



City of Bothell™

BOTHELL CITY COUNCIL

*****VIRTUAL MEETING*****

AGENDA

September 8, 2020

6:00 PM

BOTHELL CITY HALL

18415 101st AVE NE

BOTHELL, WA 98011

Public Notice: Pursuant to Governor Inslee's Stay Home, Stay Healthy Proclamation 20-25 extension and the extension of Proclamation 20-28 regarding open public meetings through October 1 2020, and in an effort to curtail the spread of the COVID-19 virus, this City Council meeting will be conducted remotely. We encourage members of the public to attend and participate in the meeting remotely, as described in more detail below.

To attend the meeting:

- [Watch the meeting LIVE online on the City of Bothell YouTube Channel.](#)
- Watch the meeting live on BCTV Cable Access Channels 21/26 (must have Frontier/Comcast Cable)
- Listen to the meeting live by phone: +1-510-338-9438 USA Toll / Access code: 126-792-8762
- Council meetings are also recorded and available the next day on the [City of Bothell YouTube Channel.](#)

To provide written or verbal comments:

- [Sign-up HERE](#) to give your comment (submissions must be received by 3:00 PM, day of meeting).

MEMBERS OF THE CITY COUNCIL

Mayor Liam Olsen

Deputy Mayor Jeanne Zornes

Councilmember Davina Duerr

Councilmember James McNeal

Councilmember Tom Agnew

Councilmember Rosemary McAuliffe

Councilmember Mason Thompson

REGULAR SESSION

Call to Order & Roll Call

1. Meeting Agenda Approval

During this item, the City Council may identify agenda items to be continued, withdrawn, or added.

2. Presentations, Reports, & Briefings

A. Public Engagement Opportunities

- None at this time.

- B. Proclamations
 - None at this time.
- C. Special Presentations
 - None at this time.
- D. Staff Briefings
 - None at this time.
- E. City Manager Reports
 - None at this time.
- F. Council Committee Reports

3. Visitor Comment

If you wish to comment (either in writing or verbally) please [submit a form HERE](#) prior to 3PM (day of meeting). Verbal comments will be allowed 3 minutes to speak via phone. All comments will be made part of the record.

4. Consent Agenda

All items under this section will be passed with a single motion and vote. These items are of a routine nature. Prior to approval, City Council may request items be withdrawn from the consent agenda for separate discussion. Approval of the consent agenda authorizes the City Manager to implement each item in accordance with the staff recommendation.

Pgs. 5-12

- A. AB # 20-110 - Approval of an Ordinance Extending Ziplly Fiber’s Cable Television Franchise Agreement until September 2022.
Recommended Action: Adopt the proposed Ordinance Extending Ziplly Fiber’s Cable Television Franchise Agreement until September 2022.

5. Public Hearings

Pgs. 13-50

- A. AB # 20-111 – Public Hearing and Consideration of an Ordinance Amending BMC Chapters 12.07 Affordable Housing, 12.16 Parking, and 12.64 Downtown Subarea Regulations Providing for Reduced Parking Requirements Near Frequent Transit and Affordable Housing Incentives
Recommended Action: Approve the Proposed Ordinance Amending BMC Chapters 12.07 Affordable Housing, 12.16 Parking and 12.64 Downtown Subarea Regulations.

6. Ordinances & Resolutions

- None at this time.

7. Contracts and Agreements

- None at this time.

8. Other Items

- None at this time.

9. Study Session/Update/Discussion Items

- None at this time.

10. Council Conversations

During this item, Council members have the opportunity to informally discuss topics of city interest.

11. Executive Session/Closed Session

- None at this time.

12. Adjourn

CERTIFICATE

I hereby certify that the above agenda was posted on September 3, 2020 by 6:00 P.M., on the official website and bulletin board at Bothell City Hall, 18415 101st Avenue NE, Bothell, WA, 98011, in accordance with RCW 42.30.077, at least 24 hours in advance of the published start time of the meeting.

Laura Hathaway, City Clerk

SPECIAL ACCOMODATIONS: 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) 806-6151 at least one day prior to the meeting.

Copies of agenda bills and attachments listed in this agenda may be obtained from the City Clerk's Office the Friday before the meeting.

Bothell City Council meetings are aired live on Bothell Community Television (BCTV) Channel 21/26 (Comcast/Frontier) (available to Comcast and Frontier Cable customers within Bothell City limits). Meetings are generally replayed according to the following schedule (subject to change): Wednesday following the meeting at 10 a.m.; Friday, Saturday and Sunday following the meeting at 10 a.m. and 7 p.m. City Council and Planning Commission meetings and the BCTV schedule are viewable online at www.bothellwa.gov

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City of Bothell™

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Paul Byrne, City Attorney
Elana Zana, Ogden Murphy Wallace (City’s telecommunications counsel)

DATE: September 8, 2020

SUBJECT: Approval of an Ordinance Extending Ziplly Fiber’s Cable Television Franchise Agreement until September 2022.

POLICY CONSIDERATION: This item asks the City Council to adopt an ordinance extending the existing cable franchise agreement with Ziplly Fiber for an additional two years to September 2022.

If approved, it has the potential to impact community members and businesses by continuing to allow existing cable service and maintaining the existing number of cable service providers in the City. If approved, the City will continue to collect revenue from franchise activities and reimbursement for previously-incurred capital costs associated with public, educational, and government (PEG) channel programming.

HISTORY:	DATE	ACTION
	AUGUST 28, 2008	City Council granted a cable franchise to Verizon Northwest Inc. (Ordinance No. 1996)
	NOVEMBER 17, 2009	City Council approved the transfer of control of the cable franchise from Verizon Northwest Inc. (a subsidiary of Verizon Communications Inc.) to Frontier Communications Corporation (Ord. No. 2031)
	SEPTEMBER 4, 2018	City Council approved a franchise extension for Frontier Communications Northwest Inc. (Ord. No. 2257)
	NOVEMBER 19, 2019	City Council approved the transfer of control of the cable franchise from Frontier Communications Corporation to Northwest Fiber, LLC, d/b/a Ziplly Fiber and granted an extension (Ord. No. 2293)
	SEPTEMBER 1, 2020	City Council accepted the first reading of the proposed franchise agreement extension on the consent agenda.

Zipty Fiber (“Zipty”) provides cable services to Bothell customers, operating its cable system in City rights-of-way under a franchise agreement. Zipty’s current franchise is the successor to an original 2008 franchise, granted to Verizon Northwest Inc. and subsequently transferred to Frontier. The Zipty franchise expired recently, in August 2020.

DISCUSSION: The City’s outside telecommunications counsel, Elana Zana with Ogden Murphy Wallace, and City staff are recommending an extension of the Zipty franchise at this point rather than a new franchise. This is because Zipty continues developing its business plans and organizing following closing of its purchase transaction from Frontier. A two-year extension will provide an opportunity for the City and Zipty to discuss franchise needs and requirements once Zipty has become more established in the community and had an opportunity to interact with City permit and project processes. For reference, Zipty currently has approximately 900 cable subscribers.

The proposed extension ordinance is attached as **Attachment 1**.

FISCAL IMPACTS: The revenue associated with this franchise agreement is unchanged and consistent with budgeted amounts. Zipty pays a 5% franchise fee to the City, and also remits to the City PEG fees and utility taxes.

ATTACHMENTS: Att-1. Proposed Ordinance Extending the Zipty Fiber Cable Franchise

RECOMMENDED ACTION: Adopt the proposed Ordinance Extending Zipty Fiber’s Cable Television Franchise Agreement until September 2022.

ORDINANCE NO. _____ (2020)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, GRANTING AN EXTENSION OF THE CABLE FRANCHISE TO NORTHWEST FIBER, LLC, WITH CONDITIONS AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Bothell (the "City") adopted Ordinance No. 1996 granting a nonexclusive cable franchise to Verizon Northwest Inc., to operate a cable system (the "System") within the city limits of the City of Bothell, with an effective date of August 28, 2008 (the "Franchise"); and

WHEREAS, on November 17, 2009, the City approved the transfer of control of Verizon Northwest Inc., from Verizon Communications Inc. (its parent entity) to Frontier Communications Corporation, by way of Ordinance No. 2031; and

WHEREAS, Frontier Communications Corporation changed the name of the franchisee from Verizon Northwest Inc. to Frontier Communications Northwest Inc.; and

WHEREAS, on September 4, 2018, the City adopted Ordinance No. 2257, extending the term of the Franchise to August 28, 2019; and

WHEREAS, on May 28, 2019, Northwest Fiber, LLC, d/b/a Zply Fiber ("Zply") entered into a purchase agreement with Frontier Communications Corporation and its wholly-owned subsidiary Frontier Communications ILEC Holdings, LLC (together "Frontier") in order to acquire control of the Franchisee, among other Frontier-controlled entities; and

WHEREAS, on November 19, 2019, the City approved the transfer of control of Frontier Communications Corporation to Zply and granted a further extension of the Franchise to Zply by way of Ordinance No. 2293; and

WHEREAS, the Franchise has currently expired but Zply and the City find it mutually beneficial to extend the existing Franchise for an additional two (2) years in order to promote and facilitate an orderly franchise renewal process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. FRANCHISE EXTENSION. The term of the Franchise granted under Ordinance No. 1996 and extended by Ordinance No. 2257 and Ordinance No. 2293 is hereby extended from the prior extension expiration date of August 28, 2020, up to and

through September 20, 2022, or until such time as the City has adopted a further franchise ordinance that supersedes this Ordinance, whichever occurs sooner. This extension is expressly conditioned upon the City's receipt of Ziply's written acceptance as described in Section 5.

Section 2. COMPLIANCE WITH FRANCHISE TERMS. As a condition of the extension granted by this Ordinance, Ziply shall provide its written and acknowledged unconditional acceptance and promise to comply with all provisions, terms, and conditions of the Franchise, as amended herein and by Ordinance 2293, during this extension period. By the adoption of this Ordinance, the City agrees to continue to comply with all provisions, terms and conditions of the Franchise, as amended herein, during the extension period.

Section 3. RESERVATION OF RIGHTS. Both the City and Ziply reserve and retain all of their rights under both the formal renewal process and informal renewal process under 47 U.S.C. § 546.

Section 4. BOND AND INSURANCE. The performance bond and insurance policies maintained by Ziply pursuant to the Franchise shall remain in effect during the extension period.

Section 5. ACCEPTANCE. The rights and privileges granted pursuant to this Ordinance shall not become effective until its terms and conditions are accepted by Ziply. Acceptance shall be accomplished by the submission of a written instrument, executed and sworn to by a corporate officer of Ziply, and filed with the City within thirty (30) days after the effective date of this Ordinance, in a form substantially attached as Exhibit A hereto.

Section 6. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 7. EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 8. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

APPROVED:

LIAM OLSEN
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:

PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO.: _____ (2020)

SUMMARY OF ORDINANCE NO. _____(2020)

City of Bothell, Washington

On the _____ day of _____, 2020, the City Council of the City of Bothell passed Ordinance No. _____(2020). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, GRANTING AN EXTENSION OF THE CABLE FRANCHISE TO NORTHWEST FIBER, LLC WITH CONDITIONS AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____(2020)

**EXHIBIT A
ACCEPTANCE OF EXTENSION OF FRANCHISE**

This Acknowledgment of Extension of Franchise is made by Northwest Fiber, LLC d/b/a Zply Fiber ("Zply") for the City of Bothell, Washington.

WHEREAS, the City conferred a franchise on Zply Fiber (the "Franchise") and recently adopted Ordinance No. ____ extending the term of the Franchise upon acceptance by Zply; and

WHEREAS, Zply wishes to agree to and acknowledge the continued effect of the Franchise until September 20, 2022.

Now, therefore, Zply acknowledges and agrees as follows:

1. Term. The Franchise is hereby acknowledged and agreed to be extended until September 20, 2022, as provided in Ordinance No. _____.
2. Ratification. All terms and conditions of the Franchise are hereby ratified, accepted, and confirmed, except that the provision for the duration of the Franchise is hereby extended to September 20, 2022. Zply hereby unconditionally accepts and promises to comply with all provisions, terms, and conditions of the Franchise during the extension period. Zply hereby confirms that it will maintain during this extended term the performance bond and insurance policies as described in the Franchise.

NORTHWEST FIBER, LLC

By: _____

Its: _____

Dated: _____

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City of Bothell™

TO: Mayor Olsen and Members of the Bothell City Council

FROM: Michael Kattermann, Community Development Director
Dave Boyd, Community Development Senior Planner (Presenter)

DATE: September 8, 2020

SUBJECT: Public Hearing and Consideration of an Ordinance Amending BMC Chapters 12.07 Affordable Housing, 12.16 Parking, and 12.64 Downtown Subarea Regulations Providing for Reduced Parking Requirements Near Frequent Transit and Affordable Housing Incentives

**POLICY
CONSIDERATION:**

This item asks the City Council to hold a public hearing and consider the proposed amendments and their policy considerations:

- a. Meeting new State requirements regarding parking minimums near frequent transit; and
- b. Providing for voluntary affordable housing height incentives in a portion of the SR 522 Corridor district of the Downtown Subarea consistent with the Downtown Subarea Planned Action Environmental Impact Statement.

HISTORY:

DATE	ACTION
FEBRUARY 4, 2020	City Council approved 2020 Planning Docket, including code amendments to facilitate Parcel A development and compliance with state legislation for reduced parking requirements
JULY 1, 2020	Planning Commission study session
JULY 22, 2020	Planning Commission Public Hearing / recommendation

These amendments were initiated to facilitate development of the City-owned Parcel A, currently under contract to Imagine Housing. They propose to build affordable senior housing and have requested amendments to make the development feasible. Separately, the Washington State Legislature passed legislation in 2019 and 2020 that limits the amount of parking that jurisdictions can require for certain types of housing near frequent transit. Previously, City Council passed Housing Strategy updates in 2017, including the use of incentives for affordable housing. The Planning Commission's recommendations address both the requested code amendments and the new State requirements.

DISCUSSION: Parking Reductions: Construction of parking is expensive and one of the major barriers to building affordable housing. Imagine Housing proposes building senior housing serving low-income residents in very close proximity to frequent transit. Their experience with similar projects indicates a parking need well below the SR 522 Corridor district's base requirement of 1 space per bedroom or the specialized senior housing allowance of 2/3 space per unit.

Recent state legislation limits parking requirements in three categories:

1. Housing for ***very low-income (i.e. 50% of area median income) or extremely low-income (i.e. 30% of area median income) individuals*** near frequent transit service;
2. Housing for ***seniors or people with disabilities*** near frequent transit service; and
3. ***Market rate multifamily housing units*** near frequent transit service.

The limits on parking minimums vary for each category, as do the definitions of frequent transit. Since transit service changes over time and the state rules allow for different minimums and exceptions based on local conditions, applying these minimums to specific zones is problematic. Therefore the Planning Commission recommends allowing developers to apply for parking reductions in compliance with the state legislation, with analysis of local conditions and a parking study to achieve the larger reductions.

The legislation states that no parking minimums are allowed for residents of senior or disabled housing, unless there is a lack of available on-street parking, which is the case at this site. The recommendation establishes a minimum based on guest and staff parking needs, and reductions to that minimum as justified by a parking study, including consideration of site conditions and surrounding on-street parking.

Similarly, developers of the very-low affordable, extremely-low affordable and market rate housing meeting the different criteria for proximity to frequent transit can apply for a reduction to either 1 space per bedroom or 0.75 spaces per unit, as specified in the state legislation, through a parking study that includes consideration of site conditions and surrounding on-street parking.

The various State definitions for frequent transit service currently apply to all of Downtown and parts of Canyon Park. All of the multifamily-zoned districts in Downtown meet the base State requirements for housing categories 1 and 3 above, based on current bus service. With current and planned bus rapid transit

service and other routes, Canyon Park is also anticipated to meet the state definitions. For all areas where the frequent transit service definitions apply, now or in the future, applicants would be required to request the parking reductions subject to a parking study.

The Planning Commission recommendation expands the state-mandated $\frac{1}{4}$ mile radius to $\frac{1}{2}$ mile for affordable and market-rate housing and retains $\frac{1}{4}$ mile for seniors and those with disabilities due to mobility concerns. Staff recommends that Council limit the reductions for market-rate housing to the State minimums of $\frac{1}{4}$ mile and 1 space per bedroom to allow time to analyze potential affordable housing requirements for parking reductions that go beyond the minimum State mandates. The proposed ordinance (Attachment 2) reflects the $\frac{1}{4}$ mile staff recommendation for market-rate housing. The remainder of the Planning Commission recommendation is reflected in the proposed ordinance. If Council wishes to adopt the full Planning Commission recommendation, the Council's motion will need to reflect that change.

Affordable Housing Incentive: In order to maximize construction efficiency and potential for affordable housing grants, Imagine Housing proposes an additional floor of height to increase the number of units in the project, all affordable. The 2018 Bothell Housing Strategy identifies incentives as a potential tool for increasing housing affordability, and this would be the first application of that tool.

Previously adopted mandatory affordable housing provisions utilize capacity increases in specific zones to require a percentage of affordable housing in all new developments of more than 5 units. The percentage of housing units and affordability levels are designed to provide a public benefit in the form of affordable housing in exchange for property owners realizing some benefit from the capacity increase. Such market-based affordable housing provisions generally require 10-20% of the units to be affordable, usually for moderate-income households.

Since new housing for people with income below 60% of area median income is almost always provided by affordable housing developers that rely on other public subsidies and grants, all of the units are typically affordable at these levels. And since grant programs target different affordability levels, allowing an average affordability allows for projects that serve a range of incomes. For these reasons, the recommendation is to allow the height bonus only for projects in which all units are affordable, on average, to low-income households. This allows for a mix of extremely-low, very-low, low- and moderate-income households.

The Downtown Planned Action Environmental Impact Statement (PAEIS) analyzed the original proposal of four floors and a 54-foot height limit in this district. The aesthetic impacts were based on the proposed 54-foot height, while the capacity is controlled by the overall Downtown Subarea development thresholds. Since the thresholds still control overall density, and the aesthetic impacts of 54-foot buildings were analyzed in the PAEIS, no additional environmental study is needed – the proposed Ordinance simply adopts the PAEIS. Imagine Housing has determined that a five-story residential building can be developed within the 54-foot height limit.

The Planning Commission Findings, Conclusions and Recommendation are included in Attachment 1, together with an annotated version of the amendments including explanatory text boxes. The proposed ordinance in Attachment 2 shows the full ~~striketrough~~/underline format without annotations, including the proposed staff modification to the Planning Commission recommendation regarding parking reductions for market-rate housing described above.

FISCAL IMPACTS: Staff time for this item is included in the Adopted 2019-2020 Budget, sufficient to fund this item.

ATTACHMENTS:

- Att-1. Planning Commission Findings, Conclusions and Recommendation (including annotated version of proposed amendments)
- Att-2. Proposed Ordinance

RECOMMENDED ACTION: Approve the Proposed Ordinance Amending BMC Chapters 12.07 Affordable Housing, 12.16 Parking and 12.64 Downtown Subarea Regulations.

Planning Commission Findings, Conclusions and Recommendations for Limited Parking Reduction and Affordable Housing Incentive Code Amendments

Findings

1. The City of Bothell plans under the Growth Management Act (GMA), as contained within the Revised Code of Washington 36.70A.
2. Bothell adopted a Comprehensive Plan termed the “*Imagine Bothell...*” Comprehensive Plan under Council Ordinance 1557 on July 15th 1994. The “*Imagine Bothell...*” Comprehensive Plan has been amended numerous times since original adoption.
3. Regulations to implement the Comprehensive Plan were created under ordinance 1629. The implementing regulations have been amended numerous times.
4. The proposed Code amendments were initiated by City Council on February 4, 2020 in response to State mandates regarding affordable, senior/disabled and market rate housing near frequent transit service, and to facilitate an affordable senior housing development on a parcel the City is in the process of selling.

Public Notice

5. Public notice was provided via the July 2020 edition of the “*Imagine Bothell...*” notice. Every month the Community Development Department prepares and distributes the *Imagine Bothell...* notice, which describes upcoming hearings and meetings concerning amendments to the City comprehensive plan and development regulations. The detailed notice normally runs four to five pages, and contains the names of staff contacts should the reader desire more information. The *Imagine Bothell...* notice is distributed as follows;
 - E-mailed or sent via U.S. Mail to approximately 200+ individuals who have expressed current or past interest in City land use issues;
 - Published in the legal advertising section of Seattle Times, the City’s official newspaper of record, as well as the Bothell-Kenmore Reporter;
 - Posted on 12 freestanding notice boards located throughout the City (each of which includes a plastic bin in which extra copies of the notice are placed);

- Posted at Bothell City Hall, the Bothell Post Office, the Bothell Regional Library and the Canyon Park Shopping Center; and
 - Placed on the City of Bothell website.
6. The public notice provisions of State Law RCW 36.70A.035 and BMC Title 11 Chapter 19 have been followed.

Process

7. The Planning Commission conducted a study session on the proposed Code amendments on July 1, 2020 and a public hearing on July 22, 2020.
8. Community Development planning staff prepared draft code amendments to amend portions of BMC Chapters 12.07 Affordable Housing; 12.16 Parking, Loading, Transit Access and Pedestrian Circulation; and Section 12.64.104 SR 522 Corridor District Requirements to provide for State-mandated parking requirements and affordable housing incentives.
9. All review drafts were made available to the public through two different methods:
- A. Planning Commission packets for the hearing were available on the City of Bothell webpage and via email from staff; and
 - B. Extra copies of the Planning Commission packet were available at all public hearings.
10. Two exhibits were received during the public hearing process. (See 21 below).
11. In accordance with Section 365-195-620 of the Washington Administrative Code (WAC), copies of these proposed Code amendments will be transmitted to the state Department of Commerce, and other state agencies for their review on or before completion of the Planning Commission's recommendation.
12. The SEPA Responsible Official will issue a SEPA Threshold Determination for the proposed Code amendment upon completion of the Planning Commission's recommendation.

Requested Amendments

13. Amend BMC Chapters 12.07 Affordable Housing; 12.16 Parking, Loading, Transit Access and Pedestrian Circulation; and Section 12.64.104 SR 522 Corridor District Requirements to provide for State-mandated parking requirements and affordable housing incentives.

Applicable Comprehensive Plan Goals and Policies

14. The Transportation Element of the *Imagine Bothell...Comprehensive Plan* has Goals and Policies that support the community's commitment to transit oriented development, including:
 - TR-G4 Encourage walking, bicycling, ridesharing and taking transit in order reduce congestion and greenhouse gas emissions, improve mobility and overall public health, and improve mobility choices for people with special transportation needs.
 - TR-P21 Support a public transit system that will provide the majority of residences, businesses and community facilities with frequent and convenient transit service.
 - TR-P23 Improve accessibility to transit facilities for all users including persons with special transportation needs such as the disabled, elderly, youth and low-income populations.
15. The *Imagine Bothell...Comprehensive Plan's* Housing and Human Services Element includes the following Goal and Policy, providing the basis for affordable housing incentives:
 - HHS-G3 To ensure opportunities exist throughout the community for housing affordable to all economic segments of the population.
 - HHS-P17 Consider market incentives to encourage and/or require affordable housing to meet the needs of people who work and desire to live in Bothell.

The Bothell Housing Strategy provides further detail:

Consider multiple approaches to linking increased development capacity with providing affordable housing. Could include standards for providing affordable housing with actions such as rezones that result in increased development capacity, and voluntary developer incentives, especially near existing and planned transportation and employment centers. Encourage use of multiple (layered) incentives to maximize affordability.

Specific examples include "Height and other incentives that increase development capacity."

Specific Planning Commission Findings

16. Providing additional parking reduction exceptions for certain developments near frequent transit service will conform with new State regulations and promote City goals to support affordable, senior/disabled and transit-oriented housing development.
17. Extending the transit service areas to ½ mile for affordable and market rate housing will broaden the area where these exceptions apply. Retaining the ¼

mile radius for senior and disabled housing, per State legislation, is appropriate for these groups that may have limited mobility.

18. Providing a voluntary incentive for affordable housing will facilitate development of a City surplus parcel and potential future affordable housing projects, promoting City goals, policies and strategies for affordable and special needs housing.

Proposed regulations

19. The proposed code amendments would amend BMC Chapters 12.07 Affordable Housing; 12.16 Parking, Loading, Transit Access and Pedestrian Circulation; and Section 12.64.104 SR 522 Corridor District Requirements, and are included as Exhibit A to these Findings.
20. **Public testimony**
21. **List of exhibits**
 1. Email from Cary Westerbeck, July 22, 2020
 2. Email and attachment from Allen Dauterman, July 22, 2020

Conclusions

1. **Implementation of adopted Comprehensive Plan policies**

The proposed Code amendments further the goals and policies contained in the *Imagine Bothell...* Comprehensive Plan.
2. **Promotion of the public interest**

The proposed Code amendments promote the public interest by supporting transit-oriented development for affordable, senior/disabled and market-rate housing, and by providing voluntary incentives for low income housing.

Recommendation

1. Based upon these findings and conclusions, the Planning Commission recommends the City Council approve Code amendments to BMC Chapters 12.07 Affordable Housing; 12.16 Parking, Loading, Transit Access and Pedestrian Circulation; and Section 12.64.104 SR 522 Corridor District Requirements.

Kevin Kiernan, Chair, Planning Commission

Proposed Limited Parking Reduction & Affordable Housing Incentive Code Amendments

Proposed code amendments are included below, with new language in red underline & deleted language in ~~red strikethrough~~. Hyperlinks are in blue underline & skipped sections are indicated by three asterisks: * * *. Explanatory notes are included in text boxes like this one & are not part of the proposed code. For clarity & context, amendments to the Downtown Subarea Regulations in Chapter 12.64 are included first, followed by amendment to Chapter 12.16.

12.64.104 SR 522 Corridor District Requirements

The added note (S) in the Chart Legend below establishes the additional height allowed for affordable housing projects.

Chart Legend

---: not permitted	n/a: not applicable as indicated	not required: these elements are not required as indicated
permitted: these elements are allowed by right unless otherwise specified in BMC 12.64.201 Building Use		
required: these are required elements of all new development as indicated.		
(C1) : City-wide conditions for manufactured homes apply		
(R) : exceptions apply for development in the special riverfront overlay, see Special SR 522 Requirements		
(S) : <u>5 floors and 54 feet for qualifying affordable housing projects (see BMC 12.64.104.C)</u>		
D & CS & S: Design & Constructions Standards & Specifications		

A. District Charts.

The added note below for maximum height references the bonus height for affordable housing in the Chart Legend above. Remainder of table section included for context.

12.64.200 Site Development Regulations	District Requirements
12.64.201 Building Use	
A. Retail	
1. Pedestrian Oriented Retail	---
2. Neighborhood Center Retail	---
3. Business & Personal Services	permitted
4. Auto-Oriented Retail	permitted
5. Corner Store Retail	permitted

12.64.200 Site Development Regulations	District Requirements
B. Civic & Cultural	permitted
C. Office	permitted
D. Lodging	permitted
E. Residential	
1. Multi-Family w/ Common Entry	permitted
2. Multi-Family w/ Individual Entry	permitted
3. Detached Single Family Housing	permitted
4. Manufactured Homes	conditional; (C1)
5. Home Occupation	permitted
12.64.202 Building Height	
minimum height	1 floor & 20 feet
maximum height	4 floors & 45 feet; (R) (S)
12.64.203 Special Height Regulations	
Abutting Residential Only Zones	n/a
Across the Street from Residential Only Zones	n/a
Special Height Requirement	not required
12.64.204 Building Orientation	
required or not required	not required
12.64.205 Public Frontage	
required or not required	required
12.64.206 Private Frontage	
1) Shop-Front	permitted
2) Corner Entry	permitted
3) Arcade	permitted
4) Grand Portico	permitted
5) Forecourt	permitted
6) Grand Entry	permitted
7) Stoop	permitted
8) Porch	---
9) Front Door	---
10) Edge Treatment: Fenced	permitted
11) Edge Treatment: Terraced	permitted
12) Edge Treatment: Flush	permitted

12.64.200 Site Development Regulations	District Requirements
12.64.207 Front Yard Setback	
minimum / maximum	15 ft / no max
12.64.208 Side Yard Setback	
min w/ living space windows (or adj to s.f. homes)	10 ft
min w/out living space windows	5 ft
12.64.209 Rear Yard Setback	
minimum setback	10 ft
12.64.210 Special Setback Regulations	
minimum setback	25 ft
12.64.211 Alley Setback	
minimum setback	5 ft
12.64.212 Frontage Coverage	
minimum percentage covered	60%
12.64.213 Build-to-Corner	
required or not required	not required
12.64.214 Maximum Building Length	
maximum	180 ft
12.64.215 Special Building Length Limit	
Corner	n/a
Mid-Block	n/a
12.64.216 Space Between Buildings	
	30 ft

12.64.400 Parking Regulations	District Requirements
12.64.401 Parking Types	
A. Surface Parking Lot - Front	---
B. Surface Parking Lot - Side	permitted
C. Surface Parking Lot - Rear	permitted
D. Surface Parking Lot - Exposed	permitted
E. Parking Structure - Exposed	permitted
F. Parking Structure - Wrapped: Ground Level	permitted
G. Parking Structure - Wrapped: All Levels	permitted
H. Parking Structure - Partially Submerged Podium	permitted
I. Parking Structure - Underground	permitted

12.64.402 Provision of Parking				
12.64.201 Building Use	Minimum Parking Requirements	Permitted Maximum Parking in a Surface Lot	Shared Parking Reduction	Special Condition Requirements
1 - Retail:				
a) Pedestrian Oriented Retail (Except Eating and Drinking Establishments)	1 vehicle space per 400 sf *	1 vehicle space per 250 sf *	10% reduction allowed for shared-use parking	On-site, or off-site within 800 feet, or cash-in-lieu *
Pedestrian Oriented - eating and drinking establishments	1 vehicle space per 400 sf	1 vehicle space per 200 sf	No reductions	On-site, or off-site within 800 feet, or cash-in-lieu *
b) Neighborhood Center Retail	1 vehicle space per 400 sf	1 vehicle space per 250 sf	No reductions	On-site
c) Auto-Oriented Retail	1 vehicle space per 400 sf	1 vehicle space per 250 sf	No reductions	On-site
d) Corner Store Retail	1 vehicle space per 400 sf	1 vehicle space per 250 sf	No reductions	On-site, or on street within 200 feet, or cash-in-lieu *
2 - Civic & Cultural				
	1 vehicle space per 500 sf	1 vehicle space per 250 sf	10% reduction allowed for shared-use parking	On-site, or off-site within 800 feet, or cash-in-lieu *
3 - Office				
	1 vehicle space per 500 sf	1 vehicle space per 300 sf	10% reduction allowed for shared-use parking	On-site, or off-site within 800 feet, or cash-in-lieu *
4 - Lodging				
	1 vehicle space per bedroom	1 vehicle space per bedroom	No reductions	On-site, or off-site within 100 ft
5 - Residential (All)				
	1 vehicle space per bedroom or 2.2 spaces per unit, whichever is less*	1 vehicle space per bedroom	10% reduction allowed for shared-use parking	On-site, or off-site within 100 ft

See BMC [12.64.402\(D\)](#) for description of cash-in-lieu fee option

* If the formula results in a fraction, the minimum number of parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounded up and fractions below 0.50 rounding down.

The added note and reference below establishes the new State parking minimums.

Reductions for [transit and green buildings](#) are allowed pursuant to BMC [12.16.110.B.1](#) and [2 and C-E](#).

* * *

The amendment below reflects conversion of the code to an online version, from the original print version with all special requirements on one page.

B. *Special SR 522 Corridor Requirements.* All Special Requirements ~~in~~ this section apply to development in the SR 522 Corridor.

* * *

4. *SR 522 Corridor Affordable Housing Overlay.*

- a. *Applicability.* All developments within the SR 522 Corridor District Affordable Housing Overlay creating five (5) or more new dwelling units; or 2,100 or more gross square feet of climate-controlled nonresidential floor area shall provide for affordable housing units within the development.
- b. The provisions of Chapter [12.07](#) BMC apply to the affordable housing units required by this section, except as expressly provided within this section.

The amendments to (c)(i) and (c)(ii) below are only to adapt to proposed amendments to 12.07.015 (definitions), and do not change the requirements themselves.

c. Minimum Requirements:

- (i) At least five percent (5%) of the number of new dwelling units created within a development, if owner-occupied housing, shall be affordable to moderate-income households, and if renter-occupied housing, shall be affordable to low-income households, as defined in BMC [12.07.015\(A\)](#).
- (ii) Provision of owner-occupied affordable housing for moderate-income households, or renter-occupied affordable housing for low-income households, as defined in BMC [12.07.015\(A\)\(1\)](#), with an area not less than 5% of the gross climate-controlled nonresidential floor area of the project, or payment of \$11.20 per gross square foot of climate-controlled nonresidential floor area of the project. The City Council may revise this payment rate from time to time to reflect changes in relevant conditions, such as land values and housing costs.

The added section below establishes the voluntary incentive and conditions.

5. SR 522 Corridor Affordable Housing Voluntary Incentive. A development that satisfies all of the following conditions may build up to five (5) floors and 54 feet:

- a. Applicability: Any development within the SR 522 Corridor District outside of the Affordable Housing Overlay.

b. Affordable Housing:

i. All of the dwelling units created within a development are affordable to low-income households, as defined in BMC 12.07.015.A.2.

ii. The provisions of Chapter 12.07 BMC apply to the affordable housing units created under this section, except as expressly provided within this section.

iii. A mix of affordability levels including housing for very low- and extremely low-income households, as defined in BMC 12.07.015.A.3 and 4, is encouraged.

* * *

12.16.110 Transit, rideshare and green building provisions.

A. All land uses for which the majority of the parking demand is generated by employees who remain on site for at least six hours each day shall be required to reserve one parking space for rideshare parking for every 20 required parking spaces, up to a maximum of 20 rideshare spaces, as follows:

1. The parking spaces shall be located convenient to the primary employee entrance;
2. Reserved areas shall have markings and signs indicating that the space is reserved between the hours of 6:00 a.m. and 9:00 a.m., 12:00 noon and 1:00 p.m., and at all other shift changes; and
3. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs and to vehicles meeting minimum rideshare qualifications set by the employer.

The added phrase below separates the current transit reductions, which were factored into the downtown parking requirements and therefore do not apply downtown, from the new state-mandated parking exceptions, which apply citywide.

B. Outside the Downtown Subarea, ~~The~~ the community development director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 660 feet of the site. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. each business day up to a maximum reduction as follows:

1. For land uses of the type described in subsection A of this section, four percent for each run up to a maximum of 40 percent. Buildings attaining at least minimum green building certification under the Leadership in Energy and Environmental Design (LEED), National Green Building Standard, Built Green (Three Star level or higher), or other certification program as approved by the community development director qualify for an additional reduction of two percent for each run up to a maximum additional reduction of eight percent. Development in downtown districts that do not have parking requirements based on this chapter do not qualify for the base transit reductions, but may qualify for the additional green building reduction; and
2. For land uses other than those described in subsection A of this section, two percent for each run up to a maximum of 20 percent. Buildings attaining at least minimum green building certification under the Leadership in Energy and Environmental Design (LEED), National Green Building Standard, Built Green (Three Star level or higher), or other certification program as approved by the community development director qualify for an additional reduction of two percent for each run up to a maximum additional reduction of four percent. Development in downtown districts that do not have parking requirements based on this chapter do not qualify for the base transit reductions, but may qualify for the additional green building reduction.

The added sections below establish the new State-mandated parking requirements as exceptions. At the July 22 Planning Commission public hearing, the service areas for affordable and market rate housing in C and E were extended to ½ mile.

C. For housing units that are affordable to very low-income or extremely low-income individuals, as defined in BMC 12.07.015.A.3 and 4, located within 1/2 mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, an applicant may apply for an exception allowing minimum parking requirements to be reduced at least to one parking space per bedroom or .75 space per unit, as justified through a parking study taking into account projected parking demand and availability of on-street parking within 800 feet of the project.

D. For housing units that are specifically for seniors or people with disabilities, as defined in BMC 11.02.110 "S." except for purposes of this exception senior shall be defined as 55 years and older, that are located within 1/4 mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, an applicant may apply for an exception allowing minimum parking requirements to be reduced to no lower than .3 space per unit, to account for staff and guest parking, as justified through a parking study taking into account projected parking demand and availability of on-street parking within 800 feet of the project.

E. For market rate multifamily housing units that are located within 1/2 mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, an applicant may apply for an exception allowing minimum parking requirements to be reduced at least to one parking space per bedroom or .75 space per unit, as justified through a parking study taking into account projected parking demand and availability of on-street parking within 800 feet of the project.

CF. All uses which are located on an existing transit route and are required under the computation for required off-street parking spaces in BMC [12.16.030](#) to provide more than 200 parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses which reduce required parking under subsection B of this section shall provide transit shelters if transit routes adjoin the site. Adjoining uses which meet these criteria may coordinate in the provision of transit shelters.

DG. Any development application to which this section applies shall complete and submit to the city all necessary agreements with transit agencies, rideshare programs, or other information required by this section prior to the issuance of any building permits associated with the development.

EH. Any applicant for a development permit for other than a short plat or construction of a single-family residence shall inquire of the transit agency for the area in which the development would be located as to whether the agency desires a transit stop on the street or streets immediately adjacent to the development, or within the development itself. The applicant shall provide to the community development department a letter from the agency stating whether or not a transit stop is desired, and if so, whether the agency desires to construct and maintain a shelter at the stop. When a transit agency determines that a transit stop is warranted, the development shall incorporate the transit stop into the overall site design, including construction of a direct pedestrian connection from the transit stop to the development; construction of a pull-out, if desired by the transit agency; designation of land for a shelter, if the transit agency desires to construct a shelter; and installation of landscaping adjacent to the transit stop, in accordance with the transit agency's landscaping standards.

* * *

12.07.015 Definitions.

The following definitions are listed in alphabetical order for the purpose of these affordable housing regulations, and shall apply to the administration of this chapter. In addition, except as otherwise

provided in this section, those definitions as contained in Chapter [11.02](#) BMC are adopted and incorporated into this section by reference.

A. "Affordable housing" and "affordable unit" mean a dwelling unit(s) reserved for occupancy by eligible households and having monthly housing expenses to the occupant no greater than 30 percent of a given monthly household income, adjusted for household size, as follows:

The following amendment is to conform to the subsequent, new definitions.

1. *Moderate Income.* ~~For owner-occupied housing, 80 percent of the area median income, and for renter-occupied housing, 60 percent of the area median income, and for renter-occupied housing, 60 percent of the area median income.~~

The added definitions below establish the new categories needed for the voluntary incentive and the new State-mandated parking requirements.

2. *Low Income. 60 percent of area median income.*

3. *Very Low Income. 50 percent of area median income.*

4. *Extremely Low Income. 30 percent of the area median income.*

5. Pursuant to the authority of RCW [36.70A.540](#), the city finds that the higher income levels specified in the definition of affordable housing in this chapter, rather than those stated in the definition of "low-income households" in RCW [36.70A.540](#), are needed to address local housing market conditions in the city.

B. "Area median income" means the median family income for the Seattle-Bellevue, WA Metro Fair Market Rent (FMR) Area as most recently determined by the Secretary of Housing and Urban Development (HUD) under Section 8(f)(3) of the United States Housing Act of 1937, as amended. In the event that HUD no longer publishes median family income figures for the Seattle-Bellevue, WA HUD Metro FMR Area, the city may estimate the median income in such manner as the city shall determine.

C. "Eligible household" means one or more adults and their dependents who certify that their annual household income does not exceed the applicable percent of the area median income, adjusted for household size, and who certify that they meet all qualifications for eligibility, including any requirements for recertification on income eligibility.

D. "Housing expense" means, in the case of renter-occupied housing, rent, tenant-paid utilities, one parking space, and other tenant expenses required for the dwelling unit; and in the case of owner-occupied housing, mortgage, mortgage insurance, property taxes, property insurance, and homeowner's dues. (Ord. 2255 § 1, 2018).

12.07.020 Location of affordable housing programs.

A. Downtown Subarea:

1. Within the Downtown Transition District Affordable Housing Overlay, affordable housing is required as provided in BMC [12.64.103\(B\)\(3\)](#).
2. Within the SR 522 Corridor District Affordable Housing Overlay, affordable housing is required as provided for in BMC [12.64.104\(B\)\(4\)](#).

The added subsection below establishes area where the new voluntary incentive for affordable housing projects applies and references the applicable code subsection.

3. Within the SR 522 Corridor District outside the Affordable Housing Overlay, voluntary affordable housing incentives are available as provided in BMC 12.64.104(B)(5).

12.07.030 General affordable housing requirements.

The provisions of this chapter shall apply to all affordable housing units required by, or allowed through, any chapter of the Bothell Municipal Code, except as otherwise provided by this code.

The amendments below distinguish between developments within and affordable housing overlay where a percentage of the units are required to be affordable and those using voluntary incentives, where all of the units are affordable.

A. Threshold for Compliance.

1. For Affordable Housing Overlays: All developments creating five or more new dwelling units shall provide for affordable dwelling units within the development or provide other methods of creating affordable housing as provided in BMC 12.07.050. Adjacent developments by the same developer will be considered as a single development for the purpose of applying the threshold for compliance.
2. For Affordable Housing Incentives: All developments using voluntary incentives shall make all of the dwelling units within the development affordable.

B. *Duration of Affordability.* Affordable units that are provided under this section shall remain as affordable housing for a minimum of 50 years from the date of initial occupancy for owner-occupied

affordable units and for the life of the project for renter-occupied affordable units. At the sole discretion of the director, the city may approve a shorter affordability time period for owner-occupied affordable housing, not to be less than 30 years, in order to meet federal financial underwriting guidelines.

The amendments below distinguish between developments with a mix of affordable and market-rate units and those with all affordable units.

C. *Designation of Affordable Units and Standards for Affordable Units in developments with a mix of affordable and market-rate units*. Prior to the issuance of any permit(s), the city shall review and approve the selection of affordable units, consistent with the following standards:

1. The affordable units shall generally be interspersed with all other dwelling units in the development.
2. The tenure (ownership or rental) of the affordable units shall be the same as the tenure of the rest of the dwelling units in the development.
3. The affordable units shall consist of a mix of number of bedrooms that is generally proportionate to the bedroom mix of units in the overall development.
4. The size (heated floor area) of the affordable housing units, if smaller than the other units in the development having the same number of bedrooms, must be approved by the director. In general, the affordable housing units may be as small as 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, 1,000 square feet for a three-bedroom unit, or 1,200 square feet for a four-bedroom unit, or 10 percent smaller than the market-rate units with the same number of bedrooms, whichever is less. However, the director has the discretion not to approve proposals for smaller units based on the criterion that rooms within the units provide adequate space for their intended use.
5. The exteriors of the affordable units shall be compatible with and comparable in quality and durability to the rest of the dwelling units in the development and shall comply with any design standards for the underlying zoning district. The interior finish, durability and quality of construction of the affordable units shall, at a minimum, be comparable to new entry level rental or ownership housing in the city.

D. *Availability in developments with a mix of affordable and market-rate units*. The affordable units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

* * *

I emphatically support a reduction of required parking for affordable housing projects throughout Bothell. Regular, and Affordable housing developers both know exactly how much parking is needed to make their projects viable. The city of Bothell should not be dictating parking minimums and never should have anywhere in the city at any time. Developers are spending millions of dollars and taking a lot of risk building projects and they employ a small army of consultants and lenders who are very interested in the project's success. They do not need to have their project and parking micro-managed, which is what the city is doing here. Data from affordable housing developers has been shared with Bothell city council a number of times showing many people in such housing do not own cars and don't need the parking. With less site and money devoted to parking more homes can be built, especially considering structured parking costs approximately \$40,000 - \$60,000 per parking space in the Seattle area, to say nothing of the land required for building surface parking.

Let this be the first of many projects where onerous, destructive, on-site parking minimums are relaxed or abolished in favor of building homes for Bothell residents. That is what's important here. I have seen many housing and commercial projects of various sizes scuttled and made non-viable in Bothell and nearby cities due to misguided minimum parking requirements. There is ample data available to city planners now showing definitively that abolishing parking minimums from land use codes invites and enables a thriving downtown, which is good for city finances (more taxes!) and allows many more entrepreneurs to build small projects or start businesses in existing buildings.

Ultimately the city must ask itself, during a dire housing crisis is it really wise to decide car parking is more important than building homes for residents? Because that's the choice Bothell has made. Homes are considerably more important and it should never be a question. Let developers decide how much to build.

Again, I emphatically support a reduction of parking for the Imagine Housing project and any and all other affordable and market rate residential projects in Bothell. We can't do it soon enough. Housing is an emergency in Bothell and King County, I suggest we act like it.

Sincerely,

Cary Westerbeck

westerbeck|architecture llc

18234 98th AVE NE #301

Bothell, WA 98011

e: cary@westerbeckarchitecture.com

w: www.westerbeckarchitecture.com

p: [206.941.2163](tel:206.941.2163)

David

Thanks for the heads up about providing comments, I will listen in on the meeting and can answer questions if needed.

Our only specific comment is with parking reductions. The ¼ mile radius to frequent transit service is very similar to Transit Oriented Development (TOD) definitions found in the region. Other agencies use a ½ mile criteria for distance to frequent transit service for TOD and affordable housing incentives. County & State agencies who participate in affordable housing projects also have TOD evaluation based on ½ mile radius. Attached is a slide with proposed Washington State Housing Finance Commission TOD criteria for 2021 where all criteria is based on a ½ mile radius. The ½ mile radius is based on TOD Walkshed maps prepared by PRSC and the attached map shows a 10 minute (1/2 mile) walkshed from the Bothell Transit Center.

While our project currently fits the ¼ mile criteria, I would suggest the distance reflect a walkshed distance used throughout the region. This may allow additional affordable housing projects be eligible in locations between ¼ and ½ mile from frequent transit or a transit center.

I'd like to thank the Planning Commission for considering this.

Thank you

Allen

Allen Dauterman
Senior Real Estate Developer
Imagine Housing
10604 NE 38th Place, Suite 215
Kirkland, WA 98033
(425) 521-5207
allend@imaginehousing.org
www.imaginehousing.org

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ORDINANCE NO. _____ (2020)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING THE BOTHELL MUNICIPAL CODE SECTION 12.64.104, SR 522 CORRIDOR DISTRICT REQUIREMENTS; SECTION 12.16.110, TRANSIT, RIDESHARE AND GREEN BUILDING PROVISIONS; AND CHAPTER 12.07, AFFORDABLE HOUSING.

WHEREAS, chapter 36.70A RCW, also known as the Growth Management Act (“the Act”), requires that cities subject to the Act adopt comprehensive plans and implementing development regulations consistent with the Act; and

WHEREAS, in accordance with the Act, the Bothell City Council, in 1994, adopted the *Imagine Bothell... Comprehensive Plan* and, in 1996, adopted implementing development regulations via amendments to the Bothell Municipal Code (BMC); and

WHEREAS, the Act provides that each jurisdiction’s comprehensive land use plan and development regulations shall be subject to continuing review and evaluation; and

WHEREAS, the City of Bothell has adopted numerous amendments to the Plan and Code since 1994 and 1996, respectively; and

WHEREAS, the City Council initiated these Code Amendments as part of the 2020 Planning Docket; and

WHEREAS, the Bothell Planning Commission recommends amendments to provide for parking reductions for certain types of housing near transit, as required by State law, and to establish affordable housing height incentives for part of the SR 522 Corridor District in the Downtown Subarea; and

WHEREAS, upon due consideration, the City Council finds that adoption of the recommended Limited Parking Reductions and Affordable Housing Incentives is in the public interest and welfare, and by this reference incorporates the findings and conclusions of the Planning Commission on these amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BOTHELL, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 12.64.104 of the Bothell Municipal Code (BMC) is hereby amended as follows, with new text shown by red underline, deleted text shown in ~~red strikethrough~~ and existing hyperlinks shown in blue underline; all other provisions of these

sections shall remain unchanged and in full force, including those portions that are omitted in the text here as indicated by three asterisks (* * *):

12.64.104 SR 522 Corridor District Requirements

The added note **(S)** in the Chart Legend below establishes the additional height allowed for affordable housing projects.

Chart Legend

---: not permitted	n/a: not applicable as indicated	not required: these elements are not required as indicated
permitted: these elements are allowed by right unless otherwise specified in BMC 12.64.201 Building Use		
required: these are required elements of all new development as indicated.		
(C1) : City-wide conditions for manufactured homes apply		
(R) : exceptions apply for development in the special riverfront overlay, see Special SR 522 Requirements		
(S) : 5 floors and 54 feet for qualifying affordable housing projects (see BMC 12.64.104.C)		
D & CS & S: Design & Constructions Standards & Specifications		

A. District Charts.

12.64.200 Site Development Regulations	District Requirements
12.64.201 Building Use	
A. Retail	
1. Pedestrian Oriented Retail	---
2. Neighborhood Center Retail	---
3. Business & Personal Services	permitted
4. Auto-Oriented Retail	permitted
5. Corner Store Retail	permitted
B. Civic & Cultural	permitted
C. Office	permitted
D. Lodging	permitted
E. Residential	
1. Multi-Family w/ Common Entry	permitted
2. Multi-Family w/ Individual Entry	permitted

Att-2

12.64.200 Site Development Regulations	District Requirements
3. Detached Single Family Housing	permitted
4. Manufactured Homes	conditional; (C1)
5. Home Occupation	permitted
12.64.202 Building Height	
minimum height	1 floor & 20 feet
maximum height	4 floors & 45 feet; (R) (S)
12.64.203 Special Height Regulations	
Abutting Residential Only Zones	n/a
Across the Street from Residential Only Zones	n/a
Special Height Requirement	not required
12.64.204 Building Orientation	
required or not required	not required
12.64.205 Public Frontage	
required or not required	required
12.64.206 Private Frontage	
1) Shop-Front	permitted
2) Corner Entry	permitted
3) Arcade	permitted
4) Grand Portico	permitted
5) Forecourt	permitted
6) Grand Entry	permitted
7) Stoop	permitted
8) Porch	---
9) Front Door	---
10) Edge Treatment: Fenced	permitted
11) Edge Treatment: Terraced	permitted
12) Edge Treatment: Flush	permitted
12.64.207 Front Yard Setback	
minimum / maximum	15 ft / no max
12.64.208 Side Yard Setback	
min w/ living space windows (or adj to s.f. homes)	10 ft
min w/out living space windows	5 ft
12.64.209 Rear Yard Setback	
minimum setback	10 ft

Att-2

12.64.200 Site Development Regulations	District Requirements
12.64.210 Special Setback Regulations	
minimum setback	25 ft
12.64.211 Alley Setback	
minimum setback	5 ft
12.64.212 Frontage Coverage	
minimum percentage covered	60%
12.64.213 Build-to-Corner	
required or not required	not required
12.64.214 Maximum Building Length	
maximum	180 ft
12.64.215 Special Building Length Limit	
Corner	n/a
Mid-Block	n/a
12.64.216 Space Between Buildings	
	30 ft

* * *

12.64.400 Parking Regulations	District Requirements
12.64.401 Parking Types	
A. Surface Parking Lot - Front	---
B. Surface Parking Lot - Side	permitted
C. Surface Parking Lot - Rear	permitted
D. Surface Parking Lot - Exposed	permitted
E. Parking Structure - Exposed	permitted
F. Parking Structure - Wrapped: Ground Level	permitted
G. Parking Structure - Wrapped: All Levels	permitted
H. Parking Structure - Partially Submerged Podium	permitted
I. Parking Structure - Underground	permitted

12.64.402 Provision of Parking				
12.64.201 Building Use	Minimum Parking Requirements	Permitted Maximum Parking in a Surface Lot	Shared Parking Reduction	Special Condition Requirements
1 - Retail:				
a) Pedestrian Oriented Retail (Except Eating and Drinking Establishments)	1 vehicle space per 400 sf *	1 vehicle space per 250 sf *	10% reduction allowed for shared- use parking	On-site, or off-site within 800 feet, or cash-in-lieu *

Att-2

Pedestrian Oriented - eating and drinking establishments	1 vehicle space per 400 sf	1 vehicle space per 200 sf	No reductions	On-site, or off-site within 800 feet, or cash-in-lieu *
b) Neighborhood Center Retail	1 vehicle space per 400 sf	1 vehicle space per 250 sf	No reductions	On-site
c) Auto-Oriented Retail	1 vehicle space per 400 sf	1 vehicle space per 250 sf	No reductions	On-site
d) Corner Store Retail	1 vehicle space per 400 sf	1 vehicle space per 250 sf	No reductions	On-site, or on street within 200 feet, or cash-in-lieu *
2 - Civic & Cultural				
	1 vehicle space per 500 sf	1 vehicle space per 250 sf	10% reduction allowed for shared- use parking	On-site, or off-site within 800 feet, or cash-in-lieu *
3 - Office				
	1 vehicle space per 500 sf	1 vehicle space per 300 sf	10% reduction allowed for shared- use parking	On-site, or off-site within 800 feet, or cash-in-lieu *
4 - Lodging				
	1 vehicle space per bedroom	1 vehicle space per bedroom	No reductions	On-site, or off-site within 100 ft
5 - Residential (All)				
	1 vehicle space per bedroom or 2.2 spaces per unit, whichever is less*	1 vehicle space per bedroom	10% reduction allowed for shared-use parking	On-site, or off-site within 100 ft

See BMC [12.64.402\(D\)](#) for description of cash-in-lieu fee option

* If the formula results in a fraction, the minimum number of parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounded up and fractions below 0.50 rounding down.

Reductions for [transit and green](#) buildings are allowed pursuant to BMC [12.16.110.B.1](#) and [2 and C-E](#).

* * *

B. *Special SR 522 Corridor Requirements.* All Special Requirements ~~in~~ [this section](#) apply to development in the SR 522 Corridor.

* * *

4. *SR 522 Corridor Affordable Housing Overlay.*

a. *Applicability.* All developments within the SR 522 Corridor District Affordable Housing Overlay creating five (5) or more new dwelling units; or 2,100 or more gross square feet of climate-controlled nonresidential floor area shall provide for affordable housing units within the development.

b. The provisions of Chapter [12.07](#) BMC apply to the affordable housing units required by this section, except as expressly provided within this section.

c. Minimum Requirements:

(i) At least five percent (5%) of the number of new dwelling units created within a development, if owner-occupied housing, shall be affordable to moderate-income households, and if renter-occupied housing, shall be affordable to low-income households, as defined in BMC [12.07.015\(A\)](#).

(ii) Provision of owner-occupied affordable housing for moderate-income households, or renter-occupied affordable housing for low-income households, as defined in BMC [12.07.015\(A\)\(1\)](#), with an area not less than 5% of the gross climate-controlled nonresidential floor area of the project, or payment of \$11.20 per gross square foot of climate-controlled nonresidential floor area of the project. The City Council may revise this payment rate from time to time to reflect changes in relevant conditions, such as land values and housing costs.

5. SR 522 Corridor Affordable Housing Voluntary Incentive. A development that satisfies all of the following conditions may build up to five (5) floors and 54 feet:

a. Applicability: Any development within the SR 522 Corridor District outside of the Affordable Housing Overlay.

b. Affordable Housing:

i. All of the dwelling units created within a development are affordable to low-income households, as defined in BMC 12.07.015.A.2.

ii. The provisions of Chapter 12.07 BMC apply to the affordable housing units created under this section, except as expressly provided within this section.

iii. A mix of affordability levels including housing for very low- and extremely low-income households, as defined in BMC 12.07.015.A.3 and 4, is encouraged.

* * *

Section 2. Section 12.16.110 of the Bothell Municipal Code (BMC) is hereby amended as follows, with new text shown by red underline, deleted text shown in ~~red~~

~~strikethrough~~ and existing hyperlinks shown in blue underline; all other provisions of these sections shall remain unchanged and in full force, including those portions that are omitted in the text here as indicated by three asterisks (* * *):

12.16.110 Transit, rideshare and green building provisions.

A. All land uses for which the majority of the parking demand is generated by employees who remain on site for at least six hours each day shall be required to reserve one parking space for rideshare parking for every 20 required parking spaces, up to a maximum of 20 rideshare spaces, as follows:

1. The parking spaces shall be located convenient to the primary employee entrance;
2. Reserved areas shall have markings and signs indicating that the space is reserved between the hours of 6:00 a.m. and 9:00 a.m., 12:00 noon and 1:00 p.m., and at all other shift changes; and
3. Parking in reserved areas shall be limited to vanpools and carpools established through rideshare programs and to vehicles meeting minimum rideshare qualifications set by the employer.

B. ~~Outside the Downtown Subarea, the~~ community development director may reduce the number of required off-street parking spaces when one or more scheduled transit routes provide service within 660 feet of the site. The amount of reduction shall be based on the number of scheduled transit runs between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m. each business day up to a maximum reduction as follows:

1. For land uses of the type described in subsection A of this section, four percent for each run up to a maximum of 40 percent. Buildings attaining at least minimum green building certification under the Leadership in Energy and Environmental Design (LEED), National Green Building Standard, Built Green (Three Star level or higher), or other certification program as approved by the community development director qualify for an additional reduction of two percent for each run up to a maximum additional reduction of eight percent. Development in downtown districts that do not have parking requirements based on this chapter do not qualify for the base transit reductions, but may qualify for the additional green building reduction; and

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2. For land uses other than those described in subsection A of this section, two percent for each run up to a maximum of 20 percent. Buildings attaining at least minimum green building certification under the Leadership in Energy and Environmental Design (LEED), National Green Building Standard, Built Green (Three Star level or higher), or other certification program as approved by the community development director qualify for an additional reduction of two percent for each run up to a maximum additional reduction of four percent. Development in downtown districts that do not have parking requirements based on this chapter do not qualify for the base transit reductions, but may qualify for the additional green building reduction.

C. For housing units that are affordable to very low-income or extremely low-income individuals, as defined in BMC [12.07.015.A.3](#) and [4](#), located within 1/2 mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, an applicant may apply for an exception allowing minimum parking requirements to be reduced at least to one parking space per bedroom or .75 space per unit, as justified through a parking study taking into account projected parking demand and availability of on-street parking within 800 feet of the project.

D. For housing units that are specifically for seniors or people with disabilities, as defined in BMC [11.02.110 "S."](#) except for purposes of this exception senior shall be defined as 55 years and older, that are located within 1/4 mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, an applicant may apply for an exception allowing minimum parking requirements to be reduced to no lower than .3 space per unit, to account for staff and guest parking, as justified through a parking study taking into account projected parking demand and availability of on-street parking within 800 feet of the project.

E. For market rate multifamily housing units that are located within 1/4 mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, an applicant may apply for an exception allowing minimum parking requirements to be reduced to one parking space per bedroom.

CF. All uses which are located on an existing transit route and are required under the computation for required off-street parking spaces in BMC [12.16.030](#) to provide more than 200 parking spaces may be required to provide transit shelters, bus turnout lanes or other transit improvements as a condition of permit approval. Uses which reduce required parking under subsection B of this section shall provide transit shelters if transit routes adjoin the site. Adjoining uses which meet these criteria may coordinate in the provision of transit shelters.

~~DG~~. Any development application to which this section applies shall complete and submit to the city all necessary agreements with transit agencies, rideshare programs, or other information required by this section prior to the issuance of any building permits associated with the development.

~~EH~~. Any applicant for a development permit for other than a short plat or construction of a single-family residence shall inquire of the transit agency for the area in which the development would be located as to whether the agency desires a transit stop on the street or streets immediately adjacent to the development, or within the development itself. The applicant shall provide to the community development department a letter from the agency stating whether or not a transit stop is desired, and if so, whether the agency desires to construct and maintain a shelter at the stop. When a transit agency determines that a transit stop is warranted, the development shall incorporate the transit stop into the overall site design, including construction of a direct pedestrian connection from the transit stop to the development; construction of a pull-out, if desired by the transit agency; designation of land for a shelter, if the transit agency desires to construct a shelter; and installation of landscaping adjacent to the transit stop, in accordance with the transit agency's landscaping standards.

* * *

Section 3. Chapter 12.07 of the Bothell Municipal Code (BMC) is hereby amended as follows, with new text shown by red underline, deleted text shown in ~~red strikethrough~~ and existing hyperlinks shown in blue underline; all other provisions of these sections shall remain unchanged and in full force, including those portions that are omitted in the text here as indicated by three asterisks (* * *):

Chapter 12.07
AFFORDABLE HOUSING

* * *

12.07.015 Definitions.

The following definitions are listed in alphabetical order for the purpose of these affordable housing regulations, and shall apply to the administration of this chapter. In addition, except as otherwise provided in this section, those definitions as contained in Chapter 11.02 BMC are adopted and incorporated into this section by reference.

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A. "Affordable housing" and "affordable unit" mean a dwelling unit(s) reserved for occupancy by eligible households and having monthly housing expenses to the occupant no greater than 30 percent of a given monthly household income, adjusted for household size, as follows:

1. *Moderate Income.* ~~For owner-occupied housing, 80 percent of the area median income, and for renter-occupied housing, 60 percent of the area median income, and for renter-occupied housing, 60 percent of the area median income.~~

2. *Low Income.* 60 percent of area median income.

3. *Very Low Income.* 50 percent of area median income.

4. *Extremely Low Income.* 30 percent of the area median income.

5. Pursuant to the authority of RCW [36.70A.540](#), the city finds that the higher income levels specified in the definition of affordable housing in this chapter, rather than those stated in the definition of "low-income households" in RCW [36.70A.540](#), are needed to address local housing market conditions in the city.

B. "Area median income" means the median family income for the Seattle-Bellevue, WA Metro Fair Market Rent (FMR) Area as most recently determined by the Secretary of Housing and Urban Development (HUD) under Section 8(f)(3) of the United States Housing Act of 1937, as amended. In the event that HUD no longer publishes median family income figures for the Seattle-Bellevue, WA HUD Metro FMR Area, the city may estimate the median income in such manner as the city shall determine.

C. "Eligible household" means one or more adults and their dependents who certify that their annual household income does not exceed the applicable percent of the area median income, adjusted for household size, and who certify that they meet all qualifications for eligibility, including any requirements for recertification on income eligibility.

D. "Housing expense" means, in the case of renter-occupied housing, rent, tenant-paid utilities, one parking space, and other tenant expenses required for the dwelling unit; and in the case of owner-occupied housing, mortgage, mortgage insurance, property taxes, property insurance, and homeowner's dues. (Ord. 2255 § 1, 2018).

12.07.020 Location of affordable housing programs.

A. Downtown Subarea:

1. Within the Downtown Transition District Affordable Housing Overlay, affordable housing is required as provided in BMC [12.64.103\(B\)\(3\)](#).
2. Within the SR 522 Corridor District Affordable Housing Overlay, affordable housing is required as provided for in BMC [12.64.104\(B\)\(4\)](#).
3. Within the SR 522 Corridor District outside the Affordable Housing Overlay, voluntary affordable housing incentives are available as provided in BMC 12.64.104(B)(5).

12.07.030 General affordable housing requirements.

The provisions of this chapter shall apply to all affordable housing units required by, or allowed through, any chapter of the Bothell Municipal Code, except as otherwise provided by this code.

A. Threshold for Compliance.

1. For Affordable Housing Overlays: All developments creating five or more new dwelling units shall provide for affordable dwelling units within the development or provide other methods of creating affordable housing as provided in BMC 12.07.050. Adjacent developments by the same developer will be considered as a single development for the purpose of applying the threshold for compliance.
2. For Affordable Housing Incentives: All developments using voluntary incentives shall make all of the dwelling units within the development affordable.

B. *Duration of Affordability.* Affordable units that are provided under this section shall remain as affordable housing for a minimum of 50 years from the date of initial occupancy for owner-occupied affordable units and for the life of the project for renter-occupied affordable units. At the sole discretion of the director, the city may approve a shorter affordability time period for owner-occupied affordable housing, not to be less than 30 years, in order to meet federal financial underwriting guidelines.

C. *Designation of Affordable Units and Standards for Affordable Units* in developments with a mix of affordable and market-rate units. Prior to the issuance of any permit(s), the city shall review and approve the selection of affordable units, consistent with the following standards:

1. The affordable units shall generally be interspersed with all other dwelling units in the development.
2. The tenure (ownership or rental) of the affordable units shall be the same as the tenure of the rest of the dwelling units in the development.
3. The affordable units shall consist of a mix of number of bedrooms that is generally proportionate to the bedroom mix of units in the overall development.
4. The size (heated floor area) of the affordable housing units, if smaller than the other units in the development having the same number of bedrooms, must be approved by the director. In general, the affordable housing units may be as small as 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, 1,000 square feet for a three-bedroom unit, or 1,200 square feet for a four-bedroom unit, or 10 percent smaller than the market-rate units with the same number of bedrooms, whichever is less. However, the director has the discretion not to approve proposals for smaller units based on the criterion that rooms within the units provide adequate space for their intended use.
5. The exteriors of the affordable units shall be compatible with and comparable in quality and durability to the rest of the dwelling units in the development and shall comply with any design standards for the underlying zoning district. The interior finish, durability and quality of construction of the affordable units shall, at a minimum, be comparable to new entry level rental or ownership housing in the city.

D. *Availability in developments with a mix of affordable and market-rate units.* The affordable units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

* * *

Section 4. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 5. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 6. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

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APPROVED:

LIAM OLSEN
MAYOR

ATTEST/AUTHENTICATED:

LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:

PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2020)

SUMMARY OF ORDINANCE NO. _____ (2020)

City of Bothell, Washington

On the _____ day of _____, 2020, the City Council of the City of Bothell passed Ordinance No. _____ (2020). A summary of the content of said Ordinance, consisting of the title, is provided as follows:

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING SECTIONS 12.64.104, SR 522 CORRIDOR DISTRICT REQUIREMENTS; 12.16.110, TRANSIT, RIDESHARE AND GREEN BUILDING PROVISIONS; AND CHAPTER 12.07, AFFORDABLE HOUSING, OF THE BOTHELL MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: _____
PASSED BY THE CITY COUNCIL: _____
PUBLISHED: _____
EFFECTIVE DATE: _____
ORDINANCE NO.: _____ (2020)

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