	<u>Shorelines Board makes formal recommendation to the planning commission. The planning commission will consider that recommendation in crafting its own recommendation to city council; council takes final action</u>
<u>Housing and Human Services Element</u>	Planning commission makes and shorelines board (if shorelines jurisdiction is involved) collaborate in making recommendation to city council; council takes final action.

Type of Amendment	Recommendation and Action Process (unless council decides to consider and act upon an amendment without prior referral to an advisory body)
Economic Development Element	Planning commission makes and shorelines board (if shorelines jurisdiction is involved) collaborate in making recommendation to city council; council takes final action.
Parks and Recreation Element	Parks and recreation board consults with the Planning commission, shorelines board (if shorelines jurisdiction is involved) and makes a formal recommendation to the planning commission. The planning commission will consider that recommendation in crafting its own recommendation and parks and recreation board collaborate in making recommendation to city council; council takes final action.
Human Services Element	Planning commission makes recommendation to city council; council takes final action.
Historic Preservation Element	Planning commission consults with , shorelines board (if shorelines jurisdiction is involved) and landmark preservation board and makes collaborate in making recommendation to city council; council takes final action.
Urban Design Element	Planning commission consults and shorelines board (if shorelines jurisdiction is involved) collaborate in making recommendation and collaborates with landmark preservation board if historic districts are involved and makes recommendation to city council; council takes final action.
Annexation Element	Planning commission makes recommendation to city council; council takes final action.
Utilities Element	Planning commission makes recommendation to city council; council takes final action.
Conservation Element	Planning commission makes recommendation to city council; council takes final action.
Transportation Element	Planning commission and shorelines board (if shorelines jurisdiction is involved) collaborate in making <u>makes</u> recommendation to city council; council takes final action.
Capital Facilities Element	Planning commission consults with and shorelines board (if shorelines jurisdiction is involved) parks and recreation board (if parks are involved) and landmark preservation board (if historic districts are involved) and makes collaborate in making recommendation to city council; council takes final action.
All Subarea Elements	Planning commission consults with and shorelines board (if shorelines jurisdiction is involved), parks and recreation board (if parklands are involved) and landmark preservation board (if historic districts are involved) and makes collaborate in making recommendation to city council; council takes final action.

Amendments to Development Regulations	
Title 11 , Administration of Development Regulations	Planning commission makes recommendation to city council; council takes final action.
Title 12 , Zoning	Planning commission makes recommendation to city council; council takes final action.
Title 13 , Shoreline Management	Shorelines board makes recommendation to city council; council takes final action.
Title 14 , Environment	Planning commission <u>consults with</u> and shorelines board (<u>if shorelines jurisdiction is involved</u>) collaborate in making <u>and makes</u> recommendation to city council; council takes final action.
Title 15 , Subdivisions	Planning commission makes recommendation to city council; council takes final action.
Title 17 , Transportation	Planning commission makes recommendation to city council; council takes final action.
Title 18 , Utilities Infrastructure	<u>Council takes final action (no advisory body recommendation).</u> Planning commission makes recommendation to city council; council takes final action.
Title 20 , Buildings and Construction	Council takes final action (no advisory body recommendation); except that the planning commission makes a recommendation to city council concerning any amendments to Chapter 20.20 BMC, Billboards, and the council takes final action.
Title 21 , Development Impacts	Council takes final action (no advisory body recommendation).
Title 22 , Landmark Preservation	Landmark preservation board <u>consults with planning commission</u> <u>and</u> makes recommendation to city council; council takes final action.

Conclusion

Housekeeping Code amendments tend to be somewhat technical in nature but provide important guidance to applicants, citizens, and development review staff. Addressing these Housekeeping Code amendments will assist the City's Development Services Initiative to make processing of permits more efficient.

Next Steps

Based upon input received this evening staff will draft code amendments for a public hearing scheduled for June 19, 2019.

**Study Session:
Downtown Public Open Space
Code Amendments**

MEMORANDUM

Community Development Department



City of Bothell

DATE: June 5, 2019
TO: Planning Commission
FROM: Dave Boyd, Senior Planner

SUBJECT: Downtown Public Open Space Code Amendments Study Session

Purpose/Action

The purpose of this study session is to discuss potential amendments to the regulations for public open space required as part of most new downtown developments.

Background

In the 2018 Planning Docket, Council initiated amendments to the downtown public open space regulations to achieve better outcomes and to better clarify those public open space requirements as independent of the separate citywide parks and open space impact fees. Planning Commission began review of the public open space regulations along with other downtown plan and code amendments. Due to the overall scope of these amendments, the initial effort was limited to a fairly minor, technical amendment intended to distinguish the downtown public open space requirement from the citywide parks and open space impact fee. To that end, staff is proposing changing the reference to “designated public spaces” and that term is used from this point forward. More detailed examination of ways to assure better outcomes for the downtown designated public space requirements was deferred to 2019, with the intent to incorporate suggestions from Commissioners that designated public spaces be clearly marked and have additional requirements and guidelines to insure that they truly serve a public purpose.

Analysis

The Downtown Plan requires new residential and commercial development to provide publicly accessible space, except in the Downtown Core district where dense development with no setbacks is desired. Currently, fees in lieu of providing the designated public space are allowed at the discretion of the Community Development Director, with the intent of providing an option for smaller infill sites that that would not require or have sufficient space to provide a viable, useable area. With respect to the provision of physical designated public space, three issues have developed:

- The amount of space required has been questioned by developers who claim that even on large lots it is difficult to meet the requirement and have therefore requested to pay a fee in lieu for part of the amount.
- The designated public spaces developed to date have raised questions about whether they provide public benefit and are truly alleviating the impacts of denser development caused by smaller setbacks and taller buildings, among other things.
- Whether the provisions are adequate for ensuring that required designated public spaces are clearly open to the public and remain accessible and well-maintained.

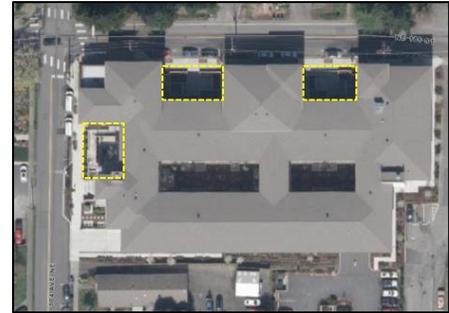
With respect to the type of designated public space provided, questions have arisen about whether it is truly providing a public benefit and whether provisions including minimum size and dimensions, connectivity to public streets and signage need to be strengthened or added.

Examples of how projects have complied with the code requirements, both in completed and proposed developments, are provided to help illustrate the issues.

The 104 and Six Oaks: The 104 was the first residential project following the adoption of the Downtown Plan and resulted in a request by the developer to pay a fee in lieu of part of their designated public space requirement, followed by a request to transfer part of the required designated public space to Six Oaks, an upcoming project by the same developer. The Six Oaks site was split-zoned, with much of the proposed development in the Downtown Core district, which had no on-site designated public space requirement. It also had an irregular shape, with the curved 98th-185th connector along its west and north sides, which created natural residual areas for designated public space. The developer's desire to save the namesake six oaks created another opportunity along the public sidewalk (bottom left). The result was that the proposal created more designated public space than the project required, making the transfer from The 104 site a reasonable option.

The designated public spaces for these two projects illustrate a range of options. Both include entry courtyards or forecourts, at the main entry for The 104 and at the rear entry for Six Oaks. The 104 has two courtyards off the north sidewalk that include a mix of private outdoor space and designated public space (see right). The public areas have been criticized as shady and having a feeling that one would be encroaching on private space, making them little used. On the positive side, they help break up the building mass, provide "breathing room" and allow sun to reach the sidewalk.

In addition to the namesake grove of oaks and the rear entry courtyard, Six Oaks' designated public spaces include a public, off-leash dog enclosure and a rain garden along the 98th Ave NE frontage. The grove of six oaks has no paths to allow or encourage the public to use it, but it does provide for the retention of the large trees, which are a public amenity as well as "breathing room." Similarly, the rain garden is only visually accessible to the public. Like the north courtyards at The 104, the rear entry courtyard is often in shade and not clearly accessible to the public.



Edition Apartments: The developer of this apartment building on the south side on NE 185th Street between 102th and 103rd Avenues NE struggled with the amount of designated public space required and proposed paying the fee in lieu for much of their requirement. Most of the site is taken up with the partially submerged parking structure, so the designated public space is on top of the garage along 185th on the north side of the building in shade. Public access is from the northeast corner of the site and up a stair from the sidewalk near the west end, a feature considered important to making the space more public (see below). A plaque commemorating the houses that occupied the site was placed at the top of the stairway, with the intent to draw the public into the space.



Healthpoint: This medical office building provided its required public space in the form of an expanded entry court (see right).



Smaller infill projects: Along the opposite side of NE 185th Street from Edition Apartments, three projects of five to 13 townhomes have been proposed. Only two of these projects, on the corners of 103rd and 104th Avenues NE, are proposing to provide any designated public space on site, and even those are proposing to pay a fee in lieu for part of the requirement. The five-unit project would only have to provide 750 square feet of designated public space, and there does not appear to be sufficient area on the site.

These are the type of lots for which the fee-in-lieu provision was intended. The amounts required are too small to serve as viable designated public space, and the sites are too small to provide usable space and still be developed.

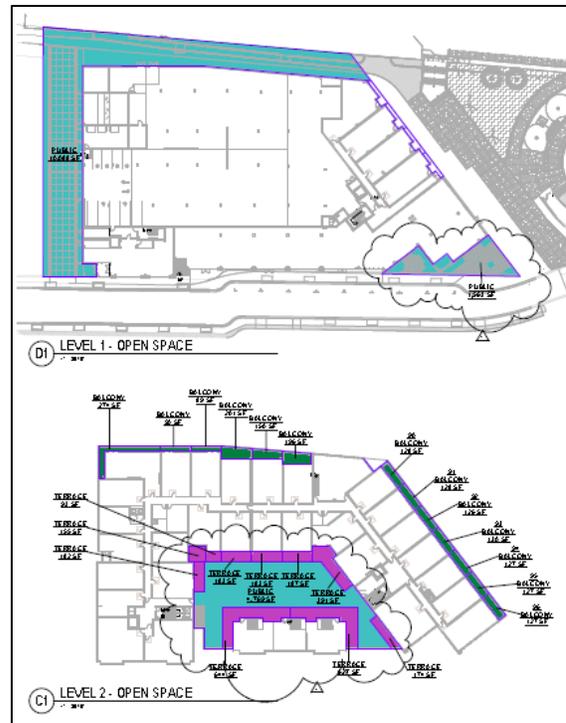


The POP: The developer of the site just south of Pop Keeney Stadium submitted the diagram below to illustrate the amount of open space required for their proposed development, which also contributed to the adjacent Horse Creek Plaza and the open spaces along Pop Keeney way to the southeast.



Ultimately, the developer proposed providing more than the required amount in three areas:

1. A triangle at the southeast corner of the site that would act as an extension of Horse Creek Plaza.
2. A “woonerf” or passage shared by pedestrians and cars along the west side of the project, connecting along the north side of the project via a pedestrian passage to Horse Creek Plaza. This north passage is partly on Pop Keeney Stadium property and will also provide access to the stadium’s scoreboard.
3. A second-level, publicly accessible courtyard along the south side of the project, that will also provide access to townhome units along that face of the project. A stairway open to the public during regular park hours will provide access, along with elevator access through the residential lobby.



This concept was accepted on the condition that the public passages be designed with features making it safe and welcoming to pedestrians, and that the upper level open space be clearly open to the public, with signage and programming to encourage public use.

The Merc: This project's public space is split in two spaces flanking either side of the parking entrance, which was allowed per a previous amendment. Benches are provided in the lower space, but would help make the upper space seem more public.



Fee in lieu: The concept for the fee in lieu is that it will be spent on new downtown public space projects, like Horse Creek Plaza and the Park at Bothell Landing expansion. Both of these would be within walking distance of any downtown project, providing its residents, as well as the general downtown population, with usable space. The citywide Park and Open Space Impact Fees, on the other hand, can go toward identified projects throughout the city.

Some other issues to be considered as Planning Commission considers potential amendments:

- Minimum area - if requirement is below minimum, applicant must pay fee-in-lieu or meet minimum area
- Signage - require that designated public space on private property be clearly marked as such (see sign used in Seattle, right)
- Hours of operation – the code states that the spaces need to be open to the public at all times, but even our public parks have limited hours, so proponents have suggested the same should apply to designated public space on private property (similar to Seattle sign, right)
- Connection to sidewalk – the regulations currently state that designated public spaces be connected to a public sidewalk and that they abut a public sidewalk. Are there instances where a connection that is not 15' wide, and therefore does not qualify as a designated public space “passage” itself, could lead to a qualifying designated public space that does not “abut” a public sidewalk? Should a designated public space on a second level be allowed if it is connected and abuts a public sidewalk, though on a different level?
- Requirement for a permanent easement. The code is silent on such a provision, though we have begun to require easements administratively.



Planning Commissioners may have additional issues to consider.

Proposed Code Amendments

The existing code provisions are included in **Attachment 1**. Only the changes in name from “public open space” to “designated public space” and “open space” to “designated outdoor space” are proposed at this time.

Action

No action is required at this time, but staff requests direction on preferred approaches and additional research for the scheduled July 10 public hearing.

Attachments

1. Potential code amendments

Potential Downtown Public Open Space Code Amendments

Relevant sections are included below, including sections that may not need amendment, but are included for context. The only potential changes shown regard a proposed change of terminology to avoid confusion with the citywide Parks and Open Space Impact Fees. Proposed amendments are shown in underline/~~strike through~~ format below. Skipped sections are indicated by three asterisks: * * *

12.64.304 Provision of ~~Open-Designated Outdoor~~ Space

A. DEFINITION

1. ~~Open-Designated PublicOutdoor~~ Space regulations set forth requirements for the provision and design of ~~open-outdoor~~ spaces and landscaping elements in the Plan Area.
2. These regulations are established to ensure a wide range of ~~public-outdoor~~ spaces that complement the primary public streets and ~~open-designated public~~ spaces in each district.
3. All new ~~open-outdoor~~ spaces within the Plan Area, whether or not they are required by ~~Open Designated Outdoor~~ Space Provision regulations, shall be designed and configured according to the following regulations.

B. ~~PUBLIC OPEN SPACE~~DESIGNATED PUBLIC SPACE

1. ~~Public-Open-Space~~Designated public space is required as specified in section 12.64.100 District Requirements.
2. ~~Public-Open-Space~~Designated public space shall be built on the site of the development-or may be satisfied through payment of in-lieu fees with the approval of the Community Development Director/Designee.
3. Any ~~Public-Open-Space~~Designated public space improvements and/or any in-lieu fee paid under this provision must be separate from and cannot be utilized as a credit for or otherwise offset park open space impact fees.

* * *

12.64.305 General Open Space Requirements

A. OPEN SPACE DESIGN

1. ~~Public-Open-Space~~Designated public space
 - a. The minimum width of ~~public-open-spaced~~designated public space shall be 20 feet.
 - b. Where the total required ~~public-open-spaced~~designated public space is 3,000 square feet or less, after subtracting area for new streets, the ~~public-open-spaced~~designated public space shall be one continuous parcel of land. Where the required ~~public-open-spaced~~designated public space totals more than 3,000 square feet, the area may be divided into several usable parcels on the site; provided, that at least one parcel is a minimum of 2,000 square feet in size and all the other parcels are at least 1,000 square feet in size with a minimum width of 15 feet.

c. All ~~public open space~~designated public spaces shall be publicly accessible and connected to public sidewalks. They shall abut public rights-of-way on at least one side and shall be open to the public 24 hours a day.

d. ~~Public open space~~Designated public spaces need not be publicly owned and maintained.

e. All ~~public open space~~designated public spaces shall be visible from surrounding streets and avoid masses of shrubs around edges.

* * *

12.64.306 Street and Open-Outdoor Space Guidelines

* * *

B. PUBLIC SPACES

1. Public spaces should provide a variety of seating options, areas of sun and shade for year-round climatic comfort, shelter, and night lighting to encourage public activity and ensure safety.

2. Public spaces should be visible from public streets and sidewalks.

C. WALLS AND FENCES

1. Frontage Fences and Walls

a. Front yard fences should employ a combination of thick and thin structural elements with thicker elements for supports and/or panel divisions. Fence posts and/or support columns should be defined using additional trim, caps, finials, and/or moldings.

b. All walls should have a cap and base treatment.

c. Frontage walls may occur as garden walls, planter walls, seat walls, or low retaining walls.

d. Entrances and pedestrian “gateways” should be announced by posts or pilasters, and may be combined with trellises, special landscaping, decorative lighting, public art or other special features.

2. Screening Fences and Walls

a. Side yards and rear yards may contain landscape features that protect the privacy of the property’s occupants such as landscaping, trees and screening walls.

b. Screening fences and walls should be constructed of materials that are compatible with the architecture and character of the site. Natural colors, a cap or top articulation, and related dimensional post spacing increments should be used at screening fences to enhance compatibility.

c. Design elements should be used to break up long expanses of uninterrupted walls, both horizontally and vertically. Walls should include design elements such as textured concrete block, interlocking “diamond” blocks, formed concrete with reveals, or similar materials. Landscape materials should also be used to provide surface relief.

* * *

4. Piers

- a. Piers are architectural elements of fences or walls that can add interest to and break up long expanses.
- b. Piers are recommended to have a base, shaft and cap composition. Larger piers may be specially designed for gateway or other special locations, and these may incorporate ornamental plaques or signs identifying the building or business; public art such as panels or sculptural elements; and /or light fixtures. Piers may be topped by ornamental finials, light fixtures, or roof caps.
- c. Recommended dimensions for masonry piers are approximately 18 inches per side or diameter, and the maximum spacing between piers should be 20 feet.

5. Materials and Colors

- a. All fences and walls should be built with attractive, durable materials that are compatible with the character of Bothell (see Section 12.64.500).
- b. Appropriate fence materials include wood, masonry, and metal.
 - i. Wood picket fences are only recommended along residential streets. For wood picket fences, a paint finish or vinyl coating should be applied.
 - ii. For iron or metal fences, recommended materials include wrought iron, cast iron, welded steel, tubular steel, or aluminum. Metal fences should be mounted on a low masonry wall, and /or between masonry piers.
- c. Appropriate wall materials include stone, brick, precast concrete, textured concrete block, or formed concrete with reveals. A stucco finish may be used over a masonry core, except in the Downtown Special Review Area.
 - i. Exposed block walls should be constructed with a combination of varied height block courses and/or varied block face colors and textures (e.g. a combination of split-face and precision-face blocks). Plain gray precision-face concrete block walls are discouraged. Design treatments and finishes previously described should be applied to these walls for improved visual compatibility with building architecture.
 - ii. An anti-graffiti coating is recommended for exposed masonry wall surfaces and should be clean, colorless and without sheen.
- d. Support post or pier materials may differ from fence materials; e.g. metal fence panels combined with masonry piers. Recommended materials include brick, terra cotta, and stone, colored or decoratively treated cast-inplace concrete, precast concrete or concrete block, or stucco-faced concrete or concrete block. (Note: Stucco-faced concrete or concrete block are not permitted in the Downtown Special Review Area).
- e. Bollards are recommended to be cast iron, cast aluminum, and precast concrete. An anti-graffiti protective coating is recommended for precast concrete.
- f. Colors and finishes of mechanical enclosures and equipment should be coordinated with colors and finishes of streetlights, fencing and other painted metal surfaces to be used on site, or with the associated building's material and color scheme.

g. Street and building-mounted metal furnishings should be powdercoated or painted with Waterborne Acrylic Polyurethane, such as Tnemec Series 1080 or similar product. For powdercoated finishes, a chemically compatible UV-protectant clear coat is recommended for prevention of color fading.

D. SITE FURNISHINGS

1. Public gathering places and other publicly accessible areas should be detailed with decorative, pedestrian-scaled site furnishings and equipment.
2. Seating, freestanding planters, ornamental solid waste and recycling receptacles, bike racks, drinking fountains, pergolas, trellises, heaters, umbrellas, wind screening, and decorative bollards are recommended.
3. When designing seat walls with straight edges of more than six feet in length, consider detailing that will prevent skateboard damage.
4. Landscape structures and sculptural objects should reference the human scale in their overall massing and detailing.
5. Components should be made of durable high quality materials such as painted fabricated steel, painted cast iron, painted cast aluminum, and integrally colored precast concrete. Recycled materials should be used so long as the finish or look of the material is consistent with or similar to the finishes prescribed above. Metal surfaces should be coated with highly durable finishes such as aliphatic polyurethane enamel.

E. PLANT MATERIALS

1. Plant materials should always be incorporated into new development site design to provide "softening" of hard paving and building surfaces.
2. Mature, existing trees should be preserved whenever possible.
3. Tree sizes should be suitable to lot size, the scale of adjacent structures, and the proximity to utility lines.
4. For street trees to be installed within paved areas, the use of structural soil planting beds, continuous soil trenches, or root path trenches is strongly recommended in order to maximize the ability of the tree to thrive and perform well in the urban environment.
5. Both seasonal and year-round flowering shrubs and trees should be used where they can be most appreciated - adjacent to walks and recreational areas, or as a frame for building entrances and stairs.
6. In general, deciduous trees with open branching structures are recommended to ensure visibility to retail establishments. More substantial shade trees are recommended in front of private residences.
7. Evergreen shrubs and trees should be used for screening along rear property lines, around solid waste/recycling areas and mechanical equipment, and to obscure grillwork and fencing associated with subsurface parking garages.