

AGENDA

BOTHELL PLANNING COMMISSION

Bothell City Hall, 18415 101st Avenue NE
Wednesday, November 6, 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**
September 18, 2019
October 2, 2019
4. **NEW BUSINESS**
Report from Council liaison
5. **PUBLIC HEARINGS**
A. Downtown Public Space Code amendments (continued from September 18)
B. Minimum Density Code amendments
6. **PUBLIC MEETING**
None
7. **STUDY SESSION**
None
8. **OLD BUSINESS**
None
9. **REPORTS FROM STAFF**
Planning Conference in Tacoma
Potential December meeting date(s)
10. **REPORTS FROM MEMBERS**
11. **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 October 31, 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

November 2019

Monday	Tuesday	Wednesday	Thursday	Friday
				1
4	5	6 <i>Downtown Public Space Code Amendments and Minimum Density Plan & Code Amendments Public Hearings</i>	7	8
11	12 Canyon Park Plan Update Study Session	13	14	15
18	19 Housekeeping Code Amendments (Consent Agenda) Small Cell Wireless Code Amendments Public Hearing	20 <i>Potential Title 22 and Downtown Historic Resources Code Amendments - Joint Study Session with Landmark Preservation Board</i>	21	22
25	26	27	28	29

Minutes

BOTHELL PLANNING COMMISSION

REGULAR MEETING – September 18, 2019

COMMISSIONERS PRESENT: Carston Curd, Jason Hampton, Brad Peistrup, David Vliet

COMMISSIONERS ABSENT AND EXCUSED: Patrick Cabe, Kevin Kiernan, Aaron Moreau-Cook

STAFF PRESENT: Community Development Director Michael Kattermann and Senior Planner David Boyd.

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair David Vliet on September 18, 2019, at 6:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

NON-AGENDA PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

NO MINUTES TO APPROVE

NEW BUSINESS: None

PUBLIC HEARING:

Chair Vliet opened the Public Hearing regarding Downtown Public Space Code amendments. Vliet introduced David Boyd, Senior Planner.

Boyd shared a brief presentation regarding the Downtown Public Space Code amendments. This is a continuation of the public hearing held on July 17, 2019.

PUBLIC TESTIMONY: (See video recording on City of Bothell website for detailed testimony).

Jamie Waltier, 12957 NE 203rd St, Woodinville
Cary Westerbeck, 9803 NE 183rd St, Bothell

Discussion ensued.

Public hearing will be continued to November 6, 2019 to get input from DSSAG in October.

STUDY SESSION:

Chair Vliet opened the Study Session on the Planning Commission Bylaws.

Michael Kattermann, Community Development Director, reviewed the Planning Commission Bylaws and identified potential changes/updates.

Discussion ensued.

OLD BUSINESS: None

REPORTS FROM STAFF:

Community Development Director Kattermann reported that the next PC meeting will be October 2, 2019 which will include the Public Hearing on the 2019 Comprehensive Plan Amendments and the study session on Multi-Family Tax Exemption Target Areas.

Kattermann also reported on his attendance to the Washington State Planning Director's Conference.

REPORTS FROM MEMBERS: None

Curd reported on his attendance to the Strong Towns presentation at Kenmore City Hall on September 12, 2019.

ADJOURNMENT:

<p>CURD MOVED TO ADJOURN. PEISTRUP SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.</p>

The meeting was adjourned at 7:54 p.m.

BOTHELL PLANNING COMMISSION

REGULAR MEETING – October 2, 2019

COMMISSIONERS PRESENT: Carston Curd, Jason Hampton, Kevin Kiernan, David Vliet

COMMISSIONERS ABSENT AND EXCUSED: Patrick Cabe, Aaron Moreau-Cook, Brad Peistrup

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

CALL TO ORDER: The Regular Meeting of the Bothell Planning Commission was called to order by Chair David Vliet on October 2, 2019, at 6:00 p.m. in the Council Chambers at the Bothell Town Hall, 18415 101st Avenue NE.

NON-AGENDA PUBLIC COMMENTS: (See video recording on City of Bothell website for detailed comments).

Pat Pierce, 10001 NE 10th, Bothell
Lisa Vorwerk, 10139 NE 186th, Bothell
Sarah Gustafson, 10808 NE 154th Pl, Bothell
Cary Westerbeck, 9803 NE 183rd St, Bothell

APPROVAL OF MINUTES:

CURD MOVED TO APPROVE THE MINUTES FOR SEPTEMBER 4, 2019. KIERNAN SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

NEW BUSINESS: None

PUBLIC HEARING:

Before the hearing was opened Commissioner Hampton stated that there may be a conflict of interest for him regarding the Minimum Density & Intensity Plan & Code Amendments due to his position at Sound Transit. It was decided that the hearing would continue with the CFP portion of the public hearing.

Chair Vliet opened the Public Hearing regarding 2019 Comprehensive Plan Amendments. Vliet introduced Bruce Blackburn, Senior Planner.

Blackburn shared a brief update regarding the Capital Facilities Element Plan and introduced Deputy Chief Doug McDonald of the Bothell Fire Department who was there to answer any questions from the Planning Commission.

Discussion ensued.

KIERNAN MOVED TO APPROVE THE UPDATE TO THE CAPITAL FACILITIES ELEMENT OF THE *IMAGINE BOTHELL...* COMPREHENSIVE PLAN. HAMPTON SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

HAMPTON MOVED TO CONTINUE THE PUBLIC HEARING ON THE MINIMUM DENSITY & INTENSITY PLAN & CODE AMENDMENT TO NOVEMBER 6, 2019. CURD SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.

PUBLIC TESTIMONY: None

STUDY SESSION:

Chair Vliet opened the Study Session on the Multi-Family Tax Exemption (MFTE) Target Areas by introducing David Boyd, Senior Planner.

Boyd shared a brief presentation on the Multi-Family Tax Exemption (MFTE) Target Areas. He introduced Mike Stanger of ARCH who was available as the expert for questions.

Discussion ensued.

OLD BUSINESS: None

REPORTS FROM STAFF:

Director Kattermann reported on the following:

- Invited the Planning Commission to attend a workshop hosted by the City of Kenmore entitled "Missing Middle, Tuesday, October 15, 2019 at the Kenmore City Hall.
- Next meeting of the Planning Commission is November 6 and there are only 4 meetings left for the remainder of 2019.
- Joint meeting the Landmark Preservation Board on November 20, 2019 to review Title 22 amendments
- Grant application submitted to Dept of Commerce under HB 1923 relating to Affordable Housing.
- Council passed the Nursing Home Code Amendment at their October 1, 2019 meeting.

REPORTS FROM MEMBERS: None

ADJOURNMENT:

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

The meeting was adjourned at 7:02 p.m.

**Continued Public Hearing:
Downtown Public Space
Code Amendments**

MEMORANDUM

Community Development Department



City of Bothell

DATE: November 6, 2019
TO: Planning Commission
FROM: Dave Boyd, Senior Planner

SUBJECT: Downtown Public Space Code Amendments – Continued Public Hearing

Purpose/Action

The purpose of this continued public hearing is for the Planning Commission to take additional testimony, receive input from an October 23 Development Services Stakeholders Advisory Group meeting, and further review potential amendments to regulations for public space required as part of most new downtown developments.

The basis for the public space requirement can be found in the Community Vision section of the Downtown Subarea Plan & Regulations (part of the Comprehensive Plan for the Downtown Subarea), which envisions the creation of “a sequence of unfolding spaces that inspire people to walk and to linger in the center of the city.”

In addition, including public spaces as part of private development serves to break up building mass and provide relief from the denser development of downtown. Even spaces that are only visually accessible can provide breathing room, additional landscaping and more solar access.

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 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 minor, technical amendment intended to distinguish the downtown public open space requirement from the citywide parks and open space impact fee. Thus, the general term which also includes private outdoor space is changed from “open space” to “outdoor space” and “public open space” will be referenced as “public space” from this point forward. More detailed examination of ways to assure better outcomes for the downtown designated public space requirements was deferred to 2019, to incorporate suggestions from Commissioners that these spaces be clearly marked and have additional requirements and guidelines to ensure that they serve the intended purpose.

Additional analysis was presented at the June 5 study session and July 17 and September 18 public hearings, and the Commission provided feedback that is addressed in the following section.

Analysis

For earlier analyses of the downtown public space requirements, please refer to the June 5, July 17 and September 18 Planning Commission packets. Below are additional analyses based on feedback from the Commission and the October 23 Development Services Stakeholders Advisory Group meeting.

Provision of public space: At the June 5 study session, diagrams showing the required public open space were presented and the Commission requested a comparison of other cities’

requirements. The consultant firm MAKERS architecture and urban design is currently working on open space regulations for the cities of Issaquah and Mountlake Terrace and provided two tables showing area cities' requirements for open space for multifamily development and in urban centers. Those tables were revised slightly to correct some of the Bothell requirements and included in the September 18 packet.

As presented previously, Bothell's public space requirements are greater than any of the other cities compared, and are in addition to the required private outdoor space, which can be provided for individual units or as common open space, as made explicit in the draft code amendments. The requirement doesn't apply in the Downtown Core (DC) district, in order to encourage the densest lot-line to lot-line development. Since several of the early developments in Bothell were at least partly in the Downtown Core (Six Oaks, Junction, Merc, Boulevard Place) the amount of public space required was not a major issue (though the developer of The 104, which is outside Downtown Core, asked and was allowed to transfer part of their required public space to Six Oaks).

Developers of The Edition and The Pop, which are entirely in the Downtown Neighborhood (DN) district, raised objections to the public space requirements. Some newer proposals, like the Ross Road Apartments, which is in the Downtown Transition (DT) district have also raised objections to the amount of space required by the code. Townhome developments, like Dawson Square and The Landing (in Downtown Transition) and the South Beardslee Townhomes in the General Downtown Corridor (GDC) district have been able to accommodate the required public space using passages through the developments and/or spaces around the perimeter. In the SR 522 Corridor (522) district, which has the same public space requirements, there have been some preliminary proposals but no formal development applications.

The amount of public space required in the different downtown districts was addressed in the July 17 memo and a table with a more complete comparison was included in the September 18 memo. A condensed version is below.

District/Use	Public Space Required	Private Outdoor Space Required
Downtown Core (DC) - all uses:	0	0
Downtown Neighborhood (DN)		
Office	6%	0
Lodging	60sf/room	0
Residential	100sf/unit	60sf/unit (avg)
Home Occupation	100sf/unit	0
Downtown Transition (DT)		
Office	10%	0
Lodging	100sf/room	0
Residential	150sf/unit	60sf/unit (avg)
Home Occupation	150sf/unit	0
General Downtown Corridor (GDC) and SR 522 Corridor (522)		
Office	10%	0
Lodging	100sf/room	0
Residential	150sf/unit	60sf/unit (avg)
Home Occupation	150sf/unit	0
Sunrise Valley View (SVV) and Parks and Public Open Space (PPOS)		
Residential	150sf/unit	60sf/unit (avg)
Home Occupation	150sf/unit	60sf/unit (avg)

This analysis showed a couple of anomalies that were addressed in the September 18 potential code amendments. First, the inclusion of public open space and private outdoor space requirements in the single family Sunrise / Valley View (SVV) and Parks and Public Open Space

(PPOS) districts would appear to be an error. While it might be reasonable for a subdivision to provide public space, the Sunrise / Valley View district is fully developed and single family development provides private open space *de facto*. Residential development is not allowed in the Parks and Public Open Space district, which is primarily open space anyway, so there is no need for residential outdoor space requirements. The revised potential code amendments in **Attachment 1** change those to “NA” for not applicable.

The outdoor space requirements for the other districts pose more difficult challenges. While it is logical that these requirements increase in the transition from more to less dense districts, requiring no public space in the Downtown Core district effectively shifts the burden for public space to the adjacent districts, and could leave tenants in Downtown Core with no private outdoor space. The Downtown Core development to date has included some public space (the grove of oaks at Six Oaks, part of the public space on the north side of The Merc, the plaza and stairs in the southeast and northwest corners of the City Hall block master plan). All of those are split-zoned developments, partially in the Downtown Neighborhood district, but all have some public space in the Downtown Core portions.

All of the Downtown Core residential developments to date have private outdoor space, in the form of balconies and/or roof decks. Balconies provide articulation of building facades and additional eyes on the street. It also seems reasonable that all residents would benefit from some private outdoor space, so the potential code amendments in the September 18 packet included the same requirement for private outdoor space for residential units in Downtown Core as the other districts.

As of the September 18 public hearing staff had received limited community input, including from developers. Comments submitted to date are attached. Staff also presented information and solicited feedback at the October 23rd meeting of the Development Services Stakeholder Advisory Group. The input received to date is summarized below, and staff would like to get additional feedback from Planning Commission and others before finalizing recommendations, so no Planning Commission Findings, Conclusions and Recommendation is included in this packet.

At the September 18 public hearing staff presented a possible reduction of the public space requirement by 60-67%, and adding the same private outdoor space requirement for residences in the Downtown Core district as in other districts, as reflected in the potential code amendments provided with that packet. Other suggestions submitted by developers included:

- reducing the requirement by 50%, especially in the Downtown Transition district;
- limiting the amount required to 5% of the site area;
- limiting the amount required to 15%, excluding area needed for fire access.

Exhibit 3 shows a conceptual plan for the site at the northeast corner of 185th Avenue NE and NE 104th Street. The concept includes qualifying public space of 6,200 square feet, or about 17% of the site, well below the required 38.5% for the scale of development proposed (based on how many cars can feasibly be parked on the site) and slightly above the 15% maximum suggested above. A 60% reduction from 150 to 90 square feet per unit would result in a requirement of 9,500 square feet, or about 25% of the site area. A reduction to 75 square feet per unit would result in a requirement of 7,125 square feet, or about 19% of the site area.

The above examples are for an apartment development. For comparison, the Dawson Square townhome development, also in the Downtown Transition district, provided 8,880 square feet of public space, more than the required 6,750 square feet and about 9% of the site area. For a comparison in the Downtown Neighborhood district, The Pop had a public space requirement of 12,950 square feet, nearly 32% of its site area. A reduction from 100 to 60 square feet per unit

and from 60 to 40 square feet per 1,000 square feet of office would result in a requirement of 7,820 square feet, or about 19% of the site area.

Another option would be to reduce the requirement by 60%, as shown in the September 18 packet, and establish a maximum of 20% of the lot area.

Exhibit 4 suggests allowing splitting required public spaces when the total amount is 1,500 square feet, rather than the current 3,000, providing an example of a successful public space that is around 1,500 square feet. The current requirement would allow a development requiring 3,000 square feet of public space to split that into one of a minimum of 2,000 square feet and another with a minimum of 1,000 square feet. Lowering the threshold to 1,500 square feet could result in the successful public space in his example being divided. If Planning Commission is interested in pursuing such a reduction, staff would suggest a smaller reduction and adjusting the other size requirements accordingly, as shown in the one revision to the potential code amendments from the September packet.

Exhibit 2 and other public comments suggest waiving the requirement for small infill projects. The in-lieu-fee was intended to provide an option for smaller projects. If Planning Commission is interested in an outright waiver, staff could consider appropriate thresholds.

In lieu fees: Exhibit 4 raises the question of how in lieu fees are calculated and the need for developers to be able to calculate the cost to determine project feasibility. Another developer has raised the uncertainty of whether in lieu fees will be approved as another problem in determining project feasibility. Staff has developed fees based on property value and development costs, but the former is subject to change, and the latter can vary significantly depending on the size and methodology used. Staff will continue to develop a clearer and more predictable method for calculating in lieu fees.

At the June 4 study session and July 17 public hearing there was some discussion of limiting the option to use fees in lieu of public space to smaller projects. In the potential code amendments presented at the September 18 hearing, staff suggested that the in lieu fee only be an option where the required public space is 3,000 square feet or less, the same threshold for dividing the public space into more than one area. Another developer has suggested instead to allow the use of in lieu fees for larger projects, but to limit the amount, providing greater flexibility to apply the requirement depending on a site's particular situation.

Suggestion related to in lieu fees include:

- whether they should be limited to smaller projects;
- whether larger projects should be allowed by right to use in lieu fees to provide a percentage of their required public open space

Signage and hours of access: At previous meetings there has been support for clearly marking public spaces as well as concerns about a proliferation of signs. Staff still feels that there is merit in adding a signage requirement, but encouraging customized signage that includes interpretive elements, like information of the history of the site, similar to what has been done at The Edition Apartments, or describing other aspects of the public space, like the six oaks, dog park and raingarden at Six Oaks. At the right is an example of a sign proposal that both identifies a public space and provides interpretive information at the Merc public space. There would likely



need to be at least a couple variations on a City-provided template (one with hours for accessible spaces and another for non-accessible ones, to be developed).

The code currently states that these required spaces be publicly accessible at all times. As presented at the July 17 and September hearings, staff recommends more definitive hours of access like Seattle's 6am to 10pm, while allowing property owners to provide their own guidelines as long as they are not more restrictive, as in the example at the right.

The proposed code amendments are included in **Attachment 1**, with just one change from those included in the September 18 packet, providing a more flexible limit for the use of in lieu fees.

Action

Planning Commission is asked to provide additional direction to staff on issues raised above, including:

1. Potential reductions in the amount of public space required
2. Limits in the percentage of site area to be required public space
3. Whether to limit the use of in lieu fees to smaller projects, or allow all projects the option to provide a fee in lieu of a percentage of their public space
4. Whether to adjust the limits for splitting public space
5. Whether the public space requirement should be waived for smaller projects, and if so, what the threshold should be

Staff recommends that the public hearing be continued to December.

Attachments

1. Draft code amendments (slightly revised from those in the September 18 packet)
2. Exhibit 2: Comments from Sarah Gustafson and David Levitan
3. Exhibit 3: Conceptual site plan provided by Jamie Waltier of Harbour Homes
4. Exhibit 4: Comments from Marc Boettcher of MainStreet Property Group

Draft Downtown Public Space Code Amendments

Relevant sections are included below, including sections that may not need amendment, but are included for context. Text boxes are included to explain the following proposed changes. Draft amendments are shown in underline/~~strike through~~ format below. Skipped sections are indicated by three asterisks: * * *

The table below from the Downtown Core District Requirements is amended to reflect revised terminology and to add a private outdoor space requirement for residential units in DC.

12.64.304. Provision of Open-Outdoor Space		
12.64.201 Building Use	<u>Designated</u> Public Open -Space Requirements	Private Outdoor Space Requirements
A. Retail	N/A	N/A
B. Civic & Cultural	N/A	N/A
C. Office	N/A	N/A
D. Lodging	N/A	N/A
E. Residential:	N/A	<u>N/A 60 sqft/DU minimum on average</u>
E.5. Home Occupation	N/A	N/A

* * *

The table below from the Downtown Neighborhood District Requirements is amended to reflect revised terminology and to revise the public space requirements in DN.

12.64.304. Provision of Open-Outdoor Space		
12.64.201 Building Use	<u>Designated</u> Public Open -Space Requirements	Private Outdoor Space Requirements
A. Retail	N/A	N/A
B. Civic & Cultural	N/A	N/A
C. Office	<u>60-40</u> sqft/1000 sqft	N/A
D. Lodging	<u>60-40</u> sqft/room	N/A
E. Residential:	<u>100-60</u> sqft/DU	60 sqft/DU minimum on average
E.5. Home Occupation	100 sqft/DU	N/A

* * *

The table below from the Downtown Transition District Requirements is amended to reflect revised terminology and to revise the public space requirements in DT.

12.64.304. Provision of Open-Outdoor Space		
12.64.201 Building Use	<u>Designated</u> Public Open -Space Requirements	Private Outdoor Space Requirements
A. Retail	N/A	N/A
B. Civic & Cultural	N/A	N/A
C. Office	<u>100-60</u> sqft/1000 sqft	N/A
D. Lodging	<u>100-60</u> sqft/room	N/A
E. Residential:	<u>150-90</u> sqft/DU	60 sqft/DU minimum on average
E.5. Home Occupation	150 sqft/DU	N/A

* * *

The table below from the SR 522 Corridor District Requirements is amended to reflect revised terminology and to revise the public space requirements in 522.

12.64.304. Provision of Open-Outdoor Space		
12.64.201 Building Use	<u>Designated Public Open-Space Requirements</u>	Private Outdoor Space Requirements
A. Retail	N/A	N/A
B. Civic & Cultural	N/A	N/A
C. Office	100-60 sqft/1000 sqft	N/A
D. Lodging	100-60 sqft/room	N/A
E. Residential:	150-90 sqft/DU	60 sqft/DU minimum on average
—E.5. Home Occupation	150 sqft/DU	N/A

* * *

The table below from the General Downtown Corridor District Requirements is amended to reflect revised terminology and to revise the public space requirements in GDC.

12.64.304. Provision of Open-Outdoor Space		
12.64.201 Building Use	<u>Designated Public Open-Space Requirements</u>	Private Outdoor Space Requirements
A. Retail	N/A	N/A
B. Civic & Cultural	N/A	N/A
C. Office	100-60 sqft/1000 sqft	N/A
D. Lodging	100-60 sqft/room	N/A
E. Residential:	150-90 sqft/DU	60 sqft/DU minimum on average
—E.5. Home Occupation	150 sqft/DU	N/A

* * *

The table below from the Sunrise / Valley View District Requirements is amended to reflect revised terminology and to eliminate the public space requirements in SVV.

12.64.304. Provision of Open-Outdoor Space		
12.64.201 Building Use	<u>Designated Public Open-Space Requirements</u>	Private Outdoor Space Requirements
A. Retail	N/A	N/A
B. Civic & Cultural	N/A	N/A
C. Office	N/A	N/A
D. Lodging	N/A	N/A
E. Residential:	150 sqft/DU N/A	60 sqft/DU minimum on average N/A
—E.5. Home Occupation	150 sqft/DU	60 sqft/DU minimum on average

* * *

The table below from the Parks and Public Open Space District Requirements is amended to reflect revised terminology and to eliminate the outdoor space requirements in PPOS.

12.64.304. Provision of Open-Outdoor Space		
12.64.201 Building Use	<u>Designated Public Open-Space Requirements</u>	Private Outdoor Space Requirements
A. Retail	N/A	N/A
B. Civic & Cultural	N/A	N/A
C. Office	N/A	N/A
D. Lodging	N/A	N/A
E. Residential:	150 sqft/DU N/A	60 sqft/DU minimum on average N/A
—E.5. Home Occupation	150 sqft/DU	60 sqft/DU minimum on average

* * *

The proposed change of terminology below is to avoid confusion with the citywide Parks and Open Space Impact Fees, as presented at the June 5 study session.

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.

If Planning Commission wishes to limit the amount of public space required, that could be inserted here. The proposed limitation on use of in lieu fees is added below, with changes to allow limited use of in-lieu fees by larger projects in **bold**.

- 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 when the amount of public space required is 3,000 square feet or less. Projects that require more than 3,000 square feet of public space may use in-lieu fees for up to 10% of their required public space, or up to 25% 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 space~~designated public space shall be 20 feet.
- b. Where the total required ~~public open space~~designated public space is 3,000 square feet or less, after subtracting area for new streets, the ~~public open space~~designated public space shall be one continuous parcel of land. Where the required ~~public open space~~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.

In addition to the changes of terminology, hours of access are included below.

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~~daily from at least 6:00 a.m. to 10:00 p.m.

In addition to the changes of terminology, maintenance, easement and accessibility requirements are included below.

d. ~~Public open space~~Designated public spaces need not be publicly owned and maintained. Privately owned designated public spaces shall be maintained in good condition by the property owner and protected by a public access easement that must be recorded to run with the property prior to certificate of occupancy.

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

In addition to the changes of terminology and signage requirements previously presented.

f. All designated public spaces shall be signed as such, using a template provided by the City or an approved alternate method, with preference given to creative signage that also explains the history of the site or special features of the public space.

The provision below is added to reflect the current practice, through a Director’s Interpretation, to allow designated public space to act as building area for the purposes of applying frontage coverage, build-to-corner and wrapping of parking lots and structures.

g. For purposes of meeting frontage coverage, build-to-corner and wrapping of parking structures and lots, designated public space may substitute for building area.

The provision below is added and amended to explicitly allow roof decks for private open space.

2. Private Outdoor Space

a. Private Outdoor Space shall be provided in the form of yards, balconies, or patios whose primary access is from the dwelling served , or roof decks and terraces accessible to the residents.

* * *

The changes to the requirements below are intended to provide stronger direction than the current requirements and guidelines, while retaining some degree of flexibility.

B. LANDSCAPING

- 1. All development shall adhere to BMC 12.18.030 existing vegetation retention regulations.
- 2. Designated public spaces shall employ trees and living groundcover where possible and a mix of hardscape and container plantings where over built areas, as appropriate to the use.

C. WALLS AND FENCES

Any blank walls facing designated public spaces shall be treated architecturally or with plantings.

* * *

The changes to the guidelines below are intended to provide additional direction while retaining design flexibility, and remain unchanged from those presented on July 17.

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 at or near the sidewalk level are preferred. Public spaces that are not at sidewalk level or that extend into the site should include wayfinding signage, avoid dead-end spaces and have both active (i.e. video) and passive (i.e. overlooking windows, decks, terraces and/or balconies) surveillance.

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 and/or an architectural finish. 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-in-place 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 and plaza 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.

Dear Planning Commission:

Thank you for your thoughtful discussion of the Bothell Downtown Designated Public Space requirements. My name is Sarah Gustafson. My husband David Levitan and I live in Norway Hill. Together with our two kids, we spend a lot of time downtown.

David and I are environmentalists. We support a dense downtown. For us, the link between density and the environment is clear. If Bothell can build up downtown, we can reduce pressure on our beloved green spaces. Thus, we have these recommendations for study:

1. Relax open space requirements for all businesses.

Per Dave Boyd's excellent presentation on June 5, 2019, Bothell has higher public space requirements than nearby cities. This is a disincentive to downtown development.

We encourage the Commission to find win-win solutions for both businesses and the public. Allowing large businesses to use the in-lieu-fee program is a good start. Reducing the public space requirements outright may be best in the long run.

At the same time, we'd like to see stronger rules on signage and accessibility. As several Commissioners have noted, many residents don't know about downtown's open spaces. Improving accessibility could cost businesses less than building extra public space, and benefit the public more.

2. Consider a "green-in-lieu" incentive program.

Can businesses reduce their square footage requirements if their public space includes green features? Green features -- native plantings, pollinator pathways -- create sustainable beauty. Rain gardens and permeable pavers can manage stormwater runoff. Of course, crafting a "green-in-lieu" program goes beyond the current scope of discussion. However, as Bothell grows in the future, investing in this kind of initiative might pay off.

3. Encourage small businesses to grow in the gaps between larger ones.

Small businesses can already pay a fee-in-lieu of public space. Please consider reducing -- or even waiving -- these fees for small projects. Small infill projects build a healthy downtown. Unfortunately, it can be difficult for infill projects to get financing, and in-lieu fees make it harder. Reducing in-lieu fees here could work out in the City's favor. Even if the City loses fees in the short term, the City could gain tax revenue over the long term.

4. Crunch the numbers behind the public space in-lieu fees.

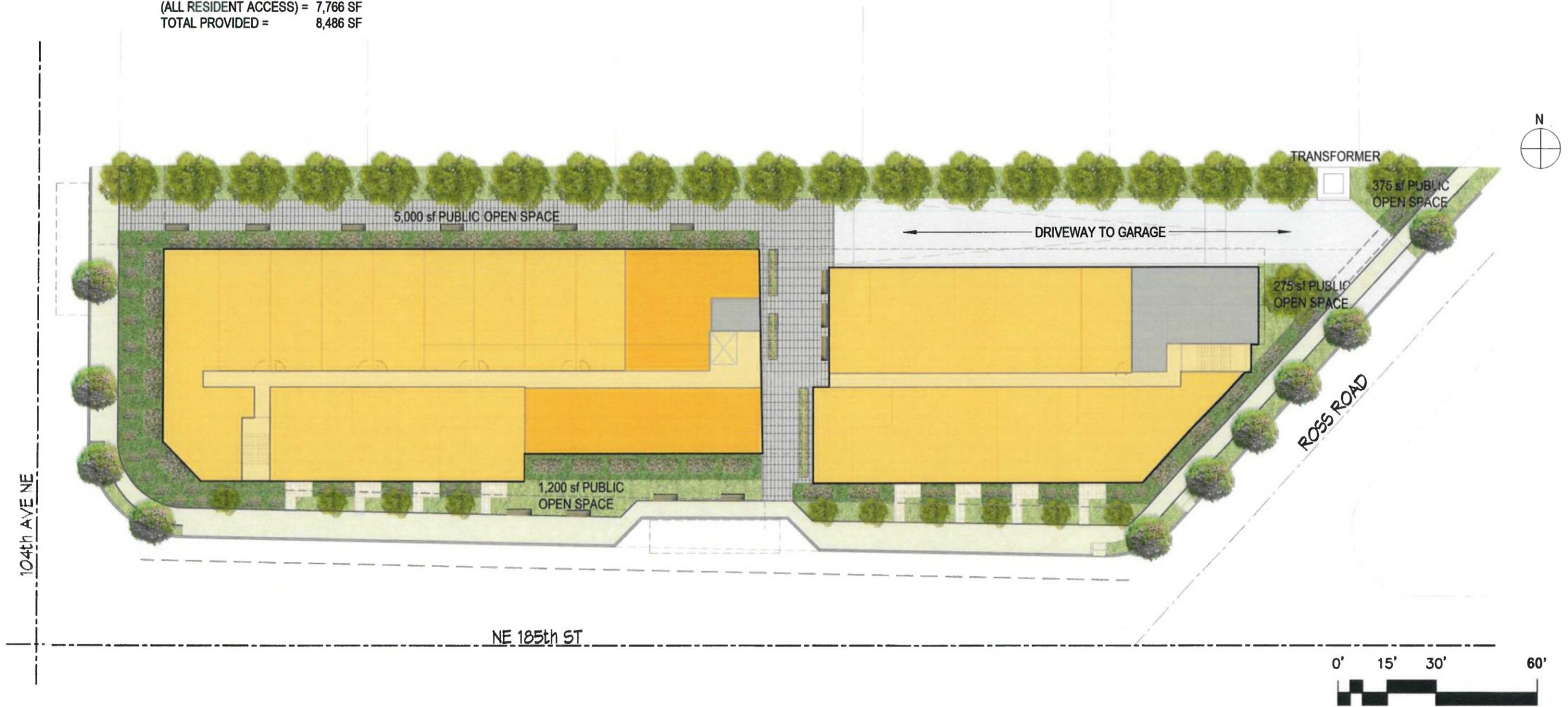
- What would be a typical fee-in-lieu payment for a development of 5,000 square feet? For a development of 50,000 square feet?
- What is the dollar amount of in-lieu fees collected annually? How might this revenue stream increase if larger businesses use the in-lieu fee option?
- Our understanding is that Bothell could redirect the in-lieu fees to parks, but only to downtown parks like Bothell Landing. We adore Bothell Landing, but is this an equitable plan? Instead, should Bothell reduce barriers to business, build up the downtown tax base, and invest the revenues in parks *throughout* the city?

We appreciate your consideration of these questions. We'll keep our eyes on this space!

Sarah Gustafson & David Levitan

ROSS ROAD APARTMENTS - OPEN SPACE

PUBLIC PROVIDED	150 SF / DU =	14,250 SF REQ'D (= 38.5% OF PROJECT SITE)
	ON SITE: at grade / L1 =	6,200 SF
	OFF SITE: Office Bldg =	1,032 SF
	TOTAL PROVIDED =	7,232 SF
PRIVATE PROVIDED	60 SF / DU =	5,700 SF REQ'D
	12 decks @ 6 SF AVG =	720 SF
	ROOF DECK (ALL RESIDENT ACCESS) =	7,766 SF
	TOTAL PROVIDED =	8,486 SF



Hi Dave,

I am unable to make this evening's planning commission meeting but I wanted to give you a couple quick thoughts:

- 1) The first and very important element not touched on in the proposed amendments is how a fee in lieu is calculated? Without knowing this in advance of the planning and development of a project, it is not feasible to make an informed decision.
- 2) 12.64.305 b. The requirement for designated open space under 3,000 should be one contiguous parcel... This should be 1,500 SF vs. 3,000 SF. The proposed square footage creates an undue burden on a project and will lead to inefficient designs, retarding development. See the enclosed pic. This is at Slater 116 in Kirkland. This space benefits from a coffee shop adjacent to it but it is highly active and inviting. This is approximately 1,500 SF. Any larger and it would lack intimacy and or create undesirable space. I believe an understanding of how 3,000 was selected is important as well as a study of spaces of this size vs. ~1,500 SF.
- 3) The amount of required designated public space per unit should be reduce significantly. DN is 100 SF/DU and DT is 150 SF/DU. On a smaller lot, it is feasible that 50% of the total site area would be required to be open space. A thought to not render a property 50% valueless (now, I am not saying dedicated public open space isn't valuable!!) to the owner, a thought would be to add a condition stating that in no instance would more than 5% of the total lot area be required.

Thanks,
Marc

Marc Boettcher I Vice President of Development
MainStreet Property Group LLC
marc@mspgrouppllc.com
(206) 718-6272
www.mainstreet-residential.com



**Public Hearing:
Minimum Density Plan and
Code Amendments**

MEMORANDUM

Community Development



City of Bothell

DATE: November 6, 2019

TO: Planning Commission

FROM: Bruce Blackburn, Senior Planner

SUBJECT: Public Hearing Minimum Density and Intensity Plan and Code amendments

Objective

Establish minimum residential densities and non-residential floor area ratios within the following activity centers:

- Canyon Park
- North Creek / NE 195 ST

Requested Action

Approval of a Planning Commission Recommendation regarding the minimum density and intensity Plan and Code amendments for activity centers within the Canyon Park and North Creek / NE 195 ST Subareas which will be forwarded to the City Council for final action.

Note

This packet contains two changes from the original packet of October 2, 2019:

- Canyon Park Subarea Staff proposal has changed from a minimum Floor area ratio (FAR) of 0.60 to 0.50
 - An FAR of 0.50 better reflects existing development in the Canyon Park
 - An FAR of 0.50 achieves the minimum capacity needed for the RGC
 - An FAR of 0.50 matches that proposed for North Creek thereby reducing different standards in similar subareas
- The Staff proposal for minimum FAR for mixed use development has changed from 1.5 to 1.0
 - An FAR of 1.5 may discourage mixed use development because it requires more costly construction
 - An FAR of 1.0 is capable of achieving either the minimum density or employment capacity
 - From a policy perspective, it is better to start with a lower FAR and raise it as appropriate

- A flexible threshold that gives mixed use developments the discretion to achieve either the minimum density or the minimum non-residential floor area ratio and then ‘fill-in’ the rest of the development with either residential or non-residential land uses based upon market need

Summary

The six Activity Centers in Bothell designated with the R-AC and other zones are an important component to meeting the City’s assigned growth targets. Historically, R-AC developments have achieved 50 to 80 dwelling units per acre (DU/AC). Recently, applicants have been proposing townhome developments within the R-AC zoned portions of the Canyon Park and North Creek / NE 195 ST Subareas that are achieving less than 20 dwelling units per acre. These types of projects are at lower densities than anticipated in the buildable lands analysis and will likely have an effect upon the City’s capacity to plan for future growth targets.

Further, the City needs a mechanism to ensure the areas designated for growth are achieving densities necessary to meet population and employment growth targets. That mechanism can best be accomplished through the establishment of required minimum densities for residential development and require minimum floor area ratios (FAR) for non-residential and mixed use development. FAR is a ratio of square footage based on the relationship between the land area of the parcel and the total floor area of the building.

The Council initiated Plan and Code amendments to establish minimum residential densities and commercial intensities within activity centers. Staff is proposing the following minimum residential densities and FAR specific to only two subareas:

Table 1 –Proposal by Subarea

Subarea	Minimum residential density DU/acre	Minimum FARs for non-residential	Minimums Mixed Use Option 1	Minimums Mixed Use Option 2
Canyon Park	35	0.50	Min DU/ac plus structured parking and 10% retail	1.0 FAR
North Creek /NE 195 ST	35	0.50	N/A	1.0 FAR

Policy Considerations

There are a number of policy considerations for the Planning Commission to consider:

1. What should be the minimum level of development (i.e., density and FARs) in each activity center?
2. Should the City apply an FAR range based upon the proposed land use? For example, should a non-residential office building have a different FAR than a mixed-use development containing both residential and non-residential uses?
3. Should the City simply assign a single FAR and allow the market to determine how to fill the building? For example, an FAR of 1.5 could contain either residential or non-residential uses or a combination and would likely meet the minimums.
4. Should flexibility be crafted into the regulations such that it is acceptable for a development to primarily be an 'office' building with a small amount of residential use, or vice versa, as long as either the FAR or the minimum residential density is achieved? This approach is detailed on page 9 of this memorandum.

Background

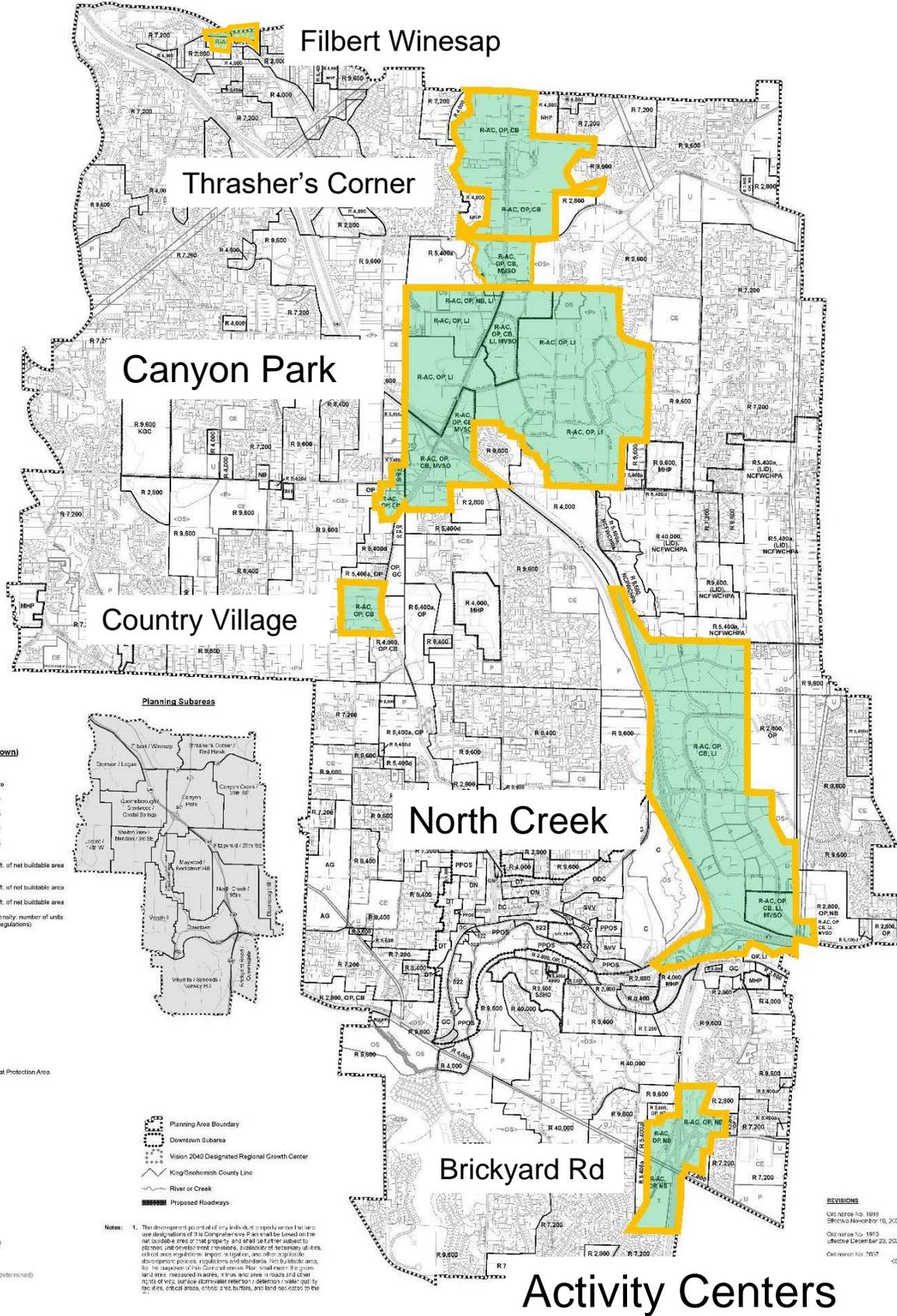
The City of Bothell created the R-AC zone in 2002 (Ordinance 1876) as a means of focusing growth within activity centers where transportation, utility, transit, services, and employment were capable of accommodating higher levels of population and employment growth. R-AC zones are in close proximity to the City's major transportation and transit corridors of I-405, SR-522, SR-523, and SR-527. R-AC zoning was applied to portions of six of the City's 17 subareas and covers approximately 1,540 acres.

The six subareas that contain the R-AC zone are:

- Canyon Park
- North Creek / NE 195 ST
- Thrasher's Corner / Redhawk
- Country Village / Lake Pleasant / Bothell-Everett Highway
- Brickyard Road / Queensgate
- Filbert / Winesap

Scope of these amendments

The Canyon Park and North Creek / NE 195 ST Subareas are the focus of these amendments because those subareas are where development pressures are being applied and are most in need of this action. Other Subareas, including Brickyard Road / Queensgate and Country Village/Bothell-Everett Highway/Lake Pleasant are virtually built-out and are not experiencing the activity of Canyon Park and North Creek. Regarding the Thrasher's Corner/Redhawk and Filbert/Winesap Subareas they are fully within unincorporated Snohomish County and are not subject to City of Bothell regulations.



(ntown)
 size
 size
 size
 size
 size
 sq. ft. of net buildable area
 sq. ft. of net buildable area
 sq. ft. of net buildable area
 c density: number of units
 se regulations)
 Initial Protection Area
 IC9
 nt determined)

Notes: 1. The development potential of any individual property and/or parcel use designations of this Comprehensive Plan shall be based on the net buildable area of that property and shall be further subject to all other applicable zoning, subdivision, and other applicable regulations, policies, regulations and standards. Not to include area, for the purposes of this Comprehensive Plan, shall mean the gross land area, measured in acres, of that area and area in roads and other public or private infrastructure (water, sewer, gas, electric, etc.) located on the parcel, critical areas, flood zones, and land use set back to the

REVISIONS

City Ordinance No. 1916	Effective November 10, 2015
City Ordinance No. 1913	Effective December 23, 2015
City Ordinance No. 1907	

Discussion

Residential Density

The City of Bothell has residential densities ranging from about one lot per acre (R 40,000) to the R-AC zone which has no maximum density specified. In the R-AC zone density is controlled by site and building standards such as building height, parking, setbacks, etc.

There has been a change in the number of dwelling units per acre that have been achieved since the first R-AC developments were constructed in 2016. The change can be characterized by the growing number of townhome developments proposed in the past two years.

Table 2 - Completed and Proposed R-AC developments:

Name	Year	Units	Land area	Units per acre	FAR
Emerald Crest	2017	53	0.61 ac	87	1.26
Beardslee Village	2016	372	5.61 ac	63	1.18
Urbane Village One	2018				0.80
Urbane Village Two ¹	2018	212	11.6 ac	18	0.68
Tract 18 & 19 townhomes (approved)	2018	118	6.93 ac	17	0.60
Tract 24 townhomes (in review)	2018	231	12.43 ac	19	0.45
Preston North	2019	94	5.0 ac	19	0.70
Preston South	2019	59	7.2 ac	8	0.43
Canyon Park apartments (pre-application only) ²	2018	531	9.8	54	1.16
Quadrant /Seattle Times ²	2019	880	23.75	37	1.1

1. 35 foot maximum height in Country Village Subarea

2. Pre-application conference only – only early concept documents

While townhomes are a desirable housing product, they are not achieving the potential density expected of the R-AC zone. Should this trend continue, the City will not achieve its calculated housing capacity. This is a cause for concern because the City is heavily reliant on the R-AC zone to accommodate a substantial amount of the City's 2035 population growth target. The R-AC zone is an integral part of the City's overall growth strategy.

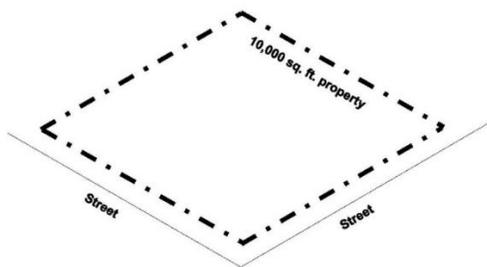
Employment Density

Employment density needs a different approach because a mechanism to achieve a minimum employment density is not currently found within the BMC. Further, the number of employees per acre is often dependent upon many outside influences such as the selected land use, the square footage of the building (which can be controlled) and the availability of tenants or end-users for the building. For example, a manufacturing use

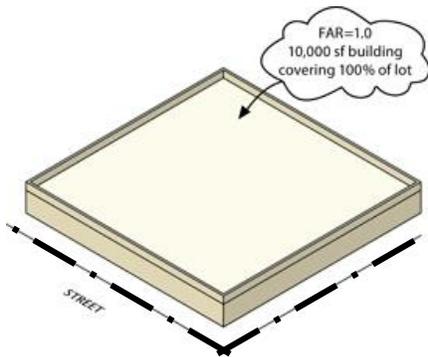
may have one employee per 300 square feet where an office use may have one employee per 150 square feet. A warehouse building can be quite large but still have a low number of employees per square foot.

The best option is to apply FAR as a way to measure intensity and capacity of development. FAR is a mechanism that ties the floor area of the building to the area of the lot upon which it is located. For example, an FAR of 0.25 means that the building square footage is 25% of the property square footage. A 10,000 square foot property would have a building of 2,500 gross square feet of total floor area – i.e. the building could be one or more stories so long as the total square footage of floor area is 2,500 gross square feet. Although FAR is often used as a maximum limitation on the building size, it can also be applied as a minimum to ensure development is providing employment capacity.

The illustrations below are from the City of Redmond's Zoning regulations:

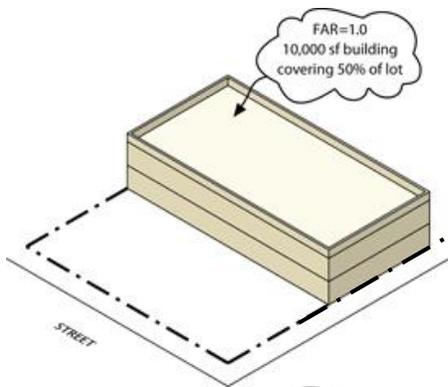


10,000 sq. ft. property

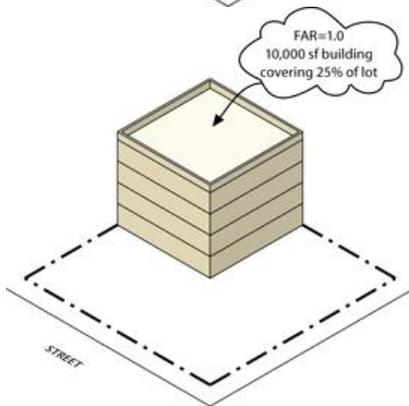


FAR = 1.0 means the 10,000 sq. ft. property must have a 10,000 sq. ft. building.

For this example, a single story 10,000 sq. ft. building occupies 100% of the property area



Different building configurations are allowed as long as the FAR = 1.0 Here a two story 10,000 sq. ft. building configuration (5,000 sq., ft. per story) means 50% of the lot is available for parking or other uses



In this example, a 4 story building configuration (2,500 sq. ft. per story) is used to meet the FAR of 1.0 leaving 75% of the lot is available for parking or other uses

Several jurisdictions within the Puget Sound Region employ floor area ratios (FAR) to achieve both minimum and maximum building sizes, bulk and scale.

The City of Redmond is a good example with lengthy experience applying FARs within its zoning code. Redmond establishes FAR by individual zoning classifications and has characteristics similar to Bothell. For example, within Redmond’s ‘Business Park’ zone, a minimum FAR of 0.60, a base FAR of 1.13 and a maximum FAR of 2.0 are applied. “Base FAR” is the amount of development allowed outright without using a bonus or incentive to increase the FAR to the maximum allowed. Within its manufacturing park zone the base FAR is 0.25 to 0.50, depending upon the land use, and the maximum FAR is 1.00. Through incentives (e.g. transfer of development rights, affordable housing) an applicant may increase the FAR by certain specified amounts which are too detailed to list here.

A brief analysis of other jurisdictions’ FAR minimums was conducted. There are many nuances in how different jurisdictions apply minimum FAR and each jurisdiction weighs these minimums with regard to their unique growth strategies, land use needs, land economics and the development pattern the jurisdiction is trying to achieve. A few instructive examples were found.

Table 3 - Jurisdiction FARs

Jurisdiction	Zone category	Minimum FAR
Redmond		

Jurisdiction	Zone category	Minimum FAR
	Business Park	0.6
	Manufacturing	0.25 to 0.5
Bellevue		
		0.5 FAR Lower than that requires square footage reductions
Kirkland		
	Totem Lake TL1 mixed use zone	1.0 Office uses
Seattle		
	Commercial	1.5 30 foot building height 2.0 50 foot building height

Subarea considerations

As previously identified, activity centers are located within specific subareas. Each Subarea is discussed below.

Canyon Park Subarea

Portions of Canyon Park are designated a regional growth center (RGC) and must meet the Puget Sound Regional Council's framework criteria for minimum levels of existing (18) and planned (45) activity units (AU). An AU is either one resident or one employee.

To convert activity units into dwelling units per acre a persons per household (PPH) figure is applied to the activity unit criteria which can be projected into residential densities. PPH figures are derived from three sources and range from 1.54 for multi-family to 2.89 for single family.

To be conservative, a multi-family PPH of 1.54 PPH is used meaning achieving a 45 AU/acre needs a minimum density of 30 dwelling units per acre ($45 \div 1.54 = 29.22$). Staff recommends a small contingency be added resulting in a minimum density of 35 units per acre which also encourages building sizes and scales that are compatible with the rest of the Canyon Park.

Some locations within the Canyon Park Subarea require any building taller than 35 feet to provide 20% to 40% of the average story within the building to be dedicated as structured parking plus at least 10% of the gross floor area of the average story must be dedicated to externally oriented at-grade retail, office, or other service uses. Staff is proposing mixed use developments achieve the minimum residential density of 35 dwelling units per acre **plus** meet the structured parking and retail provisions described above or achieve an FAR of 1.0. The intent is to require that primarily residential mixed

use developments provide space to accommodate retail and other services for residents and employees within the subarea.

Staff is also seeking Planning Commission direction on a proposal that would provide an applicant flexibility in applying the minimum density/intensity requirements. The concept is to allow an applicant the discretion of meeting either the minimum density **or** the minimum non-residential FAR and then complete the remainder of the development with other land uses as the applicant deems appropriate given market demand.

The proposed concept would provide that mixed use developments either achieve the minimum floor area ratio of 0.5 **or** the minimum residential density of [35] units per net acre and then may apply reduced residential densities or reduced non-residential floor area ratios to the balance of the development.

North Creek / NE 195th ST Subarea

The North Creek Subarea contains three separate business parks but is not within an RGC. However, King County 2012 buildable lands analysis assumes a residential density of 50 to 80 units per acre.

There are two options for the Planning Commission to consider:

- 1) Establish 35 dwelling units per acre (DU/ac) as the minimum density similar to that proposed for Canyon Park. A density of 35 DU/ac does not achieve the 50 to 80 dwelling units assumed in the King County buildable lands nor does it match past R-AC developments achieving 63 to 87 DU/ac. A preliminary proposal for a residential development on the Seattle Times property achieves 37 DU/ac.

Most developments seek densities greater than the minimums. Minimum density could be increased in the future as policies and market conditions change and as additional information becomes available.

- 2) Establish a minimum density of 50 DU/ac to match King County buildable lands assumptions and to achieve similar densities as previous R-AC developments. Such a consideration is important and comports with the objective of this Plan amendment; to achieve densities consistent with planned capacities. However, this density could have the effect of discouraging residential development within this subarea because of the high minimum density. The market analysis that will be done as part of the Canyon Park subarea plan will inform future adjustments to these densities.

Bothell Development trends

To determine Bothell's FAR trends, staff analyzed selected buildings within the Canyon Park Business Center and the North Creek Business Parks, and compared those results against recent development within the Downtown Subarea. A range of building and parcel sizes were selected for analysis.

Table 4 - Canyon Park existing building floor area ratios – Non-residential buildings

Address	Land area	Building area	Built - FAR
22118 20 Ave SE	675,180	177,300	0.26
1909 214 ST SE	255,697	86,148	0.33
22029 220 ST SE	140,698	50,425	0.36
21919 20 Ave	703,929.	266,002	0.38
2222 229 ST SE	75,794	31,809	0.41
2500 2530 223 t se	255,261	110,700	0.43
2222 222 ST SE	169,884	74,750	0.44
22116 23 DR SE	40,510	17,995	0.44
22105 23 DR SE	199,940	91,704	0.45
2300 223 ST SE	195,148	93,404	0.47
21540 30 Ave SE	270,072	149,497	0.55
Average FAR			0.413
Median FAR			0.425

Table 5 - North Creek existing building floor area ratios – Non-residential buildings

Address	Land area	Building area	Built - FAR
19204 N Crk Pkwy	293,085	95,543	0.32
19201 120 Ave NE	186,745	59,475	0.32
18911 N Crk Pkwy	553,647	200,096	0.36
20021 120 Ave NE	156,794	58,324	0.37
19515 N Crk Pkwy N	95,328	35,275	0.37
19333 N Crk Pkwy	222,196	92,461	0.41
19909 120 Ave NE	161,588	68,129	0.42
19803 N Crk Pkwy N	73,476	31,069	0.42
11714 N Crk Pkwy N	93,186	40,475	0.43
20307 N Crk Pkwy	354,298	156,349	0.44
Average FAR			0.386
Median			0.375

Table 6 - Downtown Buildings

Development	Net Land area	Net Building area	Actual FAR	Achieved Density
Six Oaks	170,500	83,537	4.42	106
The Merc	23,040	85,532	3.71	230
Boulevard Place	194,390	66,044	3.12	192
Edition	120,522	41,004	2.93	135
Junction	179,465	67,878	2.64	83
Pop North	45,763	104,407	2.28	116

Development	Net area	Land	Net Building area	Actual FAR	Achieved Density
104 Apts		58,059	88,141	1.52	86
Average FAR				2.95	135
Median FAR				2.93	116

Table 7 - Downtown Townhome residential developments

Development	Net area	Land	Net Building area	Built - FAR	Achieved Density
Dawson Square 45 units		92,632	93,330	1.00	21
The Landing 58 units		102,080	93,649	1.10	27
Average FAR				1.05	24

Finally, staff investigated more recent non-residential proposals within the Canyon Park Subarea which were submitted for consideration but were ultimately not constructed.

Table 8 - Canyon Park – Non-Residential development proposals

Development	Net Land area	Net Building area	Proposed FAR
Woodlands Tech	426,888	621,798	1.45
Tract 18 and 19 - office	301,991	126,730	0.42
Average FAR¹			0.93

1. Staff acknowledges that two developments is not sufficient to infer a trend

While two examples are not sufficient to derive a trend, it is informative that the Woodlands Tech proposal achieved a higher FAR than that traditionally constructed in Canyon Park.

To establish employment density, staff sought square foot per employee measurements that would guide the amount of building area necessary to achieve a desired employment density. Most sources agree with the following table.

Table 9 - building square feet per employee

Employment type	Square feet per employee
General office	150
Microbiological and immunological	163
Upper management	280
Senior Professional	115
Technical / Professional	90
Precision Manufacturing	300
Senior Clerical	85
Warehousing	5,000

Except for warehousing and manufacturing, even a relatively small building (e.g. 10,000 square feet) has capacity to accommodate 45 employees per acre.

Observations

This analysis results in a few observations

- A minimum density of 35 dwelling units per acre achieves 45 ‘Activity Units’ per acre.
- Even relatively lower densities can have a fairly high FAR. For example, four recent townhome projects only have densities of 18 to 27 units/acre but have an FAR ranging from 0.70 to 1.10.
- Conversely, even higher residential densities can have a low FAR. For example, Canyon Park Apartments and Beardslee Village achieve densities of 54 and 64 units/acre with an FAR of 1.16 and 1.18, respectively.
- Dwelling unit size plays an important role in achieving density and FAR. Townhome square footages range from 1,510 to 2,287 where higher density multi-family development units range in size from 700 to 900 square feet.
- Downtown developments achieve fairly high densities (average 116/acre) but also have fairly high FAR (average 2.9).

Staff Proposal

- Minimum residential densities for exclusively residential developments.
- Minimum FAR for exclusively non-residential developments.
- Establish three approaches for mixed-use developments within Canyon Park:
 - Apply the minimum residential density plus provide 40% of the average story floor area for structured parking and 10% of the average floor area for externally oriented retail, office and other service uses; or
 - Apply a minimum FAR of 1.0; or
 - Provide discretion to mixed use development applicants to achieve either the minimum residential density or the minimum non-residential floor area ratio and then ‘fill-in’ the balance of the development with a reduced density or FARs.
- For North Creek establish two mixed-use development options:
 - Apply a minimum FAR of 1.0; or
 - Provide discretion to mixed use development applicants to achieve either the minimum residential density or the minimum non-residential floor area ratio and then ‘fill-in’ the balance of the development with a reduced density or FARs.

Table 10 – Proposal by Subarea

Subarea	Minimum residential density DU/acre	Minimum FAR for non-residential	Minimums Mixed Use Option 1	Minimums Mixed Use Option 2	Minimums Mixed use Option 3
Canyon Park	35	0.50	Min DU/ac plus structured	1.0 FAR	Meet either min DU/ac or min FAR

Subarea	Minimum residential density DU/acre	Minimum FAR for non-residential	Minimums Mixed Use Option 1	Minimums Mixed Use Option 2	Minimums Mixed use Option 3
			parking and 10% retail		Fill-in with the other land use
North Creek /NE 195 ST	35	0.50	N/A	1.0 FAR	Meet either min DU/ac or min FAR Fill-in with the other land use

Attachments

1. Draft Planning Commission Findings
- 2A. Draft minimum density Plan amendments
- 2B. Draft minimum density Code amendments
3. Draft Capital Facilities Element amendments

Recommended Motion – Minimum Density Plan amendments

Move to recommend the Plan and Code amendments for minimum density and intensity within Activity Centers as contained in Attachments 2a and 2b and the Capital Facilities Element in Attachment 3 (as amended depending upon Commission deliberations) and adopt the Draft Planning Commission Findings in Attachment 1 (as amended if necessary).

Next Steps

The 2019 Plan and Code amendments are tentatively scheduled for a City Council public hearing on December 3, 2019.

Proposed Code Amendments Regarding 2019 Comprehensive Plan and Code amendments

Planning Commission Findings, Conclusions and Recommendation

Findings

1. **History.** The Capital Facilities Element amendments were initiated by City Council on February 19, 2019 as part of the 2019 Docket of Plan and Code Amendments. The minimum density and intensity Plan and Code amendments were initiated by Council June 18, 2019.
2. **Geographic Location.** The proposed 2019 Plan and Code amendments apply to the Canyon Park and North Creek / NE 195 ST activity centers and Fire Stations 42 and 45.
3. **Proposed Action.** The proposed Plan and Code amendments would implement:
 - A. Minimum residential densities and minimum floor area ratios within the City's activity centers
 - B. Update the Capital Facilities Element of the *Imagine Bothell...* Comprehensive Plan to reflect the results of the public safety bond and the reconstruction of Fire Stations 42 (Downtown) and 45 (Canyon Park).
4. **Public Meetings.** The Planning Commission held Study Sessions on the proposed Plan and Code amendments on May 1, 2019 and September 4, 2019 and a public hearing November 6, 2019.
5. **Public Notice.** Public notice for the proposed code amendments was provided through the following methods:
 - a. *Imagine Bothell...* notice. The City of Bothell provides a monthly notice to citizens, interested parties and news media describing upcoming meetings and hearings and the topics of those meetings. This notice is provided at the end of the month for the subsequent month's hearing schedule. The *Imagine Bothell...* notice also contains contact information.

Notice of the public meeting dates for the proposed code amendment was published in the May, September, October, and November 2019 editions of the *Imagine Bothell...* notice.
 - b. The *Imagine Bothell...* notice is sent via e-mail and/or regular U.S. Postal Service mail to all parties who have signed up for the service.
 - c. The *Imagine Bothell...* notice is published in the City's Newspaper of Record.

ATT 1 – Planning Commission Findings

- d. The *Imagine Bothell...* notice is also posted on the City's web page at www.ci.bothell.wa.us.
- e. The City maintains a number of public notice boards which are placed throughout the City at certain accessible and visible locations. Each of these notice boards contains a plastic box where extra copies of the *Imagine Bothell...* notice are stored and are available for retrieval by any interested citizen. These boxes are filled with paper copies of the notice each month.
- f. The *Imagine Bothell...* notice is also publicly posted at City Hall, and the Municipal Court Building.
- g. Emails inviting participation were sent to Owner's association contacts of the Canyon Park Business Center, Bothell - Business Center, Schnitzer West Business Park, and Monte Villa Business Park

Findings regarding Minimum Density and Intensity Plan and Code amendments

6. Purpose of this amendment

The purpose of this amendment is to ensure the City provides sufficient residential and employment capacity to satisfy its assigned growth targets. Recent development applications, have proposed population and employment densities that are well below levels planned for within the *Imagine Bothell...* Comprehensive plan and as predicted by the King County and Snohomish County Buildable Lands Reports.

7. Scope of this amendment

The Canyon Park and North Creek / NE 195 ST Subareas are the focus of these amendments because those are where the development pressures are being applied and are most in need of this action. Other Subareas, including Brickyard Road / Queensgate and Country Village/Bothell-Everett Highway/Lake Pleasant are virtually built-out and are not experiencing the activity of Canyon Park and North Creek. Regarding the Thrasher's Corner/Redhawk and Filbert/Winesap Subareas they are fully within unincorporated Snohomish County and are not subject to City of Bothell regulations.

8. The R-AC zone is applied to specific activity centers and is an important component to meeting the City's assigned growth targets.

9. The R-AC is described in Land Use Element Policy LU-P4 as:

"Residential – Activity Center

This designation shall provide for multi-family residential development in designated activity centers, and is intended to promote a variety of housing types in sufficient numbers to support a range of shopping, dining and entertainment opportunities within those centers. *No specific density is prescribed:* the number of units which may be constructed on an individual property or within the center

ATT 1 – Planning Commission Findings

shall be controlled by site and building regulations concerning height, parking, landscaping, setbacks and other aspects of development.” (*Emphasis added*)

10. The R-AC zone accommodates large amounts of population growth and is one strategy protecting the City’s established residential neighborhoods as supported by Comprehensive Plan Policy LU-P6, which states:

“Preserve the character of established neighborhoods and protect such neighborhoods from intrusion by incompatible uses.”

Further, Land Use Policy LU-P17 identifies:

“If, as a result of the periodic review and evaluation required by RCW 36.70A.215 (also known as the Buildable Lands review), it is demonstrated that this Plan and implementing development regulations are not achieving the goals of the Growth Management Act, identify and implement measures that are reasonably likely to promote consistency with the Act through the Comprehensive Plan update process.”

11. R-AC is *always* applied as a combination zone which allows for a single use or a mixture of land uses. For example, an R-AC, OP, CB zoned parcel permits any combination of residential, office professional or retail use or an applicant may choose any use consistent with any of the zoning classifications. Further, combination zones allow an applicant to select the most permissive standard of each individual zone. See 12.06.020(F).

12. There are seven R-AC zoning combinations:

- R-AC, OP, LI
- R-AC, OP, NB
- R-AC, OP, NB, LI
- R-AC, OP, CB
- R-AC, OP, CB, LI
- R-AC, OP, CB, MVSO
- R-AC, OP, CB, LI, MVSO

13. Of the seven zoning combinations, one zone *always* appears with R-AC. Office Professional (OP) which is described as:

“Office-Professional (OP).

This designation shall include personal and professional service businesses which commonly locate in office buildings, such as banks, medical and dental clinics, accounting, law, real estate, insurance, travel agencies and similar businesses.”

The other two zoning classifications that are most commonly associated with R-AC include Light Industrial (LI) and Community Business (CB) described as:

“Light Industrial (LI).

This designation comprises non-polluting manufacturing and processing, wholesaling, warehousing and distribution and other similar activities. Such uses tend to require large buildings and to generate more large truck traffic than do other types of land uses.”

ATT 1 – Planning Commission Findings

Community Business (CB).

This designation comprises most retail, dining, entertainment and similar businesses which are conducted primarily indoors. Such uses include but are not limited to grocery stores, drug stores, furniture stores, clothing stores, book stores, music stores, restaurants, movie theaters, and bowling alleys.

14. Residential density. The City of Bothell has a range of residential densities ranging from the R 40,000 zone of 1 lot per acre (R 40,000) to the R-AC zone which has no maximum and allows density to be controlled by site and building standards such as building height, parking, setbacks, etc.

Table - Residential Densities City of Bothell

Zoning Classification	Square footage per unit¹	Maximum Units per acre equivalent²	Minimum units per acre³
R 40,000	40,000	1.09	0.72
R 9,600	9,600	4.53	3.02
R 8,400	8,400	5.18	3.45
R 7,200	7,200	6.05	4.03
R 5,400	5,400	8.07	5.38
R 4,000	4,000	10.89	7.26
R 2,800	2,800	15.55	10.33
R-AC	None	None	N/A

1. The City uses square footage to determine density
2. This figure is shown as units per acre for ease of numbering
3. The City controls minimum density by capping lot area to no greater than 150% of the minimum lot or unit area.

15. There is a noticeable 'gap' between the R 2,800 zone which allows approximately 15 units per acre and the R-AC zone which does not have a specific maximum or minimum. However, minimum residential densities to all other residential zones. BMC 12.14.030(B)(2)(c) and 3(b) establish minimum densities equal to no fewer than 1.5 times the underlying lot area or dwelling unit per acre maximums.

16. Historically, R-AC developments have achieved 50 to 80 dwelling units per acre (DU/AC). However, recent developments have proposed townhomes within the R-AC zone that are achieving less than 20 dwelling units per acre. This lesser dwelling unit count could have an effect upon the City's future buildable lands growth projections and the City's ability to meet its growth target responsibilities.

The following table demonstrates this trend

Table - Completed and Proposed R-AC developments:

Name	Year	Units	Land area	Units per acre
Emerald Crest	2017	53	0.61 ac	87

ATT 1 – Planning Commission Findings

Name	Year	Units	Land area	Units per acre
Beardslee Village	2016	372	5.61 ac	63
Urbane Village ¹	2018	212	11.6 ac	18
Tract 18 & 19 townhomes (approved)	2018	118	6.93 ac	17
Tract 24 townhomes (in review)	2018	231	12.43 ac	19
Preston North	2019	94	5.0 ac	19
Preston South	2019	59	7.2 ac	8
Canyon Park apartments (pre-application only) ²	2018	531	9.8	54
Quadrant /Seattle Times ²	2019	880	23.75	37

Townhomes may be a desirable housing product, but this housing type does not achieve the potential capacity established for the R-AC zone. As demonstrated within the 2014 King County Buildable Lands Report, the R-AC has a capacity of 3,286 dwelling units (+6,210 residents) within 55 vacant or re-developable R-AC lands. This equates to approximately 60 dwelling units per acre.

Should this trend of lesser densities continue, the City will not be achieving its calculated housing capacity which is cause for concern because the City is heavily reliant on the R-AC zone to accommodate a substantial amount of the City’s 2035 population growth target as well as the City’s overall growth strategy.

17. Policy Considerations

In its deliberations, the Planning Commission considered the following policy considerations:

- What should be the minimum level of development (i.e., density and FARs) in each activity center?
- Should the City apply an FAR range based upon the proposed land use? For example, should a non-residential office building have a different FAR than a mixed-use development containing both residential and non-residential uses?
- Should the City simply assign a single FAR and allow the market to determine how to fill the building? For example, an FAR of 2.0 could contain either residential or non-residential uses and would likely meet the minimums.
- Should flexibility be crafted into the regulations which allow an applicant to propose custom minimums as long as the overall development achieves the minimums? For example, is it acceptable for a development to primarily be an ‘office’ building with a small amount of residential use, or vice versa, as long as either the FAR or the minimum residential density is achieved? This approach is detailed on page 9 of this memorandum?

18. Concepts considered – Residential densities.

Because each activity area has unique features, and characteristics the Commission started its investigation of options by individual subarea. Below are findings for each subarea.

Canyon Park Subarea

ATT 1 – Planning Commission Findings

Portions of Canyon Park are designated a regional growth center (RGC) and must meet the Puget Sound Regional Council's framework criteria for minimum levels of existing (18) and planned (45) activity units (AU). An AU is either one resident or one employee.

To convert activity units into dwelling units per acre requires using a persons per household (PPH) figure be applied to the activity unit criteria which can then be projected into residential densities. PPH figures are derived from three sources and range from 1.54 for multi-family to 2.89 for single family.

To be conservative, a multi-family PPH of 1.54 PPH is used meaning achieving a 45 AU/acre requires a minimum density of 30 dwelling units per acre ($45 \div 1.54 = 29.22$). Staff recommends a small 'contingency' be added resulting in a minimum density of 35 units per acre which also encourages building sizes and scales that are compatible with the rest of the Canyon Park.

Some locations within the Canyon Park Subarea require any building taller than 35 feet provide 40% of the average story within the building to be dedicated as structured parking plus at least 10% of the gross floor area of the average story be dedicated to externally oriented at-grade retail, office, or other service uses. The Planning Commission Recommendation proposes mixed use developments achieve the minimum residential density of 35 dwelling units per acre **plus** meet the structured parking and retail provisions described above or achieve an FAR of 1.0. The purpose of this approach is to require that primarily residential mixed use developments provide space to accommodate retail and other services for residents and employees within the subarea.

The Planning Commission also deliberated on a proposal that would provide an applicant flexibility in applying the minimum density/intensity requirements. The concept is to allow an applicant the discretion of meeting either the minimum density **or** the minimum non-residential FAR and then complete the remainder of the development with other land uses as the applicant deems appropriate given market demand. Accordingly, after a mixed use development achieved either the minimum floor area ratio of 0.5 **or** the minimum residential density of [35] units per net acre the applicant would then have the discretion of applying reduced residential densities or reduced non-residential floor area ratios to the balance of the development.

North Creek / NE 195th ST Subarea

The North Creek Subarea contains three separate business parks but is not an RGC meaning the City has more options in establishing a minimum density. However, King County buildable lands assumes a residential density of 50 to 80 units per acre for the R-AC zone.

Note:

Depending on the Commission's direction these Findings will be modified, accordingly.

Planning Commission policy direction was sought regarding two viable minimum density alternatives:

- 1) Establish 35 dwelling units per acre (DU/ac) as the minimum density similar to that proposed for Canyon Park. A density of 35 dwelling units per acre does not achieve the 50 to 80 dwelling units assumed in the King County buildable lands nor does it match

ATT 1 – Planning Commission Findings

past R-AC developments of 63 to 87 DU/ac but is consistent with a preliminary residential development proposed for the Seattle Times property which achieves 37 DU/ac; or

- 2) Establish a minimum density of 50 DU/ac to match King County buildable lands assumptions and to achieve similar densities as previous R-AC developments. A 50 DU/ac minimum requires a different style of development that may be at a scale that is different than the existing development pattern in the Subarea. Further, the intent is to establish a minimum density. Staff’s experience is that most developments seek densities that are more than the minimums. Finally, it is generally easier to increase a minimum density than it is to decrease one. If it is determined that an increase in the minimum density is necessary, the City can raise the minimum to a different amount.

As mentioned above, the Planning Commission deliberated on an approach that would provide an applicant flexibility in applying the minimum density/intensity requirements. That concept is also proposed for North Creek / NE 195 ST Subarea.

19. Recommended minimum residential densities

The Planning Commission is recommending the following minimum residential densities within the following activity centers.

Subarea	Dwelling units per acre <i>minimums</i>
Canyon Park	35
North Creek /NE 195 ST	[35-50]

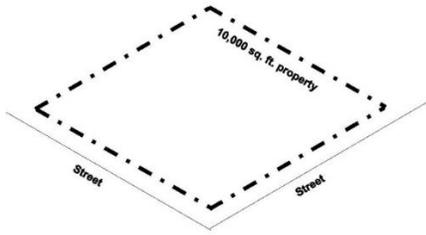
20. Concepts considered – Floor Area Ratios.

Employment density needs a different approach because a minimum employment density is not currently found within the BMC. This is a somewhat problematic endeavor because the number of employees per acre is dependent upon many outside influences such as the selected land use, the square footage of the building (which can be controlled) and the availability of tenants or end-users for the building. For example, manufacturing may have one employee per 300 sq. ft. where office may have one employee per 150 square feet. A building can be quite large but still have a low number of employees.

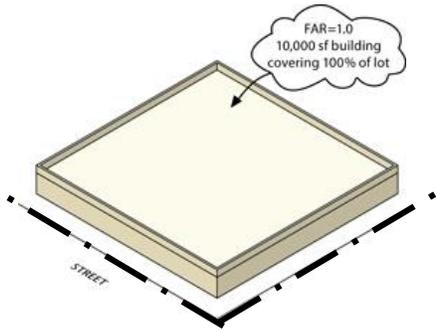
However, the intent with these amendments is to create capacity for employment which is best achieved through the implementation of *Floor area ratios (FAR)*. An FAR is a mechanism that ties the size of the building to the size of the lot upon which it is located. For example, an FAR of 0.25 means that the building square footage must be at least 25% of the property square footage or for 10,000 sq. ft. property, any building constructed upon that property must be at least 2,500 sq. ft.

The illustrations below are from the City of Redmond’s Zoning regulations:

ATT 1 – Planning Commission Findings

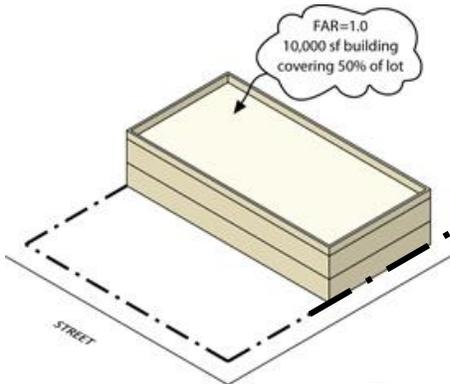


10,000 sq. ft. property



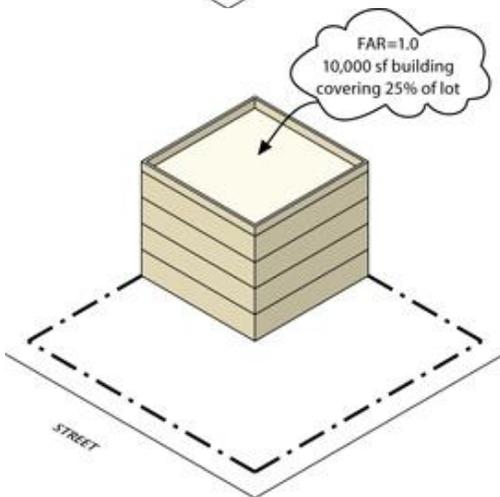
FAR = 1.0 means the 10,000 sq. ft. property must have a 10,000 sq. ft. building.

For this example, a single story 10,000 sq. ft. building occupies 100% of the property area



Different building configurations are allowed as long as the FAR = 1.0.

This example shows a two story 10,000 sq. ft. building configuration (5,000 sq. ft. per story) means 50% of the lot is available for parking or other uses



In this example, a 4 story building configuration (2,500 sq. ft. per story) is used to meet the FAR of 1.0 leaving 75% of the lot is available for parking or other uses

Many jurisdictions within the Puget Sound Region employ floor area ratios (FAR) to achieve both minimum and maximum building sizes, bulk and scale. For example, the City of Redmond is a good example with lengthy experience applying FARs within its zoning code. Redmond establishes FAR by individual zoning classifications and has characteristics similar to Bothell. Within Redmond's 'Business Park' zone, a minimum FAR of 0.60, a base

ATT 1 – Planning Commission Findings

FAR of 1.13 and a maximum FAR of 2.0 are applied. “Base FAR” is the amount of development allowed outright without using a bonus or incentive to increase the FAR to the maximum allowed. Within its manufacturing park zone the base FAR is 0.25 to 0.50, depending upon the land use, and the maximum FAR is 1.00. Through incentives (e.g. transfer of development rights, affordable housing) an applicant may increase the FAR by certain specified amounts which are too detailed to list here.

To determine historic FAR trends, existing buildings within the Canyon Park Business Center, the North Creek Business Park and Brickyard Road were analyzed. Ten properties from each area were selected covering a range of building sizes and parcel areas.

Table - Canyon Park existing building floor area ratios – Ten commercial buildings

Address	Land area	Building area	Built - FAR
22118 20 Ave SE	675,180	177,300	0.26
1909 214 ST SE	255,697	86,148	0.33
22029 220 ST SE	140,698	50,425	0.36
21919 20 Ave	703,929.	266,002	0.38
2222 229 ST SE	75,794	31,809	0.41
2500 2530 223 ST SE	255.,261	110,700	0.43
2222 222 ST SE	169,884	74,750	0.44
22116 23 DR SE	40,510	17,995	0.44
22105 23 DR SE	199,940	91,704	0.45
2300 223 ST SE	195,148	93,404	0.47
22032 220 ST	42,253	21,749	0.51
21540 30 Ave SE	270,072	149,497	0.55
Average FAR			0.413
Median FAR			0.425

Table - North Creek existing building floor area ratios – Ten commercial buildings

Address	Land area	Building area	Built - FAR
19204 N Crk Pkwy	293,085	95,543	0.32
19201 120 Ave NE	186,745	59,475	0.32
18911 N Crk Pkwy	553,647	200,096	0.36
20021 120 Ave NE	156,794	58,324	0.37
19515 N Crk Pkwy N	95,328	35,275	0.37
19333 N Crk Pkwy	222,196	92,461	0.41
19909 120 Ave NE	161,588	68,129	0.42
19803 N Crk Pkwy N	73,476	31,069	0.42
11714 N Crk Pkwy N	93,186	40,475	0.43
20307 N Crk Pkwy	354,298	156,349	0.44
Average FAR			0.386
Median			0.375

To establish employment density, square foot per employee measurements were sought to guide the amount of building area necessary to achieve a desired employment density. Most sources agree with the following table.

Table - building square feet per employee

ATT 1 – Planning Commission Findings

Employment type	Square feet per employee
General office	150
Microbiological and immunological	163
Upper management	280
Senior Professional	115
Technical / Professional	90
Precision Manufacturing	300
Senior Clerical	85
Warehousing	5,000

Based upon the information above, except for warehousing and manufacturing, even a relatively small building (e.g. 10,000) can accommodate 45 or more employees per acre. The challenge is to establish an FAR that provides the type of capacity necessary to house future employees at numbers that support employment growth. That means establishing an FAR that is greater than current building stock, but does not exceed market realities.

21. Analyzing Floor area ratios – Proposals

Fortunately, development proposals have been submitted to the City which are instructive in establishing an appropriate FAR.

Downtown Developments

The Downtown Subarea contains mixed-use developments where residential is the primary use and occupies the majority of the floor area of the development. This is the model upon which the flexible threshold approach is based.

Downtown Buildings

Development	Net Land area	Net Building area	Actual FAR	Achieved Density
Six Oaks	170,500	83,537	4.42	106
The Merc	23,040	85,532	3.71	230
Boulevard Place	194,390	66,044	3.12	192
Edition	120,522	41,004	2.93	135
Junction	179,465	67,878	2.64	83
Pop North	45,763	104,407	2.28	116
104 Apts	58,059	88,141	1.52	86
Average FAR			2.95	135
Median FAR			2.93	116

Downtown Townhome residential developments

Development	Net Land area	Net Building area	Built - FAR	Achieved Density
Dawson Square	93,330	92,632	1.00	21
The Landing	102,080	93,649	1.10	27
Average FAR			1.05	24

Canyon Park – Submitted but not constructed non-residential development proposals

Development	Net Land area	Net Building area	Proposed FAR
Woodlands Tech	426,888	621,798	1.45
Tract 18 and 19 - office	301,991	126,730	0.42
Average FAR			0.93

ATT 1 – Planning Commission Findings

Canyon Park – Submitted residential development proposals

Development	Net Land area	Net Building area*	Proposed FAR
Tract 24 townhomes	426,888	348,810	0.45
Tract 18 & 19 townhomes	301,991	178,180	0.42
Canyon Park Apts	426,888	498,441	1.16
Average FAR			0.49
Median FAR			0.42

*Estimate

The proposals above vary on the amount of FAR but it is clear that even townhome developments (two within Downtown) can achieve an FAR of 1.0 and that one previous office proposal in Canyon Park would have achieved an FAR of 1.45. It should also be noted that both previous non-residential proposals in Canyon Park were not developed and have recently been submitted for townhome development proposals with FARs of 0.45 and 0.42.

22. Other Jurisdiction FARs for similar zoning classifications

A brief analysis of other jurisdictions' FAR minimums was conducted. There are many nuances in how different jurisdictions apply minimum FAR and each jurisdiction weighs these minimums with regard to their unique growth strategies, land use needs, land economics and the development pattern the jurisdiction is trying to achieve. However, a few instructive examples were found.

Table - Jurisdiction FARs

Jurisdiction	Zone category	Minimum FAR
Redmond		
	Business Park	0.6
	Manufacturing	0.25 to 0.5
Bellevue		
		0.5 FAR lower than 0.5 require square footage reductions
Kirkland		
	Totem Lake TL1 mixed use zone	1.0 Office uses
Seattle		
	Commercial	1.5 30 foot building height 2.0 50 foot building height

23. Findings regarding application of minimum densities and Floor Area Ratios

- A minimum density of 35 dwelling units per acre achieves 45 'Activity Units' per acre.
- Even relatively lower densities can have relatively high FARs. For example, four townhome projects only achieve densities of 18 to 27 units/acre but have FARs ranging from 0.70 to 1.10.
- Even higher residential densities can have relatively low FARs. For example, two developments, Canyon Park Apartments and Beardslee Village, achieve densities of 54 and 64 units/acre with FARs of 1.16 and 1.18, respectively.

ATT 1 – Planning Commission Findings

- Dwelling unit size plays an important role because townhome square footages range from 1,510 to 2,287 whereas more traditional multi-family development square footages range from 700 to 900 square feet.
- Downtown mixed-use developments achieve fairly high densities (average 116 DU/acre) but also have relatively high FARs (average 2.9).
- Requiring a minimum FAR of 1.0 for mixed use developments, appears to be the best option for achieving appropriate minimums while not implementing a standard that discourages mixed use proposals.

24. Recommended minimums

- Minimum residential densities for exclusively residential developments.
- Minimum floor area ratios for non-residential developments.
- Establish three approaches for mixed-use developments within Canyon Park:
 - Apply the minimum residential density plus provide for 40% of the average floor area for structured parking and 10% of the average floor area for retail, office and other service uses; or
 - Apply a minimum floor area ratio of 1.0; or
 - Apply a flexible threshold that gives mixed use developments the discretion to achieve either the minimum density or the minimum non-residential floor area ratio and then 'fill-in' the rest of the development either residential or non-residential land uses based upon market need.
- Mixed-use developments within North Creek / NE 195 ST would achieve a minimum floor area ratio of 1.0 or grant an applicant the discretion to comply with either the minimum residential density or the minimum non-residential FAR and then fill-in the remainder of the development with reduced densities and FARs.

Some portions of the Canyon Park Subarea require buildings taller than 35 feet to provide 40% of the gross floor area of the average story within the building to be dedicated as structured parking, plus at least 10% of the gross floor area of the average story to be externally oriented at-grade retail, office, or other services uses.

In one portion of the Canyon Park subarea, the proposal would require mixed use development to meet its minimum residential density requirement PLUS be consistent with the requirement to provide structured parking and externally oriented retail/services uses as described above. Or, an applicant may select to simply achieve a minimum FAR of 1.0. The choice is left to the applicant.

The North Creek / NE 195 ST Subarea does not have the structured parking and retail/service externally oriented use requirement. Accordingly, any mixed-use development would be required to achieve an FAR of 1.0 or apply the flexible threshold granting an applicant the discretion to comply with either the minimum residential density or the minimum non-residential FAR and then fill-in the remainder of the development with reduced densities and FARs.

ATT 1 – Planning Commission Findings

Table – Planning Commission Recommendation by Subarea

Subarea	Minimum residential density DU/acre	Minimum FAR for non-residential	Minimums Mixed Use Option 1	Minimums Mixed Use Option 2	Minimums Mixed use Option 3
Canyon Park	35	0.50	Min DU/ac plus structured parking and 10% retail	1.0 FAR	Meet either min DU/ac or min FAR Fill-in with the other land use
North Creek /NE 195 ST	35	0.50	N/A	1.0 FAR	Meet either min DU/ac or min FAR Fill-in with the other land use

Findings regarding Capital Facilities Element Plan amendments

25. Purpose of the Capital Facilities Element Plan amendments

In November 2018, voters approved Proposition 2 (Public Safety Capital Bonds) providing funding to rebuild the Downtown Fire Station 42 and the Canyon Park Fire Station 45, including safety upgrades, technical modernization and energy efficiency and to accommodate current and future growth.

To implement the bond, the City needs companion amendments to the City’s Capital Facilities Element and its Capital Facilities Plan.

26. The cost to replace both fire stations is expected to be approximately \$35,500,000.

27. Scope of the Capital Facilities Element Plan amendments

This Plan amendment is limited to updating the Capital Facilities Element to reflect the Public Safety Capital Bonds, re-construction and expansion of Stations 42 and 45, and update Fire Station descriptions within the Plan.

28. Plan amendments

This amendment does not necessitate any policy changes. The amendments are limited to amending the descriptions of Fire Stations 42 and 45, identifying floor area assigned to facilities, personnel, and equipment, and updating the Element to reflect the 2018 Annual Fire Department Report.

29. Department of Commerce Review.

The proposed Plan and Code amendments were sent to the Department of Commerce October upon completion of the Planning Commission review.

ATT 1 – Planning Commission Findings

30. State Environmental Policy Act (SEPA) Review.

The proposed Plan and Code amendments will be evaluated for environmental review upon completion of the Planning Commission review.

31. List of Exhibits.

1. Letter from Van Ness Feldman dated October 2, 2019
2. Email from Sound Transit, dated October 2, 2019

Conclusions

1. The potential Plan and Code amendments have been drafted, noticed, reviewed by the public and considered by the Planning Commission in accordance with the applicable laws of the State of Washington and the City of Bothell.
2. The potential Plan and Code amendments are necessary to assist the City in meeting its growth obligations for both population and employment and for capital facilities planning.
3. The potential Plan and Code amendments are in the best interest of the public health, safety and welfare.

Recommendation

Based upon these findings and conclusions and the entire record, the Planning Commission recommends the City Council adopt the proposed Plan and Code amendments which is Attachment 2A, 2B, and 3 to these Findings, Conclusions and Recommendations.

Note:

New language is shown as underline and deleted language is shown as ~~strikethrough~~. Yellow **highlight** is used to help locate small amendments.

Land Use Element

*****No changes to the following sections: *****

- Purpose and Relationship to GMA
- VISION 2040 Regional Planning Statement
- Urban Growth Areas
- Bothell Planning Area
- Historical and Current Land Uses
- Land Use Plan Development
- Transfer of Development Rights (TDR)
- Consistency with Countywide Planning Policies

*****The following new section is added *****

Establishing minimum densities and intensities

The City of Bothell relies upon its plan designations and zoning classifications to meet the population and employment targets discussed above. For example, the King county buildable lands reports estimates that the R-AC designation achieves a dwelling unit per acre density range of 40 to 80 dwelling units per acre. Should the City not accommodate this growth assumption, the City's ability to achieve its assigned growth targets is compromised.

Accordingly, it is incumbent upon the City to assign minimum dwelling unit and employment figures within this Land Use Element and the City's implementing development regulations.

Land Use Goals, Policies and Actions

Goals

*****No changes to the Land Use Goals*****

Policies

*****No changes to Policies LU-P1, LU-P2 and LU-P3*****

LU-P4 The City shall maintain a Comprehensive Plan Map (see **Figure LU-4** in map pocket) for the purpose of illustrating the proposed allocation of land uses throughout the Bothell Planning Area. Land uses shall be categorized by the following designations. It is intended that these designations be utilized separately where only one type of land use is determined to be appropriate, and in combination where more than one type of land use is determined to be appropriate. The development potential of any individual property under the land use designations of this Comprehensive Plan shall be based on the net buildable area of that property, and shall be further subject to land use techniques including, but not limited to, clustering, planned unit development, Low Impact Development, lot size averaging and lot rounding provisions, availability of necessary utilities, critical area regulations, impact mitigation, **floor area ratios**, and other applicable development policies, regulations and standards. Net buildable area, for the purposes of this Comprehensive Plan, shall mean the gross land area, measured in acres, minus land area in roads and other rights of way, critical areas, critical area buffers, and land dedicated to the City.

Comprehensive Plan Map designations shall be implemented through zoning classifications on the City's official Zoning Map.

1. **Residential, 40,000 square foot minimum lot size (R 40,000).**
This designation shall provide for detached residential development at a minimum lot size of 40,000 square feet, plus compatible uses such as schools and churches.

This designation is appropriate for land encumbered by critical areas determined to be large in scope, complex in structure and function, and high in rank order value; land found to be a particularly important source of cool groundwater benefiting the health of anadromous fisheries in North Creek and its tributaries, and the Sammamish River; and/or land constrained in some other way so as to preclude the full range of public facilities and services necessary to support urban development.

The R 40,000 Plan designation shall be implemented by the R 40,000 zoning classification.

2. **Residential, 9,600 square foot minimum lot size (R 9,600);
Residential, 8,400 square foot minimum lot size (R 8,400);
Residential, 7,200 square foot minimum lot size (R 7,200);
Residential, 5,400 square foot minimum lot size, detached (R 5,400d).**

Attachment 2A

These designations shall provide for detached residential development at minimum lot sizes of 9,600, 8,400, 7,200 and 5,400 square feet, or as amended by land use techniques including, but not limited to, clustering, planned unit development, Low Impact Development, lot size averaging and lot rounding and other applicable development policies regulations and standards, and compatible uses such as schools and churches.

In the R 9,600 designation, limited lot size averaging shall be allowed. Under this approach, the total area of all lots within a proposed R 9,600 subdivision divided by the number of lots shall amount to an average lot area of at least 9,600 square feet: 20 percent of lots in such a subdivision may be smaller than 9,600 square feet, but no smaller than 8,400 square feet nor larger than 14,400 square feet.

Generally, these designations are appropriate for most land in the planning area suitable for residential use with the exception of land located convenient to principal arterials and/or business and commercial activity centers, where higher densities may be warranted.

These Plan designations shall be implemented by identically named zoning classifications. That is, the R 9,600 Plan designation shall be implemented by the R 9,600 zoning classification; the R 8,400 Plan designation shall be implemented by the R 8,400 zoning classification; and so forth.

3. **Residential, one dwelling unit per 5,400 square feet of net buildable area, attached or detached (R 5,400a);
Residential, one dwelling unit per 4,000 square feet of net buildable area (R 4,000);
Residential, one dwelling unit per 2,800 square feet of net buildable area (R 2,800).**

These designations shall provide for attached or detached residential development at one dwelling unit per 5,400, 4,000 and 2,800 square feet of net buildable area, or as amended by land use techniques including, but not limited to, clustering, planned unit development, Low Impact Development, lot size averaging and lot rounding and other applicable development policies regulations and standards, and compatible uses such as schools, churches and day care centers.

Generally, these designations are appropriate for land which is located convenient to arterials and to business and commercial activity centers.

These Plan designations shall be implemented by identically named zoning classifications. That is, the R 5,400a Plan designation shall be implemented by the R 5,400a zoning classification; the R 4,000 Plan designation shall be implemented by the R 4,000 zoning classification; and the R 2,800 Plan designation shall be implemented by the R 2,800 zoning classification.

4. **Residential - Activity Center (R-AC).**

This designation shall provide for multi-family residential development in designated activity centers, and is intended to promote a variety of housing types in sufficient numbers to support a range of shopping, dining and entertainment opportunities within those centers.

The minimum number of dwelling unit per acre will be established within the individual Subarea Plan containing an R-AC designation with the intended purpose of encouraging residential uses within activity centers where transit and multi-modal options are available. No specific density is prescribed: The maximum number of dwelling units which may be constructed on an individual property or within the center shall be controlled by site and

Attachment 2A

building regulations concerning height, parking, landscaping, setbacks and other aspects of development.

5. Specialized Senior Housing Overlay (SSHO).

This overlay designation shall allow specialized senior housing development (for persons 62 years of age and over and their spouses and/or live-in caregivers) at densities higher than normally permitted within R 40,000, R 9,600, R 8,400, R 7,200 and R 5,400d residential designations in specified locations where such development has been determined to be appropriate due to proximity to facilities and services which especially benefit the elderly. The particular density for a Specialized Senior Housing Overlay, as well as policies concerning the design and/or operation of specialized senior housing, shall be set forth in the Subarea Plan in which the SSHO is located. The Specialized Senior Housing Overlay provides for an additional use within, but does not replace, the underlying plan designation.

6. Mobile Home Park (MHP).

This designation shall be assigned to mobile home parks, and is intended to promote retention of such uses as a source of affordable detached single-family housing.

7. Office-Professional (OP).

This designation shall include personal and professional service businesses which commonly locate in office buildings, such as banks, medical and dental clinics, accounting, law, real estate, insurance, travel agencies and similar businesses. When this designation is applied within a designated activity center, or in conjunction with the R-AC designation, a minimum floor area ratio (FAR) will be established within the individual subarea plan. The maximum FAR shall be controlled by site and building regulations concerning height, parking, landscaping, setbacks and other aspects of development established within each subarea plan.

8. Neighborhood Business (NB).

This designation shall comprise retail and service businesses which serve the limited item convenience shopping and personal service needs of the immediate surrounding neighborhood. When this designation is applied within a designated activity center, or in conjunction with the R-AC designation, a minimum floor area ratio (FAR) will be established within the individual subarea plan. The maximum FAR shall be controlled by site and building regulations concerning height, parking, landscaping, setbacks and other aspects of development established within each subarea plan.

9. Community Business (CB).

This designation comprises most retail, dining, entertainment and similar businesses which are conducted primarily indoors. Such uses include but are not limited to grocery stores, drug stores, furniture stores, clothing stores, book stores, music stores, restaurants, movie theaters, and bowling alleys. When this designation is applied within a designated activity center, or in conjunction with the R-AC designation, a minimum floor area ratio (FAR) will be established within the individual subarea plan. The maximum FAR shall be controlled by site and building regulations concerning height, parking, landscaping, setbacks and other aspects of development established within each subarea plan.

10. General Commercial (GC).

This designation comprises more intensive retail and service uses than described under Community Business above. General Commercial uses typically require outdoor display

Attachment 2A

and/or storage of merchandise and tend to generate noise as a part of their operations. Such uses include but are not limited to auto, boat and recreational vehicle sales lots, tire and muffler shops, equipment rental, and mini-warehouses and vehicle storage. When this designation is applied within a designated activity center, or in conjunction with the R-AC designation, a minimum floor area ratio (FAR) will be established within the individual subarea plan. The maximum FAR shall be controlled by site and building regulations concerning height, parking, landscaping, setbacks and other aspects of development established within each subarea plan.

11. Motor Vehicle Sales Overlay (MVSO).

This overlay designation shall allow motor vehicles sales on properties designated Community Business (CB) in specified locations where such development has been determined to be appropriate due to meeting three or more of the following criteria:

- a. Abut an arterial street;
- b. Adjacent to an intersection of two State Routes;
- c. The presence of intense retail activities in the vicinity including proximity to properties currently conducting motor vehicle sales; and
- d. The presence of an existing screening type landscape buffer or the ability to create such a buffer between any property designated MVSO and residential properties.

Policies concerning the design and/or operation of motor vehicles sales shall be set forth in the Subarea Plan in which a MVSO is located. The Motor Vehicle Sales Overlay provides for an additional use within, but does not replace, the underlying plan designation.

12. Light Industrial (LI).

This designation comprises non-polluting manufacturing and processing, wholesaling, warehousing and distribution and other similar activities. Such uses tend to require large buildings and to generate more large truck traffic than do other types of land uses. When this designation is applied within a designated activity center, or in conjunction with the R-AC designation, a minimum floor area ratio (FAR) will be established within the individual subarea plan. The maximum FAR shall be controlled by site and building regulations concerning height, parking, landscaping, setbacks and other aspects of development established within each subarea plan.

13. Mixed Use (MU).

This designation does not indicate a land use by itself, but is intended to be utilized where integrated development of more than one type of land use within a property or area is desired. Such integrated development may include but not be limited to coordinated building design, signage, landscaping, minimum densities and floor area ratios and access.

***** No Changes to LU-P4 (Paragraphs 14 through 20) *****

*****No Changes to Land Polices LU-P5 through LU-P22*****

Actions

*****No Changes to Actions LU-A1 through LU-A6*****

Canyon Park Subarea Plan

Summary

No Changes to the Summary

Subarea Profile

No Changes to the Subarea Profile

Canyon Park Subarea Plan Elements

Land Use

Policies

Note: Many of the Land Use policies are depicted on **Figure 3** Land Use Designations.

1. The Canyon Park Subarea should continue to develop as community and regional activity centers, while expanding opportunities for multi-family residential development to promote affordable housing close to employment, shopping, and services.

The Thrashers Corner and Canyon Park community activity centers should provide a shopping, dining, and entertainment focal point for those who live and work within the center or nearby. The maximum height of buildings in these centers should be four to six stories, or around 65 feet, to permit a vibrant and mutually supportive mix of retail, service, and office uses (at Thrasher's Corner) or retail, service, office, and residential uses (at Canyon Park) while maintaining a sense of connection between the uppermost floors and street-level activity. In the Canyon Park community activity center, residential development should **achieve minimum residential densities that accommodate projected population growth and reflect the character of the area and maximum residential densities not be restricted to a specific density, but should be** controlled by site and building envelope regulations, to promote a variety of housing types in sufficient numbers to support a range of activities within the center. Around the edges of these areas, appropriate setbacks should be applied to protect surrounding lower-intensity uses. Development of taller buildings should incorporate structured parking to keep the area compact and pedestrian-friendly. Public gathering places should be included in developments to promote socializing.

The Canyon Park regional activity center should provide opportunities for businesses to start and grow in Bothell, and for employees to work close to home. **To ensure new non-residential buildings provide capacity to accommodate new companies or expansion of existing companies, a minimum floor area ratio should be employed with the maximum Floor area ratio to be controlled by site and building envelope regulations.** The maximum height of buildings containing exclusively commercial uses within this center should be seven to ten stories, or around 100 feet, with additional height up to

Attachment 2A

a total of around 150 feet permitted only to accommodate manufacturing processes which require a tall structure but few employees. The maximum height of buildings containing residential uses or mixed uses that include a residential use should be four to six stories or around 65 feet. Providing for buildings of such height would ensure that sufficient employment and population capacity exists to accommodate extended future growth within the existing boundaries of the area, thereby utilizing infrastructure efficiently and avoiding pressure to expand into established residential areas. Such buildings would be compatible with the scale of the valley setting -- around the edges of the area. However, appropriate setbacks are warranted to protect surrounding lower-intensity uses. Within the Canyon Park regional activity center, residential development is appropriate at **for minimum residential densities with maximum** densities controlled by site and building envelope regulations, to promote a variety of housing types in close proximity to places of work.

2. New development is subject to availability of necessary utilities, critical area regulations, and other development standards and mitigation requirements.
3. Land located in the northeast corner, immediately north of the southeast corner, and in the south central portion of the Subarea is appropriate for detached residential development at a minimum lot size of 9,600 square feet as described in Land Use Element Policy LU-P4 (**R 9,600** in the northeast, south central and southeast portions of the map).
4. Land located on either side of SR-527, south of Filbert and Maltby Roads to the alignment of about 212th Street, comprising the Thrasher's Corner community activity center, is appropriate for residential dwellings at **minimum net residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential** densities **and floor area ratios** controlled by site and building envelope regulations and a building height of four to six stories or approximately 65 feet, office-professional and community business uses subject to critical area regulations and other development standards and mitigation requirements (**R-AC, OP, CB** in the north central portion of the map). Any such development should provide a buffer adjacent to lower density residential development to the east and west. Such a buffer may consist of the existing wetlands in the east and west borders of this area.
5. Land located west of North Creek and south of Filbert Road to the alignment of about 212th Street is appropriate for attached or detached residential development at one dwelling unit per 5,400 square feet as described in Land Use Element Policy LU-P4 (**R 5,400a** in the northwest corner of the map).
6. Land located west of SR-527 between the alignment of 212th Street SE and 217th ST, within the Canyon Park regional activity center, is appropriate for residential dwellings at **minimum residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential** densities **and maximum floor area ratios** controlled by site and building envelope regulations, office professional, community business, and light industrial uses subject to compliance with critical areas regulations and other development standards and mitigation requirements (**R-AC, OP, LI** in below the northwest corner of the map). Such development shall incorporate internal access from property to property and shall provide shared driveways to minimize access points onto SR-527.
7. Land located west of SR-527 approximately 450 feet north of the intersection of SR-527/214th Street SE and east of North Creek is appropriate for residential dwellings at **minimum residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential** densities **and maximum floor area ratios** controlled by site and building envelope regulations, office professional, neighborhood business, and

Attachment 2A

light industrial uses subject to compliance with critical areas regulations and other development standards and mitigation requirements (R-AC, OP, NB, LI in the northwest corner of the map)

8. Land located east of SR-527 between the alignment of 212th Street SE and 220th Street SE is appropriate for residential dwellings at minimum net residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential densities and maximum floor area ratios controlled by site and building envelope regulations and a building height of four to six stories or approximately 65 feet, office professional, community business, and light industrial uses subject to compliance with critical areas regulations and other development standards and mitigation requirements (R-AC, OP, CB, LI in the central portion of the map). Such development shall incorporate internal access from property to property and shall provide shared driveways to minimize access points onto SR-527.
9. Land southwest of I-405, comprising the Canyon Park community activity center, is appropriate for residential dwellings at minimum net residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential densities and maximum floor area ratios controlled by site and building envelope regulations. Office-professional and community business uses are subject to compliance with critical area regulations and other development standards and mitigation requirements (R-AC, OP, CB in the southwest corner of the map). This designation reflects current uses in the area and additionally provides for residential development convenient to shopping, services, and transit.
10. Land south of 228th Street SE between 15th and 19th Avenues SE is appropriate for attached or detached residential development at one dwelling unit per 2,800 square feet as described in Land Use Element Policy LU-P4 (R 2,800 on southernmost portion of map).
11. Land to the southeast of the Village Square neighborhood is appropriate for attached or detached residential development at one dwelling unit per 4,000 square feet as described in Land Use Element Policy LU-P4 (R 4,000 on south central portion of map).
12. The portion of the Canyon Park Business Center between SR 527 and 17th Avenue SE, south of 220th Street SE and north of I-405 is designated for residential dwellings at minimum net residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential densities and maximum floor area ratios controlled by site and building envelope regulations, Office-Professional and Community Business to reflect planned and existing uses (R-AC, OP, CB in southwest area of map).
13. Land in the southeast corner of the Subarea is appropriate for attached or detached residential development at one dwelling unit per 5,400 square feet as described in Land Use Element Policy LU-P4 (R 5,400a in the southeast corner of map).
14. The remainder of the Subarea is appropriate for residential dwellings at minimum net residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential densities and maximum floor area ratios controlled by site and building envelope regulations and building heights of four to six stories or approximately 65 feet and continued business park development, subject to critical area regulations and other development standards and mitigation requirements, and therefore is designated office-professional and light industrial (R-AC, OP, LI on majority of map).

*****No changes to the remaining Canyon Park Subarea Policies and Actions*****

North Creek / NE195th Street Subarea Plan

Summary

No Changes to the Summary

Subarea Profile

No Changes to the Subarea Profile

North Creek Subarea Plan Elements

Land Use

Policies

Note: Many of the Land Use policies are depicted on **Figure 3** entitled Land Use Designations.

1. Land containing a critical area or areas is subject to regulations which may reduce the density or intensity of development allowed to less than that indicated by the plan designation.
2. The valley floor, located generally below the 50 foot contour line, is designated as Subdistrict A where Office Professional, Light Industrial, Community Business and residential dwellings at **minimum residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area and maximum residential densities and floor area ratios** controlled by site and building envelope regulations are appropriate (R-AC, OP, CB, LI throughout most of the central portion of the map). Examples of allowed uses shall include non-polluting manufacturing (clean light industrial), business-professional offices, educational facilities, recreation facilities, non-freeway oriented public accommodations, retail uses, hospitals, clinics, medical-professional offices and multi-family residential uses. Within that portion of this designation along 120th Ave NE, a minor arterial, and south of the North Creek Business Park, motor vehicle sales involving outdoor display and storage is appropriate due to the commercial nature of other existing development in this area. Single-family and mobile homes are not permitted in this area. This designation shall extend east of the utility corridor approximately 500 feet in the southeast portion of the subarea. All other areas of the Subarea is designated as Subdistrict B.

*****No changes to the remaining North Creek / NE 195 ST Subarea Policies and Actions*****

Note:

New language is shown as underline and deleted language is shown as ~~strikethrough~~. Yellow highlight is used to help locate small amendments.

11.02 - Definitions

11.02.007 “F”.

“Factory-built housing.” See “Modular home.”

***** No changes to and definitions located between and including “Familial status” and “Floor area, usable residential” *****

“Floor area ratio” means the relationship between the total amount of gross floor area of a building or the amount of gross square footage a building is permitted to become, and the net or buildable area of a parcel on which the building is located. This ratio is determined by dividing the total, or gross, floor area of the building by the net or buildable area of the parcel.

****** No changes between and including “Forest, intact” to “Frontage” ******

11.02.050 “M”.

*****No changes to and definitions located between “Manufactured home, type A” and “Manufacturing, distribution, storage and warehousing”*****

“Mixed- Use development” means an integrated development where more than one type of land use (e. g. residential, retail, office, and other non-residential) is located in a single or multiple buildings on a single or multiple parcel(s), or building(s).

*****No changes to and between “Mobile home” and “Mural”*****

Note:

“Multiple building complex” can be horizontal mixed use but “Multiple-tenant building” is not necessarily mixed-use because a multi-tenant building can have several tenants of the same use category (office).

These definitions are provided for reference – no amendments proposed.

“Multiple-building complex” means a group of structures housing at least one retail business, office, commercial venture, or independent and separate department of a business which shares the same lot, access and/or parking facilities or coordinated plan.

“Multiple-tenant building” means a single structure housing more than one retail, office, or commercial business.

(Ord. 1957 § 1 (Exh. B), 2006; Ord. 1946 § 1, 2005; Ord. 1815 § 1, 2000; Ord. 1691 § 1, 1997; Ord. 1628 § 1, 1996).

Chapter 12.04

ZONING CLASSIFICATIONS, SUBAREAS, MAPS, AND BOUNDARIES

Sections:

- [12.04.010](#) Purpose.
- [12.04.020](#) Zoning classifications.
- [12.04.025](#) Agricultural zoning classification.
- [12.04.030](#) Residential zoning classifications.
- [12.04.035](#) Specialized Senior Housing Overlay zoning classification.
- [12.04.040](#) Office-Professional zoning classification.
- [12.04.050](#) Neighborhood Business zoning classification.
- [12.04.060](#) Community Business zoning classification.
- [12.04.065](#) Motor Vehicle Sales Overlay zoning classification.
- [12.04.070](#) General Commercial zoning classification.
- [12.04.080](#) Light Industrial zoning classification.
- [12.04.085](#) North Creek Fish and Wildlife Critical Habitat Protection Area.
- [12.04.090](#) Shoreline master program.
- [12.04.100](#) Mobile Home Park Overlay zoning classification.
- [12.04.110](#) Canyon Park Annexation concomitant zoning agreements.
- [12.04.120](#) Subareas.
- [12.04.130](#) Downtown subarea regulations.
- [12.04.140](#) Adoption of city-wide and subarea zoning maps.
- [12.04.150](#) Boundaries – Administrative determination.
- [12.04.160](#) Boundaries – Hearing body recommendation – City council determination.

12.04.010 Purpose.

The purpose of this chapter is to establish and describe the purpose of zoning classifications utilized in this title, and to establish maps which depict the geographic allocation of those zoning classifications throughout the city. (Ord. 2053 § 3 (Exh. C), 2010; Ord. 1946 § 2, 2005; Ord. 1815 § 1, 2000; Ord. 1685, 1997; Ord. 1629 § 1, 1996).

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.

Name	Symbol
Agricultural	AG
Residential, 40,000 square foot minimum lot size	R 40,000

Attachment 2B

Residential, 9,600 square foot minimum lot size, except as may be allowed under lot size averaging regulations set forth in BMC 12.14.030(B)	R 9,600
Residential, 8,400 square foot minimum lot size	R 8,400
Residential, 7,200 square foot minimum lot size	R 7,200
Residential, 5,400 square foot minimum lot size, detached	R 5,400d
Residential, one dwelling unit per 5,400 square feet of net buildable area, attached or detached	R 5,400a
Residential, one dwelling unit per 4,000 square feet of net buildable area	R 4,000
Residential, one dwelling unit per 2,800 square feet of net buildable area	R 2,800
Residential – Activity Center (see subarea plan for minimum no specific density; <u>maximum</u> number of units controlled by site and building envelope regulations)	R-AC
Office-Professional	OP
Neighborhood Business	NB
Community Business	CB
General Commercial	GC
Light Industrial	LI
Specialized Senior Housing Overlay	SSHO
Mobile/Manufactured Home Park Overlay	MHP
Motor Vehicle Sales Overlay	MVSO
North Creek Fish and Wildlife Critical Habitat Protection Area	NCFWCHPA

1
2 Zoning classifications are applied separately (e.g., R 2,800) where one category of land use is
3 determined to be appropriate as designated by the Imagine Bothell... Comprehensive Plan, and
4 in combination (e.g., R 2,800, OP, CB) where more than one category of land use is determined
5 to be appropriate as designated by the plan. When used in combination, the most permissive
6 regulations of the combined zones shall apply, unless specifically provided otherwise [such as,](#)
7 [minimum density and minimum floor area ratio requirements which must be met.](#) (Ord. 2053 § 3
8 (Exh. C), 2010; Ord. 1946 § 2, 2005; Ord. 1876 § 2, 2002; Ord. 1853 § 1, 2001; Ord. 1815 § 1,
9 2000; Ord. 1685, 1997; Ord. 1629 § 1, 1996).

10
11 **12.04.025 Agricultural zoning classification.**
12 The intent of agricultural zoning classification (AG) is to preserve and protect irreplaceable and
13 limited supplies of farmland well suited to agricultural uses by their location, geological formation
14 and chemical and organic composition, and to encourage environmentally sound agricultural
15 production. This classification is assigned solely to the Magnolia Dairy properties in the Westhill
16 Subarea: further development of these properties is subject to the regulations in Chapter 12.62

Attachment 2B

1 BMC and the terms of the 1986 King County purchase of development rights, consistent with the
2 provisions of Chapter [84.34](#) RCW. (Ord. 2053 § 3 (Exh. C), 2010).

3 4 **12.04.030 Residential zoning classifications.**

5 The intent of residential zoning classifications (R 40,000, R 9,600, R 8,400, R 7,200, R 5,400d,
6 R 5,400a, R 4,000, R 2,800, R-AC) is to provide locations for a range of densities and housing
7 types to ensure a broad choice of attractive and affordable living accommodations to persons
8 desiring to reside in Bothell. Residential zones may contain as outright permitted uses or
9 conditional uses certain nonresidential uses which enhance the community including but not
10 limited to schools, churches and parks. (Ord. 2053 § 3 (Exh. C), 2010; Ord. 1946 § 2, 2005; Ord.
11 1876 § 2, 2002; Ord. 1815 § 1, 2000; Ord. 1685, 1997; Ord. 1629 § 1, 1996).

12 13 **12.04.035 Specialized Senior Housing Overlay zoning classification.**

14 The Specialized Senior Housing Overlay (SSHO) zoning classification is intended to allow
15 specialized senior housing development at densities higher than normally permitted in specified
16 R 40,000 – R 5,400a zoning districts where such development has been determined to be
17 appropriate due to proximity to facilities and/or services which especially benefit the elderly. The
18 implementing regulations concerning the location, density, design and operation of specialized
19 senior housing are set forth in the subarea chapter in which the SSHO zoning classification is
20 located. The SSHO zoning classification provides for an additional use within, but does not
21 replace, the underlying zoning classification. SSHO zoning classification regulations shall not
22 apply to uses other than specialized senior housing (see BMC [12.04.020](#)). (Ord. 2053 § 3 (Exh.
23 C), 2010; Ord. 1946 § 2, 2005; Ord. 1815 § 1, 2000; Ord. 1685, 1997).

24 25 **12.04.040 Office-Professional zoning classification.**

26 The Office-Professional zoning classification (OP) is intended to provide locations for personal
27 and professional service businesses such as banks, medical, dental and psychological clinics,
28 accounting, law, real estate, insurance and travel agencies. When located within a designated
29 activity center, the OP zone may be subject to a minimum floor area ratio as established by the
30 applicable subarea plan regulations. (Ord. 2053 § 3 (Exh. C), 2010; Ord. 1946 § 2, 2005; Ord.
31 1815 § 1, 2000; Ord. 1685, 1997; Ord. 1629 § 1, 1996).

32 33 **12.04.050 Neighborhood Business zoning classification.**

34 The Neighborhood Business zoning classification (NB) is intended to provide locations for retail
35 and service businesses which serve the limited convenience shopping and personal service
36 needs of the immediate surrounding neighborhood. When located within a designated activity
37 center, the NB zone may be subject to a minimum floor area ratio as established by the applicable
38 subarea plan regulations. (Ord. 2053 § 3 (Exh. C), 2010; Ord. 1946 § 2, 2005; Ord. 1815 § 1,
39 2000; Ord. 1685, 1997; Ord. 1629 § 1, 1996).

40 41 **12.04.060 Community Business zoning classification.**

42 The Community Business zoning classification (CB) is intended to provide locations for retail,
43 dining, entertainment, and other businesses which are primarily oriented indoors and serve large
44 portions of the city or the community as a whole. When located within a designated activity center,
45 the CB zone may be subject to a minimum floor area ratio as established by the applicable
46 subarea plan regulations. (Ord. 2053 § 3 (Exh. C), 2010; Ord. 1946 § 2, 2005; Ord. 1815 § 1,
47 2000; Ord. 1685, 1997; Ord. 1629 § 1, 1996).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

12.04.065 Motor Vehicle Sales Overlay zoning classification.

The Motor Vehicle Sales Overlay zoning classification (MVSO) is intended to allow the sale and outside display of automobiles, vans, light trucks, motorcycles, boats and watercraft within Community Business (CB) zoning districts where such development has been determined to be appropriate due to proximity to arterial streets, high intensity retail uses, and the presence of other motor vehicle dealers. The sale and display of heavy equipment such as construction and earthmoving equipment, tractors, farm implements, heavy vehicles such as heavy trucks, dump trucks and trailers, semi-tractors and trailers, buses, recreational vehicles and other large-sized vehicles are not permitted within the MVSO. The implementing regulations concerning the location, landscaping, lighting and design of motor vehicle sales lots within Community Business zones are set forth in the applicable subarea chapter in which the MVSO zoning classification is located. The MVSO zoning classification provides for an additional use within, but does not replace, the underlying zoning classification. The MVSO zoning classification regulations shall not apply to uses other than motor vehicle sales. (Ord. 2053 § 3 (Exh. C), 2010; Ord. 1946 § 2, 2005; Ord. 1853 § 1, 2001).

12.04.070 General Commercial zoning classification.

The General Commercial zoning classification (GC) is intended to provide locations for retail and service uses which typically require outdoor display and/or storage of merchandise, involve the operation or repair of machinery, and/or generate noise as a part of their operations. When located within a designated activity center, the GC zone may be subject to a minimum floor area ratio as established by the applicable subarea plan regulations. (Ord. 2053 § 3 (Exh. C), 2010; Ord. 1946 § 2, 2005; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).

12.04.080 Light Industrial zoning classification.

The intent of the Light Industrial zoning classification (LI) is to provide for a range of manufacturing, processing, wholesaling, distributing, and similar activities, together with associated administrative and office uses, which typically serve regional, national, and international markets. Such uses tend to require large buildings and to generate more large truck traffic than do other types of land uses. When located within a designated activity center, the LI zone may be subject to a minimum floor area ratio as established by the applicable subarea plan regulations. (Ord. 2053 § 3 (Exh. C), 2010; Ord. 1946 § 2, 2005; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).

*****No Changes to 12.04.085 North Creek Fish and Wildlife Critical Habitat Protection Area through 12.04.160 Boundaries*****

**Chapter 12.06
PERMITTED USES**

Sections:

- [12.06.010](#) Purpose.
- [12.06.020](#) Interpretation of land use tables.
- [12.06.030](#) Agriculture.
- [12.06.040](#) Automotive, marine, and heavy equipment services.
- [12.06.050](#) Business and personal services.
- [12.06.060](#) Eating and drinking establishments.
- [12.06.070](#) Education services.
- [12.06.080](#) Essential public facilities.
- [12.06.090](#) Government services, general.
- [12.06.100](#) Health and social services.
- [12.06.110](#) Lodging.
- [12.06.120](#) Manufacturing, distribution, storage and warehousing.
- [12.06.130](#) Recreation, culture and entertainment.
- [12.06.140](#) Residential uses.
- [12.06.150](#) Retail uses.
- [12.06.160](#) Temporary uses.
- [12.06.170](#) Transportation.
- [12.06.180](#) Utilities.
- [12.06.190](#) Uses not otherwise categorized.

12.06.010 Purpose.

The purpose of this chapter is to establish permitted land uses for the city of Bothell. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. The use is considered permanently established when that use will be or has been in continuous operation for a period exceeding 60 days, except that in no case shall a transitory accommodation, which may be allowed to operate continuously for a period of up to 90 days as set forth in BMC [12.06.160\(B\)\(3\)\(c\)](#), be considered permanently established. A use which will operate for 60 days or less, and transitory accommodations, are considered temporary uses, and are subject to the requirements of BMC [12.06.160](#). All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located within the Bothell city limits. (Ord. 1955 § 1, 2005; Ord. 1946 § 2, 2005; Ord. 1815 § 1, 2000; Ord. 1685, 1997; Ord. 1629 § 1, 1996).

12.06.020 Interpretation of land use tables.

A. The land use tables in this chapter determine whether a specific use is allowed in a zone classification. Specific uses are divided among 17 tables, each of which represents a broad category of land use. The tables are arranged in alphabetical order by land use category, as listed at the beginning of this chapter. Within each table, zone classifications are located in vertical columns and specific uses are arranged alphabetically in horizontal rows.

Attachment 2B

- 1 B. If no symbol appears in the box at the intersection of a column and a row, the use is not
2 allowed in that zoning classification.
- 3 C. If the letter “P,” for “Permitted,” appears in the box at the intersection of a column and a row,
4 the use is allowed in that classification, subject to the development and operational requirements
5 of this and other applicable titles. The conduct or development of a permitted use may require
6 approvals including but not limited to land clearing, grading, plumbing, mechanical and building
7 permits. The procedures for applying for such approvals shall be as set forth in BMC Title [11](#),
8 Administration of Development Regulations.
- 9 D. If the letter “C,” for “Conditional,” appears in the box at the intersection of a column and a
10 row, the use is allowed subject to conditional use permit procedures and requirements and other
11 development and operational requirements of this and other applicable titles. The conduct or
12 development of a conditional use shall require approval of a conditional use permit in addition to
13 other approvals as set forth in subsection C of this section. Procedures for applying for a
14 conditional use permit shall be as set forth in Chapter [12.28](#) BMC and BMC Title [11](#),
15 Administration of Development Regulations.
- 16 E. If a number appears in the box describing the use, or in the box at the intersection of a column
17 and a row, the use is subject to specific development and/or operational requirements which may
18 be in addition to or in place of general requirements of this and other applicable titles. Such use-
19 specific requirements typically follow the table and correspond to the number in the table, although
20 some such requirements, such as those for specialized senior housing, are set forth in separate
21 chapters.
- 22 F. Where multiple zoning classifications are combined (e.g., OP, LI), the most permissive [land](#)
23 [use](#) regulations of the individual zoning classifications shall apply, unless specifically provided
24 otherwise [or as stipulated within a subarea regulation](#). For example, if a use is not permitted in
25 the OP zone but is permitted in the LI zone, the use is permitted on land zoned OP, LI.
- 26 G. Any proposed use not listed in the table shall be classified by the community development
27 director as permitted, conditional, or not permitted, based on the listed use to which the proposed
28 use is most similar. If the community development director determines that the proposed use is
29 not similar to any use in the table, the proposed use shall not be permitted. The determination of
30 the community development director shall be appealable to the hearing body.
- 31 H. Permitted uses as established by this chapter may be modified by subarea regulations. (Ord.
32 1946 § 2, 2005; Ord. 1815 § 1, 2000; Ord. 1685, 1997; Ord. 1629 § 1, 1996).

33

34

*****No other changes to 12.06*****

35

36

Chapter 12.14
AREA, DIMENSIONS AND DESIGN

Sections:

- [12.14.010](#) Purpose.
- [12.14.020](#) Interpretation of tables.
- [12.14.030](#) Residential area and dimensions.
- [12.14.040](#) Commercial and industrial dimensions.
- [12.14.050](#) Setbacks – General measurement method.
- [12.14.060](#) Setbacks – Adjoining alleys.
- [12.14.070](#) Setbacks – Applying to specific building or use.
- [12.14.080](#) Setbacks – Modifications.
- [12.14.085](#) Setbacks – Offspring lot setbacks applicable within attached residential zones.
- [12.14.090](#) Setbacks – Projections and facilities allowed.
- [12.14.100](#) Setbacks – Panhandle lots.
- [12.14.110](#) Building height – General measurement method.
- [12.14.120](#) Building height – Exceptions to limit.
- [12.14.130](#) Building limitations – Accessory buildings and structures.
- 12.14.135 Floor area ratios**
- [12.14.135](#) Accessory dwelling units.
- [12.14.140](#) Building and hard surface coverage.
- [12.14.150](#) Fences and freestanding walls.
- [12.14.152](#) Retaining walls, rockeries, and other retaining structures.
- [12.14.155](#) Storage space and collection points for recyclables and garbage.
- [12.14.160](#) Lot divided by zone boundary.
- [12.14.170](#) Site and exterior building design, generally.
- [12.14.180](#) Site design.
- [12.14.190](#) Exterior building design.
- [12.14.200](#) Exterior building design – Multiple-family residential.
- [12.14.210](#) Exterior building design – Commercial and industrial.
- [12.14.220](#) Exterior building design – Multifamily residential, commercial or industrial development abutting single-family residential zoning.
- [12.14.230](#) Design of developments on or adjacent to historic register or historic inventory properties.
- [12.14.240](#) Exterior lighting.
- [12.14.250](#) Alternative energy infrastructure.

12.14.010 Purpose.

The purpose of this chapter is to establish area, dimension and design regulations which comply with and implement the goals and policies of the Imagine Bothell... Comprehensive Plan with respect to the desired intensity and appearance of development within the city's residential, commercial and industrial areas. (Ord. 2171 § 3 (Exh. C), 2015; Ord. 2053 § 3 (Exh. C), 2010; Ord. 1876 § 2, 2002; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).

Attachment 2B

1 **12.14.020 Interpretation of tables.**

2 A. BMC [12.14.030](#) and [12.14.040](#) contain city-wide general density and dimension standards
 3 for the various zones. Subarea regulations may establish specific and different density and
 4 dimensional standards and take precedent over city-wide regulations. Methods for measuring
 5 these city-wide standards are set forth in this Chapter BMC 12.14.050 through 12.14.140.

6 B. The area and dimension standards are arranged in a table for each of two general land use
 7 categories:

- 8 1. Residential;
- 9 2. Commercial/industrial.

10 C. Development standards are listed down the left side of both tables, and the zones are listed
 11 at the top. The matrix cells contain the area and dimensional requirements of each zone. All
 12 dimensions are measured in lineal feet, and all areas are measured in square feet. The
 13 parenthetical numbers in the matrix identify specific requirements or other information which is
 14 set forth following the matrix. (Ord. 2171 § 3 (Exh. C), 2015; Ord. 2053 § 3 (Exh. C), 2010; Ord.
 15 1876 § 2, 2002; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).

16 **12.14.030 Residential area and dimensions.**

17 A. Development Standards Table.

Residential Development Standards (1)	Zoning Classification								R-AC (always in combination with OP, NB, CB, and/or LI)
	R 40,000	R 9,600	R 8,400	R 7,200	R 5,400d	R 5,400a	R 4,000	R 2,800	
Minimum lot area per single- family dwelling unit (square feet) (2)(10)(11)	40,000	9,600 avg.; 8,400 min. per BMC 12.14.030 (B)(2)	8,400	7,200	5,400	None	None	None	None
Minimum land area per multifamily dwelling unit (square feet) (3)						5,400	4,000	2,800	None (9)
<u>Maximum lot area per single family dwelling unit (square feet) (X)</u>	<u>150% of underlying zone</u>	<u>150% of underlying zone</u>	<u>150% of under- lying zone</u>	<u>150% of under- lying zone</u>	<u>150% of under- lying zone</u>				

Attachment 2B

Residential Development Standards (1)	Zoning Classification								
	R 40,000	R 9,600	R 8,400	R 7,200	R 5,400d	R 5,400a	R 4,000	R 2,800	R-AC (always in combination with OP, NB, CB, and/or LI)
<u>Minimum density (6)</u>						<u>150% of underlying zone</u>	<u>150% of underlying zone</u>	<u>150% of underlying zone</u>	<u>As established for designated centers (6)</u>
Minimum lot circle diameter (4)	150	70 – 80 per BMC 12.14.030 (B)(4)	70	60	50	None	None	None	None
Minimum front yard setback (5)(10)	30	20	20	20	20	20	20	20	See BMC 12.14.040(A)
Minimum rear yard setback (5)(10)	35	15	15	15	15	15	25	25	
Minimum side yard setback: One side yard Combined side yards (5)(10)(11)	5 15	5 15	5 15	5 15	5 15	5 15	5 15	5 15	
Maximum building height (6)	30 35 in certain situations (6)	30 35 in certain situations (6)	30 35 in certain situations (6)	30 35 in certain situations (6)	30 35 in certain situations (6)	30 35 in certain situations (6)	35	35, or as established for designated centers (6)	As established for designated centers (6)
Maximum building coverage (7)	35%	35%	35%	35%	35%	50%	50%	50%	See BMC 12.14.040(A)
Maximum accessory building coverage (8)	5%	5%	5%	5%	5%	5%	5%	5%	See BMC 12.14.040(A) (no limit except for landscaping requirements)
	35%	45%	50%	65%	70%	70%	75%	75%	80%

Attachment 2B

Residential Development Standards (1)	Zoning Classification								
	R 40,000	R 9,600	R 8,400	R 7,200	R 5,400d	R 5,400a	R 4,000	R 2,800	R-AC (always in combination with OP, NB, CB, and/or LI)
Maximum hard surface coverage (7)	The area within the front yard setback shall not contain any hard surface except for driveways, walkways, and structures allowed to project into the setback in accordance with BMC 12.14.090 . If critical areas are present anywhere on the property, impervious surface coverage is further regulated by BMC Title 14 , Environment.				If critical areas are present anywhere on the property, impervious surface coverage is further regulated by BMC Title 14 , Environment.				

B. Notes.

1. General Notes.

- a. Where a district combines multiple zoning classifications (e.g., R-AC, OP, CB), the most permissive standards of the individual zoning classifications shall apply.
- b. Development standards may be modified through the planned unit development process. See Chapter [12.30](#) BMC.
- c. Development standards for mobile/manufactured home parks are contained in Chapter [12.08](#) BMC.

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.
- 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.
- 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;

Attachment 2B

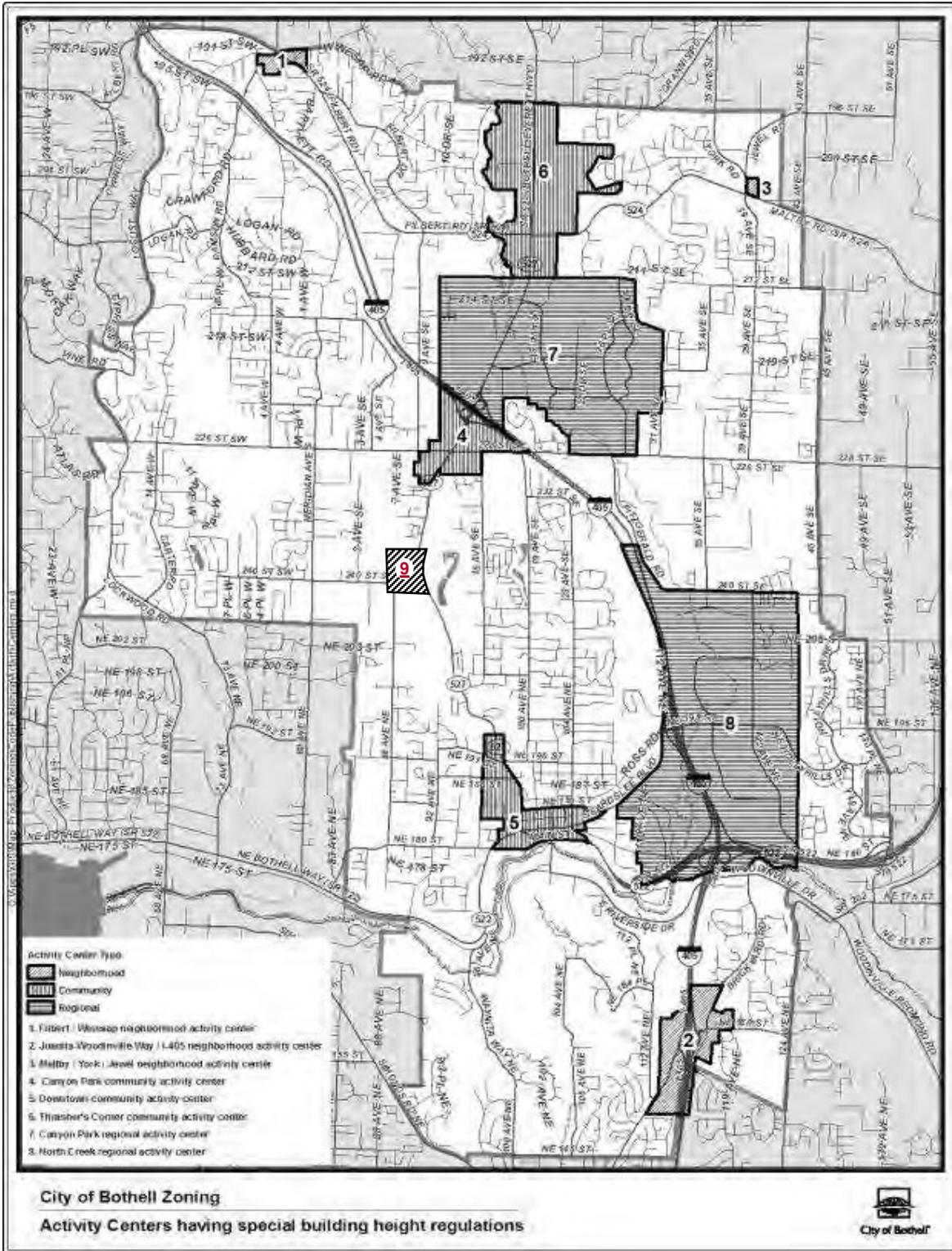
- 1 (2) A subdivision of five or more lots may contain larger lots to accommodate
2 phasing of the subdivision; provided, that at completion of all phases, the
3 subdivision complies with this subsection;
- 4 (3) A subdivision of five or more lots may contain a larger lot to permit the
5 preexisting house and any related outbuildings and grounds to be retained intact
6 on one property;
- 7 (4) These maximum lot size regulations do not apply to any common tracts for
8 critical area protection, open space retention, storm water retention/detention or
9 other purposes as may be required by the city as a condition of subdivision
10 approval.
- 11 d. Land area in roads and other rights-of-way, critical areas, critical area buffers, or
12 land dedicated to the city, shall not be included in any proposed single-family lot,
13 unless so stated in the conditions of an approved planned unit development, in
14 accordance with Chapter [12.30](#) BMC.
- 15 e. Land in an access easement, utility easement, or other form of easement which
16 is not set aside as a separate tract shall be counted as part of the area of a parcel for
17 the purpose of calculating minimum lot area.
- 18 3. Multifamily Minimum and Maximum Density.
- 19 a. In the R 5,400a through R 2,800 zones, one dwelling unit shall be allowed for
20 each whole number multiple of the stated minimum land area per multifamily dwelling
21 unit except as otherwise may be permitted under an approved conditional use permit
22 for specialized senior housing, in accordance with Chapter [12.10](#) BMC.
- 23 b. In order to promote efficient use of land, no multifamily development **in the R**
24 **5,400a through R 2,800 zones** shall contain fewer units than would result if the total
25 number of units were calculated at one and one-half times the minimum land area
26 per multifamily dwelling unit for the zoning classification in which the subject property
27 is located, except as follows:
- 28 (1) The total number of units may be fewer than as required above if the
29 development is proposed to be phased; provided, that at completion of all
30 phases, the development complies with the above requirements;
- 31 (2) These minimum density regulations do not apply to any
32 multifamily/commercial combination zoning classification (e.g., R 2,800, OP,
33 CB);
- 34 (3) These minimum density regulations do not apply to any common tracts for
35 critical area protection, open space retention, storm water retention/detention or
36 other purposes as may be required by the city as a condition of development
37 approval.
- 38 c. In the R-AC zone, minimum residential density shall be consistent with the
39 applicable subarea regulations.
- 40 d. In the R 5,400a through R 2,800 zones, land area in critical areas, critical area
41 buffers, or land dedicated to the city shall not be counted in the calculation of number
42 of units or offspring lots allowed, unless so stated in the conditions of an approved
43 planned unit development, in accordance with Chapter [12.30](#) BMC.

Attachment 2B

- 1 d. Land in an access easement, utility easement, or other form of easement which
- 2 is not set aside as a separate tract shall be counted as part of the area of a parcel for
- 3 the purpose of calculating number of units allowed.
- 4 4. Each lot must be of sufficient size to fully accommodate the diameter circle specified
- 5 in the development standards table under this section for the underlying zoning
- 6 designation except as may otherwise be permitted under an approved planned unit
- 7 development, in accordance with Chapter [12.30](#) BMC or under Fitzgerald/35th Avenue
- 8 SE Subarea regulations in accordance with Chapter [12.52](#) BMC. In the R 9,600 zone, the
- 9 lot circle diameter shall be 80 feet for lots of 9,600 square feet or larger, and shall decrease
- 10 proportionally with smaller lot sizes to a minimum diameter of 70 feet for lots of 8,400
- 11 square feet. Critical areas as defined under Chapter [14.04](#) BMC and their associated
- 12 buffers shall not be included within the lot circle.
- 13 5. Setbacks.
- 14 a. "Setback" shall mean the distance from the lot line to the point where a structure
- 15 may be constructed, not including those structures permitted under BMC [12.14.090](#)
- 16 to project into the setback. The area between a lot line and a setback is a yard.
- 17 Setbacks shall be in accordance with BMC [12.14.050](#) through [12.14.100](#).
- 18 b. Garages, carports, and other structures whose intent is to house or provide
- 19 parking for vehicles shall be set back from streets and access tracts a minimum of
- 20 20 feet.
- 21 c. Special setbacks apply to specific building types, uses and accessory structures.
- 22 See BMC [12.14.070](#).
- 23 6. ~~Specific building height, minimum residential densities and minimum floor area~~
- 24 ~~ratios shall be measured as set forth in BMC [12.14.110](#) through [12.14.130](#). Special~~
- 25 ~~building height regulations may apply to certain activity centers and within certain~~
- 26 ~~residential zones~~ as follows:
- 27 a. Within the following activity centers identified in the Imagine Bothell...
- 28 Comprehensive Plan and illustrated in Figure 12.14-0:
- 29 (1) Filbert/Winesap neighborhood activity center, in accordance with [Chapter](#)
- 30 [12.72](#) BMC ~~[12.72.030](#)~~.
- 31 (2) Juanita-Woodinville Way/I-405 neighborhood activity center, in
- 32 accordance with [Chapter 12.60](#) BMC ~~[12.60.040](#) and [12.66.035](#)~~.
- 33 (3) Maltby/York/Jewel neighborhood activity center, in accordance with
- 34 [Chapter 12.74](#) BMC ~~[12.74.050](#)~~.
- 35 (4) Canyon Park community activity center, in accordance with [Chapter 12.44](#)
- 36 and [12.48](#) BMC ~~[12.44.020](#) and [12.48.040](#)~~.
- 37 (5) Downtown community activity center, in accordance with [Chapter 12.64](#)
- 38 BMC ~~[12.64.202](#) Building Height (Downtown-Specific Definition)~~.
- 39 (6) Thrasher's Corner community activity center, in accordance with [Chapter](#)
- 40 [12.48](#) and [12.74](#) BMC ~~[12.48.020](#) and [12.74.040](#)~~.
- 41 (7) Canyon Park regional activity center, in accordance with [Chapter 12.48](#)
- 42 BMC ~~[12.48.030](#)~~.
- 43 (8) North Creek regional activity center, in accordance with [Chapter 12.56](#)
- 44 BMC ~~[12.56.080](#)~~.

1
2
3

(9) Country Village / Bothell-Everett Highway / Lake Pleasant Red Barn neighborhood activity center in accordance with Chapter 12.46 BMC.



4

Attachment 2B

Fig. 12.14-0

b. Within the R 40,000, R 9,600, R 8,400, R 7,200, R 5,400d, and R 5,400a zones, single-family residential structures which incorporate peaked roofs having a minimum roof pitch of four feet vertical for every 12 feet horizontal (4:12) may be up to 35 feet in height under any of the following conditions:

(1) Lots within subdivisions of five lots or greater that are recorded after October 27, 2007, and are 50 feet or more from the exterior boundary of said subdivision; provided, however, that this 50-foot limitation shall not apply under any of the following circumstances:

(A) Where the subdivision applicant or subsequent lot purchaser receives permission from the adjacent property owner or owners to allow structures up to 35 feet tall within the 50 feet, and a notarized copy of said permission is provided to the city; or

(B) Where the subdivision is adjacent to a property which is undeveloped; or

(C) Where the subdivision is adjacent to an open space tract which is at least 50 feet wide and dedicated as part of an adjacent development; or

(D) Where the subdivision is adjacent to property which is zoned R 40,000 through R 5,400a and contains a nonresidential use such as a church, school or municipal use; or

(E) Where the subdivision is adjacent to multifamily or nonresidential zoning which permits structures at least 35 feet in height; or

(F) Where the subdivision is adjacent to another subdivision qualifying for 35-foot-tall structures under these regulations; or

(G) Where the subdivision is adjacent to a public right-of-way at least 50 feet in width; or

(H) Where a 12-foot-wide Type II landscape buffer tract plus a 25-foot setback are provided; or

(2) On existing lots of record when each adjacent property meets at least one of the following criteria:

(A) The primary residential structures on the adjacent property are at least 50 feet from the boundary of the subject lot; or

(B) The adjacent property is zoned R 40,000 through R 5,400a and contains a nonresidential use such as a church, school or municipal use; or

(C) The adjacent property has multifamily or nonresidential zoning which permits structures at least 35 feet in height; or

(D) The adjacent property is a subdivision which qualifies for 35-foot-tall structures under these regulations; or

(3) On existing lots of record when a 12-foot-wide Type II landscape buffer plus a 25-foot setback are provided on the subject property.

Attachment 2B

7. Building and hard surface coverage shall be measured as set forth in BMC [12.14.140](#). For the purposes of this section, driveways within the front yard setback shall be no wider than necessary to accommodate three vehicles across, and walkways within the front yard setback shall not exceed five feet in width.

a. Notes. Hard surfaces legally established on a site prior to December 31, 2016, and which exceed the limits set forth in this section and BMC [12.14.040](#) shall be subject to nonconforming provisions of Chapter [12.26](#) BMC.

b. In determining the building and hard surface coverage for a panhandle lot, the handle or access portion of the lot shall not be used to determine hard surface coverage. Building and hard surface coverage shall be measured as though no handle was on the lot.

8. Accessory building coverage shall be measured as set forth in BMC [12.14.130](#). When combined, the primary and accessory building coverage shall not exceed the maximum building coverage as established above. Garages and carports located in R-8,400, R-7,200 and R-5,400d zoned properties may exceed the five percent coverage limitation, provided the garage or carport is 480 square feet in area or less. Combined garages and carports in R-5,400a, R-4,000 and R-2,800 zoned properties shall not be subject to the 480-square-foot maximum, but are limited to an area no greater than five percent of the lot area.

Detached accessory dwelling units may exceed the five percent coverage limitation, as long as they meet the size limits in BMC [12.14.135\(B\)\(5\)\(a\)](#).

9. Within the R-AC zoning classification, **minimum residential no specific** density is prescribed **in the applicable subarea regulations**. The **maximum** number of dwelling units attainable shall be controlled by **the applicable** site and building envelope design regulations.

10. Lands with a zoning classification of R 5,400a, R 4,000, R 2,800, DC, DT, DN, GDC, or R-AC where offspring lots are proposed to be created within a parent site through the subdivision provisions of BMC Title [15](#) may apply setback dimensions to the offspring lots as set forth in BMC [12.14.085](#).

11. Within specific subareas duplexes shall be allowed on individual lots to meet affordable housing requirements (see Chapter [12.07](#) BMC). Such duplexes do not need to meet the side yard setbacks for the common walls between dwelling units, but all duplex lots shall provide all setbacks from adjacent property lines pursuant to subsection A of this section. (Ord. 2258 § 2, 2018; Ord. 2255 § 3, 2018; Ord. 2252 §§ 6, 7, 2018; Ord. 2200 § 2 (Exh. B), 2016; Ord. 2171 § 3 (Exh. C), 2015; Ord. 2140 § 2 (Exh. B), 2014; Ord. 2123 § 2 (Exh. B), 2013; Ord. 2053 § 3 (Exh. C), 2010; Ord. 2043 § 2 (Exh. B), 2010; Ord. 1995 § 1, 2008; Ord. 1988 § 1, 2008; Ord. 1980 § 2, 2007; Ord. 1946 § 2, 2005; Ord. 1876 § 2, 2002; Ord. 1871 § 1, 2002; Ord. 1815 § 1, 2000; Ord. 1798 § 1, 2000; Ord. 1629 § 1, 1996).

12.14.040 Commercial and industrial dimensions.

A. Development Standards Table.

Attachment 2B

Commercial and Industrial Development Standards (1)	Zoning Classification				
	OP	NB	CB	GC	LI
Minimum front yard setback (2)	Setbacks shall be the distance required for landscaping, in accordance with Chapter 12.18 BMC, except as otherwise provided under BMC 12.14.080				
Minimum rear yard setback (2)					
Minimum side yard setback (2)					
Maximum building height (3)	35, or as established for designated centers (3)	35, or as established for designated centers	35, or as established for designated centers (3)	35	35, or as established for designated centers (3)
Floor area ratios (3)	As established for designated centers	As established for designated centers	As established for designated centers	As established for designated centers	As established for designated centers
Maximum building coverage (4)	100%, except for any required landscaping, in accordance with Chapter 12.18 BMC, and required critical areas and their buffers, in accordance with BMC Title 14 , Environment				
Maximum hard surface coverage (4)					

B. Notes.

1. General Notes.

a. Where a district combines multiple zoning classifications (e.g., R-AC, OP, CB), the most permissive standards of the individual zoning classifications shall apply provided, however, that within activity centers, minimum density and/or floor area ratio requirements as established within the applicable subarea regulations shall be met.

b. Development standards may be modified through the planned unit development process consistent with Chapter 12.30 BMC.

2. Setbacks shall be in accordance with BMC [12.14.050](#) through [12.14.100](#).

3. Specific bBuilding height, minimum residential densities, and minimum floor area ratios shall be measured as set forth in BMC [12.14.110](#) through [12.14.130](#). Special building height regulations may apply in the following activity centers identified in the Imagine Bothell... Comprehensive Plan and illustrated in Figure 12.14-0:

a. Canyon Park community activity center, in accordance with [Chapter 12.44 and 12.48](#) BMC ~~[12.44.020](#) and [12.48.040](#)~~.

b. Thrasher’s Corner community activity center, in accordance with [Chapters 12.48 and 12.74](#) BMC ~~[12.48.020](#) and [12.74.040](#)~~.

c. Canyon Park regional activity center, in accordance with [Chapter 12.48](#) BMC ~~[12.48.030](#)~~.

d. North Creek regional activity center, in accordance with [Chapter 12.56](#) BMC ~~[12.56.080](#)~~.

- e. Downtown community activity center, in accordance with Chapter 12.64 BMC 12.64.202, Building Height (Downtown-Specific Definition).
- f. Juanita-Woodinville Way/I-405 neighborhood activity center, in accordance with Chapter 12.60 and 12.66 BMC 12.60.025 and 12.66.035.
- g. Filbert/Winesap neighborhood activity center, in accordance with Chapter 12.72 BMC 12.72.030.
- h. Maltby/York/Jewel neighborhood activity center, in accordance with Chapter 12.74 BMC 12.74.050.
- i. Country Village / Bothell-Everett Highway / Lake Pleasant Red Barn neighborhood activity center in accordance with Chapter 12.46 BMC.

4. Building and hard surface coverage shall be measured as set forth in BMC 12.14.140. (Ord. 2200 § 2 (Exh. B), 2016; Ord. 2171 § 3 (Exh. C), 2015; Ord. 2053 § 3 (Exh. C), 2010; Ord. 2043 § 2 (Exh. B), 2010; Ord. 1876 § 2, 2002; Ord. 1871 § 1, 2002; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).

No changes to 12.14.050 through 12.14.130

12.14.135 Floor Area Ratios

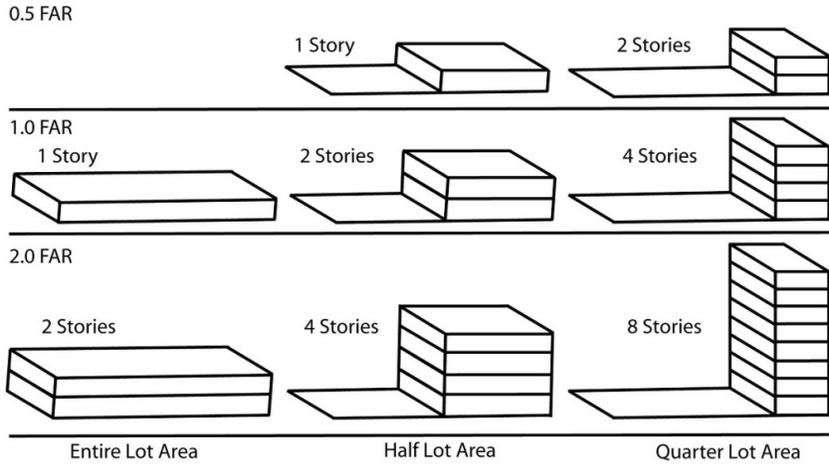
Floor area ratio (FAR) is a mechanism for establishing a relationship between the floor area of a building and the size of the parcel upon which the building is located.

A. FAR is calculated using the following method:

1. First, determine the net buildable area of the site pursuant to 12.14.030(B)(3).
2. Second, determine the total square footage of all enclosed and temperature controlled portions of the proposed, existing or any combination thereof building(s) located on the subject parcel. Square footage within the building(s) dedicated for parking, parking garages, drive aisles, and interior recreation purposes consistent with 12.20.020 are exempt from the FAR ratio.
3. Finally, divide the floor area by the net buildable site area using similar units of measure to derive at the floor area ratio.
4. For example, a 10,000 square foot parcel within an activity center that requires a minimum FAR of 0.60, establishes that the minimum square footage of temperature controlled and enclosed building area must be at least 6,000 square feet.

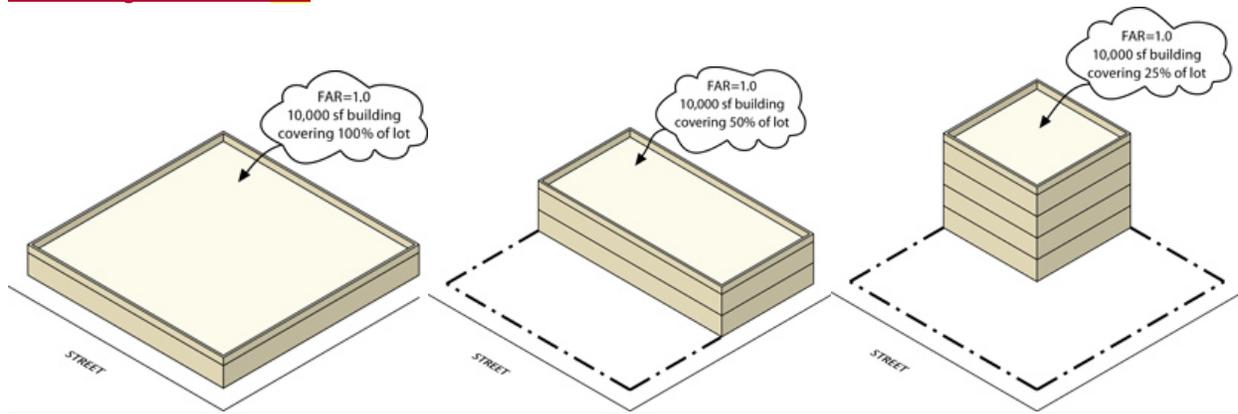
B. Visual examples of FAR:

Attachment 2B



1
2
3

Draft - Figure 12.14-XX



4
5
6

Draft - Figure 12.14-XX

- 7
- 8 C. FAR Transference. Square footage of building used to satisfy the floor area ratio may be
- 9 located anywhere within the subject property and may further be transferred across
- 10 contiguous or non-contiguous parcels provided the parcels are included as part of an overall
- 11 development, the FAR transfer runs with the land in perpetuity, and transfer documents shall
- 12 be recorded with the applicable County. This provision does not relieve an applicant from
- 13 compliance with all other applicable provisions of the Code.
- 14 D. Mixed Use Developments. Where residential and non-residential uses are combined within
- 15 one or more buildings on a single parcel or development area, the mix of minimum residential
- 16 density and non-residential floor area ratio shall be established within the subarea regulations.

17
18
19

*****No changes to 12.14.140 through 12.14.250*****

Chapter 12.26

NONCONFORMING USES, STRUCTURES AND OTHER IMPROVEMENTS

Sections:

- [12.26.010](#) Purpose.
- [12.26.020](#) Applicability.
- [12.26.030](#) Determination of nonconformance.
- [12.26.040](#) Nonconforming uses of land.
- [12.26.050](#) Nonconforming structures and other improvements.
- [12.26.060](#) Maintenance repair or reconstruction of damaged nonconforming structures or other improvements.
- [12.26.070](#) Lots of record.
- [12.26.080](#) Illegal use, structure, or other improvement.

*****No changes to 12.26.010 through 12.26.040*****

12.26.050 Nonconforming structures and other improvements.

If, at the effective date of the ordinance codified in this title or any amendment thereto, a lawful structure or other improvement exists which is made no longer permissible under the terms of this title or amendment thereto, such structure or other improvement may be continued as a nonconforming structure or other improvement so long as it remains otherwise lawful, subject to the following conditions:

A. No nonconforming structure or other improvement shall be altered or changed in a way which increases its nonconformity.

B. Non-conforming structures in existence on or before [effective date of ordinance] which propose an increase in building area are exempt from complying with the floor area ratio required within the applicable subarea plan.

C. Upkeep, repairs and maintenance of a nonconforming structure or other improvement shall be permitted. (Ord. 1817 § 2, 2000; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).

*****No changes to 12.26.060 through 12.26.080*****

1 **Chapter 12.30**
2 **PLANNED UNIT DEVELOPMENTS**

3 Sections:

4 [12.30.030](#) Permissive modifications of regulations – Generally.

5 *****No changes to 12.30.010 and 12.30.020*****

6 **12.30.030 Permissive modifications of regulations – Generally.**

7 In considering a proposed planned unit development project, the approval thereof may involve
8 modifications in the site development regulations, requirements and standards of this title,
9 Zoning, and BMC Title [17](#), Transportation, as identified within this chapter. In modifying such
10 regulations, requirements and standards as they may apply to a planned unit development
11 project, the limitations set forth in this section shall apply to all PUDs. In order to be granted any
12 such modifications, the applicant shall demonstrate that the proposed development complies
13 with the purpose of this chapter as stated in BMC [12.30.010](#). The applicant shall bear the
14 burden of supporting any change in requirements. The city may increase any requirement
15 necessary to make the project conform to the purposes of this chapter.

16 A. Front Yard Setbacks. The requirements for minimum front yard setbacks for the zone in
17 which the planned unit development is located shall apply to all exterior boundary lines of the
18 site.

19 B. Distance between Buildings. The requirements for minimum side and rear yard setbacks
20 may be modified; provided, that minimum distances required by the International Building Code
21 and Fire Code shall be met.

22 C. Building Height. Building height and any corresponding setback requirements related to
23 building height shall be governed by the requirements of the underlying zoning classification as
24 set forth in Chapter [12.14](#) BMC or any applicable subarea regulation.

25 **D. Minimum density and minimum floor area ratios in designated activity centers shall be**
26 **governed by the requirements of the applicable subarea regulations wherein the development is**
27 **located and shall not be modified.** (Ord. 2221 § 2 (Exh. B), 2017; Ord. 2215 § 3 (Exh. B3), 2016;
28 Ord. 2117 § 2 (Exh. B), 2013; Ord. 2028 § 1 (Exh. B), 2009; Ord. 1815 § 1, 2000; Ord. 1629 § 1,
29 1996. Formerly 12.30.210.).

30
31 ***** No changes to 12.30.040 through 12.30.250*****
32
33

Chapter 12.48
CANYON PARK SUBAREA REGULATIONS

Sections:

- [12.48.010](#) Purpose.
- [12.48.020](#) R-AC, OP, CB zoning south of Filbert and Maltby roads.
- [12.48.030](#) R-AC, OP, CB zoning northeast of I-405 – R-AC, OP, LI zoning in central portion of subarea – R-AC, OP, LI zoning in west-central portion of subarea.
- [12.48.040](#) R-AC, OP, CB zoning in southwest corner of subarea.
- [12.48.050](#) R-AC, OP, CB, LI zoning in north central portion of the subarea.
- [12.48.060](#) Motor vehicle sales overlay. **– Not shown**

12.48.010 Purpose.

Subarea zoning regulations implement subarea-specific policies in the Imagine Bothell... Comprehensive Plan. The subarea zoning regulations in this chapter apply specifically to land within the Canyon Park Subarea. Subarea zoning regulations are in addition to city-wide zoning regulations or, where more restrictive, take the place of city-wide zoning regulations. (Ord. 2171 § 3 (Exh. C), 2015; Ord. 1946 § 2, 2005; Ord. 1685, 1997; Ord. 1629 § 1, 1996).

Note:

The lands identified below include Fred Meyer, Walgreens, Discount Tire, Key Bank, and lands north of those buildings and requires any building exceeding 35 feet in height provide structure parking equal to 40% of the floor area and retail/office use square footage equal to 10% of the average first floor square footage.

Accordingly, a mixed-use development proposed in this area would either:

- Provide the minimum residential density with the minimum floor area ratio satisfied through compliance with 12.48.020(B)(1); or*
- Achieve a minimum floor area ratio of 1.0; or*
- Apply a flexible threshold where the development either meets the minimum residential density or minimum non-residential floor area ratio and filling-in the rest of the development with either residential densities or non-residential FARs at the applicant's discretion.*

12.48.020 R-AC, OP, CB zoning south of Filbert and Maltby roads.

A. Buffers. Development shall provide a buffer adjacent to residential development to the east and west. Such a buffer may consist of the existing wetlands in the east and west borders of this area. See also subsection B of this section.

B. Building Height.

1. Maximum building height shall be 35 feet, but may be increased **up** to 65 feet if both of the following conditions are met:

- a. At least 40 percent of the gross floor area of the average story within the building (total building gross floor area divided by the number of stories) is devoted to parking either within or under the building or within a separate parking structure;

Attachment 2B

b. At least 10 percent of the gross floor area of the average story within the building (total building gross floor area divided by number of stories) is devoted to externally oriented at-grade space for retail uses, eating and drinking establishments, recreation, culture and entertainment uses, personal services, and/or other similar businesses which are characterized by regular and frequent patronage during the course of the normal business day. "Externally oriented" for the purposes of this regulation shall mean having a door opening directly to the outside. This requirement may be reduced or waived by the community development director for individual buildings within multiple-building developments if it can be demonstrated to the satisfaction of the director that the total amount of the above-described space within the development would comprise at least as much space as the combined total of the minimum required amounts of such space for all of the individual buildings in the development.

2. When buildings exceed 35 feet, in accordance with subsection (B)(1) of this section, the mandatory setbacks from, and mandatory landscaping buffers adjacent to, any abutting R zoning (not including combination zones) shall be increased as follows:

a. The mandatory setbacks from any abutting R zoning, as set forth in BMC [12.14.070\(D\)](#), shall be increased three feet horizontally for each foot of building height exceeding 35 feet. These increased setbacks shall apply to the entire building, rather than only to those portions of the building which may be higher than 35 feet. Where the property zoned OP, CB abuts R zoning along a street, the increased setbacks shall be measured from the street property line of the property zoned OP, CB.

b. The mandatory landscaping buffers adjacent to any abutting R zoning, as set forth in BMC [12.18.110](#), shall be increased 0.25 feet (three inches) for each foot of building height exceeding 35 feet, up to a maximum of 10 feet of additional landscaping. In such cases, the entire buffer shall consist of Type I landscaping.

3. Building height shall be measured as set forth in BMC [12.14.110](#) through [12.14.130](#).

Note:

Option 3c is an approach that is discussed in the Staff Memorandum and would give a mixed-use development applicant the discretion to meet either the minimum residential density or the minimum non-residential FAR and then fill-in the rest of the development with other land uses based upon market demand.

C. Minimum residential density and minimum floor area ratio

1. Development proposing primarily residential uses shall achieve a minimum density of [35] dwelling units per net acre with the maximum density controlled by the site and building envelope regulations of this section.

2. Development proposing exclusively non-residential uses, shall achieve a minimum floor area ratio of [0.5].

3. Mixed use developments proposing both residential and non-residential uses shall:

a. Achieve the minimum residential density, with the minimum non-residential floor area ratio being satisfied through compliance with 12.48.040(A)(1); or

b. Achieve a minimum floor area ratio of [1.0]; or

1 c. Either fully provide non-residential land uses at the minimum floor area ratio of 0.5,
2 and then apply a reduced residential density, or fully provide the minimum residential
3 density of 35 units per net acre and then provide non-residential land uses at a
4 reduced floor area ratio.
5

6 **Note:**

7 *The section below encompasses the Canyon Park Business Center / Park (CPBC). The CPBC*
8 *portion of Canyon Park is subject to private Conditions Covenants & Restrictions (CC&Rs) which*
9 *currently restrict residential uses to specific locations. The R-AC is applied to lands that are*
10 *subject to these CC&R residential prohibitions.*

11
12 *Recently three proposals for residential developments were submitted in areas where the CPBC*
13 *CC&Rs allow residential uses.*

14
15 *This area is not subject to the 40% structured parking and 10% retail/service space for buildings*
16 *taller than 35 feet. Therefore, mixed-use developments must achieve a minimum FAR of 1.0 or*
17 *other options as discussed below.*

18 **12.48.030 R-AC, OP, CB zoning northeast of I-405 – R-AC, OP, LI zoning in central portion**
19 **of subarea – R-AC, OP, LI zoning in west-central portion of subarea.**

20 A. Access. Development having frontage on SR-527 shall incorporate internal access from
21 property to property and shared driveways to minimize access points on SR-527.

22 B. Building Height. Maximum building height shall be 65 feet for buildings containing residential
23 uses and 100 feet for buildings containing nonresidential uses, except that buildings may be up
24 to 150 feet to accommodate manufacturing processes which require structures taller than 100
25 feet. In such cases, the applicant shall demonstrate why the process cannot be conducted in a
26 building of 100 feet or less. Only that portion of the structure containing the manufacturing process
27 may exceed 100 feet; offices and other areas of intensive employee activity are prohibited above
28 this height.

29 When buildings exceed 35 feet, the mandatory setbacks from, and mandatory landscaping buffers
30 adjacent to, any abutting R zoning (not including combination zones) shall be increased as
31 follows:

32 1. The mandatory setbacks from any abutting R zoning, as set forth in BMC [12.14.070\(D\)](#),
33 shall be increased three feet horizontally for each foot of building height exceeding 35 feet.
34 These increased setbacks shall apply to the entire building, rather than only to those
35 portions of the building which may be higher than 35 feet. Where the property zoned R-AC,
36 OP, CB; R-AC, OP, LI; or R-AC, OP, LI abuts R zoning along a street, the increased
37 setbacks shall be measured from the street property line of the property zoned R-AC, OP,
38 CB; R-AC, OP, LI; or R-AC, OP, LI. Building height shall be measured as set forth in BMC
39 [12.14.110](#) through [12.14.130](#).

40 2. The mandatory landscaping buffers adjacent to any abutting R zoning, as set forth in
41 BMC [12.18.110](#), shall be increased 0.25 feet (three inches) for each foot of building height
42 exceeding 35 feet, up to a maximum of 10 feet of additional landscaping. In such cases, the
43 entire buffer shall consist of Type I landscaping.

1 C. Minimum residential density and minimum floor area ratio

2 1. Development proposing primarily residential uses shall achieve a minimum density of
3 [35] dwelling units per net acre with a maximum density controlled by the site and
4 building envelope regulations of this section.

5 2. Non-residential development shall achieve a minimum floor area ratio of [0.5].

6 3. Mixed use developments proposing both residential and non-residential uses shall:

7 a. Achieve a minimum floor area ratio of [1.0]; or

8 b. At the applicant's discretion, either fully provide non-residential land uses at the
9 minimum floor area ratio of 0.5, and then apply a reduced residential density, or fully
10 provide the minimum residential density of 35 units per net acre and then provide
11 non-residential land uses at a reduced floor area ratio.

12
13 (Ord. 2171 § 3 (Exh. C), 2015; Ord. 1946 § 2, 2005; Ord. 1876 § 2, 2002; Ord. 1685,
14 1997; Ord. 1629 § 1, 1996).

15
16 **Note:**

17 *The lands described below include the QFC, PCC, Five Guys Restaurant, Appleby's, Goodyear*
18 *Tire Store, and other retail and service uses and is subject to the 40% structured parking and*
19 *10% retail, office, service use provisions for buildings exceeding 35 feet. Therefore, mixed uses*
20 *would either provide for those features or achieve an FAR of 1.0.*

21 **12.48.040 R-AC, OP, CB zoning in southwest corner of subarea.**

22 A. Building Height.

23 1. Maximum building height shall be 35 feet, but may be increased to 65 feet if both of
24 the following conditions are met:

25 a. At least 40 percent of the gross floor area of the average story within the building
26 (total building gross floor area divided by the number of stories) is devoted to parking
27 either within or under the building or within a separate parking structure;

28 b. At least 10 percent of the gross floor area of the average story within the building
29 (total building gross floor area divided by number of stories) is devoted to externally
30 oriented at-grade space for retail uses, eating and drinking establishments, recreation,
31 culture and entertainment uses, personal services, and/or other similar businesses
32 which are characterized by regular and frequent patronage during the course of the
33 normal business day. "Externally oriented" for the purposes of this regulation shall mean
34 having a door opening directly to the outside. This requirement may be reduced or
35 waived by the community development director for individual buildings within multiple-
36 building developments if it can be demonstrated to the satisfaction of the director that
37 the total amount of the above-described space within the development would comprise
38 at least as much space as the combined total of the minimum required amounts of such
39 space for all of the individual buildings in the development.

40 2. When buildings exceed 35 feet, in accordance with subsection (A)(1) of this section,
41 the mandatory setbacks from, and mandatory landscaping buffers adjacent to, any abutting
42 R zoning (not including combination zones) shall be increased as follows:

Attachment 2B

- 1 a. The mandatory setbacks from any abutting R zoning, as set forth in BMC
2 [12.14.070\(D\)](#), shall be increased three feet horizontally for each foot of building height
3 exceeding 35 feet. These increased setbacks shall apply to the entire building, rather
4 than only to those portions of the building which may be higher than 35 feet. Where the
5 property zoned R-AC, OP, CB abuts R zoning along a street, the increased setbacks
6 shall be measured from the street property line of the property zoned R-AC, OP, CB.
7 b. The mandatory landscaping buffers adjacent to any abutting R zoning, as set forth
8 in BMC [12.18.110](#), shall be increased 0.25 feet (three inches) for each foot of building
9 height exceeding 35 feet, up to a maximum of 10 feet of additional landscaping. In such
10 cases, the entire buffer shall consist of Type I landscaping.

11 **B. Minimum residential density and minimum floor area ratio**

- 12 1. Development proposing primarily residential uses shall achieve a minimum density of
13 [35] dwelling units per net acre with the maximum density controlled by the site and
14 building envelope regulations of this section.
15 2. Development proposing exclusively non-residential uses, shall achieve a minimum floor
16 area ratio of [0.5].
17 3. Mixed use developments proposing both residential and non-residential uses shall:
18 a. Achieve the minimum residential density, with the minimum non-residential floor
19 area ratio being satisfied through compliance with 12.48.040(A)(1); or
20 b. Achieve a minimum floor area ratio of [1.0]; or
21 c. At the applicant's discretion, either fully provide non-residential land uses at the
22 minimum floor area ratio of 0.5, and then apply a reduced residential density, or fully
23 provide the minimum residential density of 35 units per net acre and then provide
24 non-residential land uses at a reduced floor area ratio.

25
26 (Ord. 2171 § 3 (Exh. C), 2015; Ord. 1946 § 2, 2005; Ord. 1876 § 2, 2002; Ord. 1685, 1997;
27 Ord. 1629 § 1, 1996).

28
29 **Note:** *The area described below includes Red Robin, Panera Bread, Read's Spaghetti, Bothell*
30 *Operations Center, and some lands within the CPBC such as the Pacific Medical Center Building*
31 *and the properties west of Romac (aka the TIAA site).*

32
33 *This area is not currently required to provide structure parking or the 10% of first floor as*
34 *retail/office uses when buildings exceed 35 feet. Accordingly, even if buildings exceed 35 feet*
35 *those features are not required for mixed-use.*

36
37 **12.48.050 R-AC, OP, CB, LI zoning in north central portion of the subarea.**

- 38 A. Within this designation, any development proposing to implement any of the uses permitted
39 under the Community Business zone are subject to the following special regulations:
40 1. All applications proposing to implement the uses permitted under the Residential-
41 Activity Center and Community Business zoning designation shall be subject to this code
42 including critical areas, site and building design and landscaping regulations.
43 2. Properties located within the **R-AC**, OP, CB, LI zoning designation shall provide for site-
44 to-site vehicle access ways to allow vehicles and pedestrians a smooth flow of traffic across

Attachment 2B

consecutive adjoining properties without the need to use a street. Said access may comprise the aisle between rows of parking stalls.

3. All properties hosting the uses allowed under the Community Business (CB) zone shall be prohibited from creating any connection to the public rights-of-way of 23rd Avenue and 211th Street South East.

B. Building Height. Maximum building height shall be 65 feet for buildings containing residential uses and 100 feet for buildings containing nonresidential uses, except that buildings may be up to 150 feet to accommodate manufacturing processes which require structures taller than 100 feet. In such cases, the applicant shall demonstrate why the process cannot be conducted in a building of 100 feet or less. Only that portion of the structure containing the manufacturing process may exceed 100 feet; offices and other areas of intensive employee activity are prohibited above this height.

When buildings exceed 35 feet, the mandatory setbacks from, and mandatory landscaping buffers adjacent to, any abutting R zoning (not including combination zones) shall be increased as follows:

1. The mandatory setbacks from any abutting R zoning, as set forth in BMC 12.14.070(D), shall be increased three feet horizontally for each foot of building height exceeding 35 feet. These increased setbacks shall apply to the entire building, rather than only to those portions of the building which may be higher than 35 feet. Where the property zoned OP, CB, LI abuts R zoning along a street, the increased setbacks shall be measured from the street property line of the property zoned OP, CB, LI. Building height shall be measured as set forth in BMC 12.14.110 through 12.14.130.

2. The mandatory landscaping buffers adjacent to any abutting R zoning, as set forth in BMC 12.18.110, shall be increased 0.25 feet (three inches) for each foot of building height exceeding 35 feet, up to a maximum of 10 feet of additional landscaping. In such cases, the entire buffer shall consist of Type I landscaping.

C. Minimum residential density and minimum floor area ratio

1. Residential development shall achieve a minimum density of [35] dwelling units per net acre and a maximum density controlled by the site and building envelope regulations of this section.

2. Non-residential development shall achieve a minimum floor area ratio of [0.50].

3. Mixed use developments proposing both residential and non-residential uses shall:

a. Achieve a floor area ratio of [1.0]; or

b. At the applicant's discretion, either fully provide non-residential land uses at the minimum floor area ratio of 0.5, and then apply a reduced residential density, or fully provide the minimum residential density of 35 units per net acre and then provide non-residential land uses at a reduced floor area ratio.

(Ord. 2171 § 3 (Exh. C), 2015; Ord. 1946 § 2, 2005; Ord. 1876 § 2, 2002; Ord. 1853 § 1, 2001. Formerly 12.48.080).

*****No changes to 12.48.060 Motor Vehicle sales overlay*****

Chapter 12.56
NORTH CREEK/NE 195TH STREET SUBAREA REGULATIONS

Sections:

- [12.56.010](#) Purpose.
- [12.56.020](#) North Creek Valley special district – Coterminous with North Creek Valley/NE 195th Street subarea.
- [12.56.030](#) Subdistricts.
- [12.56.040](#) *Repealed.*
- [12.56.050](#) Impervious and hard surface planning allotment.
- [12.56.060](#) Pedestrian and bicycle access.
- [12.56.070](#) Standards relating to freeways.
- [12.56.080](#) Architectural standards, **minimum densities and floor area ratios.**
- [12.56.090](#) Setbacks.
- [12.56.100](#) Landscaping standards.
- [12.56.110](#) Parking standards.
- [12.56.120](#) Nonemergency motor vehicle connections from 112th Avenue NE to roads in Maywood/Beckstrom Hill Subarea prohibited.
- [12.56.130](#) Motor Vehicle Sales Overlay.

*****No changes to 12.56.010 through 12.56.070*****

Note:

All of the business parks within North Creek have Conditions, Covenants and Restrictions (CC&Rs or Covenants) which contain certain land use restrictions. The current version of the Bothell Business Park CC&R's discourages the introduction of retail uses except in limited locations. Because these CC&Rs can be changed at the Owner's Association discretion, the best practice is for the City to apply land use designations and regulations and allow the Owner's Association to adjust the CC&Rs as they deem appropriate.

The North Creek / NE 195 ST Subarea does not contain a provision requiring structured parking or retail and office used for buildings exceeding 35 feet. Accordingly, a requirement to provide a certain amount of building area to such uses is not included in this Subarea.

Further, as discussed in more detail on page 9 of the Staff Memorandum, the Commission is asked to discuss a minimum residential density of either:

- 1) 35 dwelling units per acre*
- 2) 50 dwelling units per acre*

Language applying both densities are included below:

12.56.080 Architectural standards, **minimum densities and floor area ratios.**

Attachment 2B

1 In order to further the purposes of this chapter as set forth in BMC [12.56.010](#), protect property
2 values, minimize discordant and unsightly surroundings and visual blight, avoid inappropriate
3 and poor quality design and to promote aesthetic quality for the community as a whole, in
4 addition to the design standards contained in Chapter [12.14](#) BMC, the following architectural
5 standards shall be complied with:

6 A. Glare.

7 1. Mirror glass is permitted only when it can be demonstrated to produce no detrimental
8 visual effect upon adjacent areas.

9 2. Lighting shall be directed toward the interior of the project and away from residential
10 areas.

11 B. The major portions of the exterior building and fence materials shall be of natural and earth
12 tones. Accent colors will be permitted on the minor portions of such materials.

13 C. Buildings should be designed to encourage overall compatibility. Modular units, tilt-up
14 construction, and other cost-effective techniques are allowed and the final visual effect should
15 be one of quality and permanence.

16 D. All vents, air conditioning units, mechanical, electrical and other equipment located on the
17 roof of any structure shall be screened as needed to avoid an unsightly appearance as viewed
18 from surrounding property, including hillside locations. The building roof design and
19 covering/screening materials shall be described in detail, and it shall be demonstrated how
20 these items will mitigate the visual impact of the equipment. These items shall be incorporated
21 as an integral part of the overall building design. Projections of the view to the proposed site
22 development, of roofs, and of rooftop equipment screening from adjacent hillsides, elevated
23 roadways and residential areas shall be submitted.

24 E. Building Height.

25 1. The following special height regulations apply:

26 a. Within the portion of Subdistrict A zoned R-AC, OP, CB, LI, the maximum
27 allowable height is 100 feet, except that buildings may be up to 150 feet to
28 accommodate manufacturing processes which require structures taller than 100 feet.
29 In such cases, the applicant shall demonstrate why the process cannot be conducted
30 in a building of 100 feet or less. Only that portion of the structure containing the
31 manufacturing process may exceed 100 feet; offices and other areas of intensive
32 employee activity are prohibited above this height.

33 b. Within the portion of Subdistrict A zoned R 2,800, OP, NB; and R-AC, OP, CB, LI,
34 MVSO the maximum allowable height is 65 feet.

35 c. Within the portion of Subdistrict B east of 120th Avenue NE and 39th Avenue SE
36 zoned R 2,800, OP, the maximum allowable height is 65 feet.

37 d. Building heights within the remainder of Subdistricts A and B shall be regulated in
38 accordance with Chapter [12.14](#) BMC.

39 e. Building height shall be measured as set forth in BMC [12.14.110](#) through
40 [12.14.130](#).

41 2. When buildings exceed 35 feet, in accordance with subsection (E)(1) of this section,
42 the mandatory setbacks from, and mandatory landscaping buffers adjacent to, any abutting
43 R zoning (not including combination zones) shall be increased as follows:

Attachment 2B

1 a. The mandatory setbacks from any abutting R zoning, as set forth in BMC
2 [12.14.070\(D\)](#), shall be increased three feet horizontally for each foot of building height
3 exceeding 35 feet. These increased setbacks shall apply to the entire building, rather
4 than only to those portions of the building which may be higher than 35 feet. Where a
5 property within any area described in subsection (E)(1)(a), (b), (c) or (d) of this section
6 abuts R zoning along a street, the increased setbacks shall be measured from the street
7 property line of such property.

8 b. The mandatory landscaping buffers adjacent to any abutting R zoning, as set forth
9 in BMC [12.18.110](#), shall be increased 0.25 feet (three inches) for each foot of building
10 height exceeding 35 feet, up to a maximum of 10 feet of additional landscaping. In such
11 cases, the entire buffer shall consist of Type I landscaping.

12 **F. Minimum residential density and minimum floor area ratio**

13 **1. Residential development shall achieve a minimum density of 35 dwelling units per net**
14 **acre and a maximum density controlled by the site, building envelope, parking,**
15 **recreation space, and other applicable regulations of this Title.**

16 **2. Non-residential development shall achieve a minimum floor area ratio of 0.50.**

17 **3. Mixed use developments proposing both residential and non-residential uses shall:**

18 **a. Achieve a minimum floor area ratio of 1.0; or**

19 **b. At the applicant's discretion, either fully provide non-residential land uses at the**
20 **minimum floor area ratio of 0.5, and then apply a reduced residential density, or fully**
21 **provide the minimum residential density of 35 units per net acre and then provide**
22 **non-residential land uses at a reduced floor area ratio.**

23
24 (Ord. 2252 § 11, 2018; Ord. 2025 § 2 (Exh. C), 2009; Ord. 1946 § 2, 2005; Ord. 1876
25 § 2, 2002; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996. Formerly 12.56.180.).

26
27 ***** No changes to 12.56.090 through 12.56.130 *****