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# AGENDA

## BOTHELL PLANNING COMMISSION

\*\*\*HYBRID MEETING\*\*\*

Bothell City Hall, 18415 101st Avenue NE  
March 1, 2023, 6:00 PM

TO ATTEND THE MEETING:

- Join us in person at City Hall in Council Chambers – 18415 101<sup>st</sup> Avenue NE
- 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 Ziplly Fiber/Comcast Cable)
- Attend the meeting by Zoom:
  - Click this link (or copy the URL and paste into a web browser):  
<https://us02web.zoom.us/j/87550953978>
  - Call-in to the Zoom meeting by dialing 253-215-8782 and entering 875 509 53978#
- To provide public comments/testimony or to submit written comments please email [imaginebothell@bothellwa.gov](mailto:imaginebothell@bothellwa.gov) by 3:00 PM. (day of the meeting)

Planning Commission meetings are also recorded and available the next day on the [City of Bothell YouTube Channel](#).

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**1. CALL TO ORDER:**

**2. PUBLIC COMMENTS: Items not on the agenda**

If you wish to comment (either in writing or orally) please submit your comments or request to [imaginebothell@bothellwa.gov](mailto:imaginebothell@bothellwa.gov) prior to 3PM (day of meeting). Persons making oral comments will be allowed 3 minutes to speak. All comments will be made part of the record.

**3. APPROVAL OF MINUTES:** February 15, 2023

**4. NEW BUSINESS:**

**5. STUDY SESSION:** Outdoor Dining Proposed Code Amendments

**6. UNFINISHED BUSINESS:**

**7. REPORTS FROM STAFF:**

**8. REPORTS FROM MEMBERS:**

**9. ITEMS TO REPORT TO COUNCIL:**

**10. ADJOURNMENT:**

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# **February 15, 2023 Minutes**

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## **BOTHELL PLANNING COMMISSION MINUTES**

### **REGULAR MEETING** – February 15, 2022

*This is a hybrid meeting hosted in person at City Hall as well as online via Zoom. Some commissioners, staff, guests, and attendees were present via Zoom, and some were present in person.*

**COMMISSIONER ATTENDANCE:** Present were Chair Kevin Kiernan, Carston Curd, Toni Anders, Sarah Gustafson, Sharon Jones, Claire Robson, and Cary Westerbeck

**COMMISSIONERS ABSENT AND EXCUSED:** None

**CITY STAFF PRESENT:** Deputy Director Ashley Winchell, Senior Planner Kirsten Mandt, Senior Planner David Boy, Capital Division Manager Steve Morikawa, and Transportation Supervisor Raid Tirhi

**GUESTS PRESENT:** None

**ATTENDEES PRESENT:** Anglea Boice, Kadi Engquist

**CALL TO ORDER:** The Regular Meeting of the Bothell Planning Commission was called to order by Chair Kiernan at 6:00 p.m.

**PUBLIC COMMENTS:** Anglea Boice made comment on the zoning of larger buildings in residential zones negatively impacting residents

### **APPROVAL OF MINUTES:**

ROBSON MOVED TO APPROVE THE MINUTES FOR JANUARY 18, 2023. ANDERS SECONDED AND IT PASSED WITH ALL PRESENT IN FAVOR.
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**NEW BUSINESS:** None

**STUDY SESSION: Downtown Transition Affordable Housing Overlay (DTAHO) Postponed**  
Chair Kiernan opened the study session and introduced Senior Planner Boyd who made a statement regarding the postponement and answered clarifying questions.

**STUDY SESSION: Introduction to the 2024 *Imagine Bothell...Comprehensive Plan Periodic Update***  
Chair Kiernan opened the study session and introduced Senior Planner Mandt who made a presentation and answered clarifying questions. Capital Division Manager Morikawa also contributed to the presentation and answering questions.

GUSTAFSON MOVED TO RECOMMEND THAT COUNCIL CONSIDER THE COTTAGE HOUSING REQUEST WITH THE 2023 PLANNING DOCKET SO THAT IT MAY BE IMPLEMENTED MORE QUICKLY. JONES SECONDED.

**UNFINISHED BUSINESS:** None

**REPORTS FROM STAFF:** Deputy Director Winchell reported out on Middle Housing and the plan to present to Council on March 7, 2023, continuing to work with Sound Transit regarding Transfer of Development Rights (TDR), and that Community Development is in the hiring process for a Historic Preservation consultant.

**REPORTS FROM MEMBERS:** None

**ITEMS TO REPORT TO CITY COUNCIL:** None

**ADJOURNMENT:**

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

The meeting was adjourned at 7:03 p.m.

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**Study Session**  
Outdoor Dining Proposed Code  
Amendments

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# MEMORANDUM

## Community Development



City of Bothell

**DATE:** March 1<sup>st</sup>, 2023

**TO:** Planning Commission

**FROM:** Kirsten Mandt, Senior Planner

**SUBJECT:** Study Session to Review Proposed Code Amendments to Allow Outdoor Dining in Parking Areas on Private Property Permanently.

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### **Purpose/Action**

Staff is providing proposed changes to the Bothell Municipal Code, which would permit for the continued permanent use of existing outdoor dining facilities in parking areas on private property. These code changes are also amended so that similarly proposed outdoor dining areas in parking areas on private properties may be approved, pending the review of a public area use permit by relevant divisions in development services.

### **History**

Council adopted the initial interim ordinance to permit outdoor dining in parking spaces on private property temporarily on June 9, 2020. Those interim controls were renewed several times with the last extension in November 2022. As a part of the November 2022 extension, the ordinance extension shall thereafter expire after an additional sixth-month period, unless further extended or superseded by action of the City Council, whichever occurs first. In November 2022 City Council provided staff direction to move forward with permanent ordinance to allow outdoor dining in parking areas.

### **Discussion**

Staff was directed to draft proposed amendments to the Bothell Municipal Code that allow for outdoor dining uses in parking spaces on private property as permitted temporarily under ordinances from the prior three years. These code changes also codify the same allowances for restaurants citywide with the application for and approval of a public area use permit. The code amendments as currently proposed by staff are contained in Att-1.

Discussion and explanation for the proposed changes are included in the attachment by each section of the code referenced for revision. Key draft code amendments proposed include:

- That structures of 1,000 square feet in area or less providing outdoor dining space for an existing business are exempt from the provisions of BMC 12.16.020 “Authority and application” of the citywide parking regulations. The intent of this exemption is clarified throughout applicable code sections to confirm that the addition of an outdoor dining area does not constitute an enlargement of the existing restaurant for the purposes of requiring additional vehicular or bicycle

parking, or triggering additional requirements that a standard business enlargement typically would.

- Code language is also proposed that would allow outdoor dining structures to be located on a maximum of one-third of the parking spaces required for the underlying use, and that those spaces do not need to be provided elsewhere. Without this or similar language, the existing site plan for Julio's and the Cottage would not meet minimum parking standards. The exemption language noted above for BMC 12.16.020 was also added as BMC 12.64.001(B)(5), which exempts structures of 1,000 square feet in area or less providing outdoor dining spaces for existing businesses from the provisions of the applicability section for the Downtown Subarea. Again, this language was added to the Canyon Park Subarea in BMC 12.48.010(B)(1) to clarify that outdoor dining structures do not constitute any level of improvement for the purposes of determining consistency with land use regulations.
- Any applicable building and fire regulations for health and safety would still apply in all cases.

## **Attachments**

### **Att-1 Outdoor Dining Proposed Code Amendments**

## **Next Steps**

Staff is seeking feedback from the Planning Commission on the proposed code changes. Staff will incorporate any suggestions and/or requests by Planning Commission and bring back a revised version of the proposed code changes for either an additional study session or, if changes are not significant, a public hearing.

*Attachment 1:*



## Outdoor Dining DRAFT Code Amendments

Draft code amendments for outdoor dining are included below with proposed new text underlined and deleted text stricken, annotated with text boxes like this one. New text box language since the last study session, if applicable, is in bold. Text in brackets [] is explanatory and will not be included in the regulations. Skipped sections are indicated by three asterisks:

\* \* \*

As written, subsection A would require existing outdoor dining tents to comply with parking requirements in this chapter, including but not limited to, the provision of off-street parking spaces as they would be considered either new buildings or an enlargement of the existing building use. This additional language creates an exemption citywide for structures used for outdoor dining associated with existing businesses with a maximum square footage of 1,000 square feet. This allows existing outdoor dining structures such as those for Julio's and The Cottage to qualify for an exemption from this chapter.

### Chapter 12.16 PARKING, LOADING, TRANSIT ACCESS AND PEDESTRIAN CIRCULATION

\* \* \*

#### 12.16.020 Authority and application.

A. Before an occupancy permit may be granted for any new or enlarged building or for a change of use in any existing building, the use shall be required to meet the provisions of this chapter.

1. Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

B. If this chapter does not specify a parking requirement for a specific land use, the community development director shall establish the minimum requirement based on the requirement for a comparable use. If no such comparable use exists, the director may require the applicant to prepare a study of anticipated parking demand created by the proposed use. The applicant shall demonstrate that the parking demand for the specific land use will be satisfied. The study shall be prepared by a professional with expertise

in traffic and parking analysis, or an equally qualified individual authorized by the director.

C. If the required amount of off-street parking has been proposed to be provided off-site, and complies with requirements for off-site parking as set forth in this chapter, the applicant shall provide a satisfactory written contract with cooperating landowners showing the provision of adequate off-street parking. Said contract shall be reviewed and approved by the city attorney.

Subsection D was originally established by Ordinance 1629 in 1996. Staff feels that this language is not necessary as parking areas are not permitted to be changed into any other use unless expressly permitted by a permit or other development application. Staff also has concerned that this language could be construed to apply to any and all areas in the city that have previously been designated as off-street parking, which is in direct conflict with site redevelopment.

~~D. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere which meet the requirements of this chapter. (Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).~~

### **12.16.030 Computation of required off-street parking spaces.**

A. Except as modified under this section or BMC 12.16.040, off-street parking areas shall contain at a minimum the number of parking spaces as stipulated in the following table. Off-street parking ratios expressed as number of spaces per square feet means the gross square footage. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down. The land uses below correspond to those listed in Chapter 12.06 BMC.

Further clarification within the computation of required off-street parking spaces table recommended for outlining eating and drinking establishment uses that do not require the provision of any additional parking spaces. Additional language was added as new subsection C to provide additional flexibility for determining if/when a new or additional use is similar enough to outdoor dining and other exempt uses to permit an exemption by the Director. Additional language added as subsection (D)(5) to further clarify that outdoor dining is also exempt from bicycle parking requirements. We are also proposing to label the table for easier reference, consistent with the naming convention of titles that currently label tables.

**Table 12.16.030-1. Minimum Number of Required Parking Spaces**

Land Use	Minimum Parking Spaces Required
Automotive, marine and heavy equipment services	1 per 400 square feet of gross floor area
Exception: Heavy equipment repair	1 per 300 square feet of office plus 0.9 per 1,000 square feet of indoor repair area
Business and personal services	1 per 300 square feet
Exception: Churches, temples, mosques and other religious facilities	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Exception: Mortuary services	1 per 50 square feet of chapel area
Exception: Veterinary clinics	1 per 300 square feet of office, labs and examination rooms
Eating and drinking establishments, <del>not including vendor carts</del>	1 per 75 square feet in dining or lounge areas; 1 per 300 square feet elsewhere
<u>Exception: Outdoor dining areas, and vendor trucks, carts, spaces, or stalls</u>	<u>None</u>
Education	1 per 300 square feet
Exception: Elementary and middle/junior high schools	1 per classroom plus 1 per 50 students
Exception: High schools	1 per classroom plus 1 per 10 students
Exception: High schools with stadiums	Greater of 1 per classroom plus 1 per 10 students or 1 per 3 fixed seats in stadium
Exception: Vocational-technical institutions	1 per classroom plus 1 per 5 students
Essential public facilities – to be determined in conjunction with development review	
Government services, general	1 per 300 square feet
Exception: Fire and police stations	Determined by community development director
Exception: Maintenance shops and vehicle and equipment parking and storage	1 per 300 square feet of offices plus 0.9 per 1,000 square feet of indoor storage or repair areas
Health and social services, not including day care centers in an existing church or school or residential care homes	1 per 300 square feet
Exception: Day care centers, independent	2 per facility plus 1 per each 20 children
Exception: Hospitals	1 per bed
Lodging	1 per bedroom
Exception: Campgrounds and recreational vehicle parks	Determined by community development director
Manufacturing, distribution, storage and warehousing	.9 per 1,000 square feet
Exception: Breweries and wineries	.9 per 1,000 square feet plus 1 per 50 feet of tasting area

Exception: Outdoor storage yards	1 per 300 square feet of office plus 0.9 per 1,000 square feet of storage area
Exception: Self-service warehouses	1 per 3,500 square feet of storage area plus 2 per caretaker's unit
Recreation, culture and entertainment	1 per 300 square feet
Exception: Bowling centers	5 per lane
Exception: Community centers used for assembly purposes	1 per 3 fixed seats plus 1 per 50 square feet without fixed seats
Exception: Golf courses	3 per hole plus 1 per 300 square feet of club house facilities
Exception: Golf driving ranges	1 per tee
Exception: Movie theaters	1 per 4 fixed seats
Residential uses, including only the following:	
Dormitories, fraternities and sororities	1 per 2 bedrooms
Dwelling units, accessory driveway	1 per accessory dwelling unit, located in a garage or on a driveway
Dwelling units, primary, detached, one unit per structure	3 per dwelling unit, which spaces shall consist of garage floor and/or driveway area
Dwelling units, primary, two or more units per structure	2 per dwelling unit, plus 1 guest parking stall for every 5 dwelling units
Micro-apartments	0.75 per dwelling unit
Mobile/manufactured home parks	2 per mobile/manufactured home
Nursing homes	1 per bed
Specialized senior housing	Base ratio is 1 per dwelling unit, which may be reduced to 1 per 1.5 dwelling units, in accordance with BMC <u>12.10.060</u>
Retail uses	1 per 300 square feet
Exception: Convenience stores	3 plus 1 per 350 square feet
Temporary uses	As determined by community development director. Spaces may not be paved
Uses not otherwise categorized	As determined by community development director

B. Where other provisions of this code stipulate maximum parking allowed or reduced minimum parking requirements, those provisions shall apply.

C. Parking minimums for uses not exempt per the table in subsection A, or that are not exempt from the requirements of Chapter 12.16 as noted in BMC 12.16.020(A)(1), may be waived per the discretion of the Community Development Director.

D. In any development required to provide six or more parking spaces, bicycle parking shall be provided. All bicycle parking facilities shall be securely anchored to the ground or to a structure.

1. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles, up to a maximum of 20 bicycle spaces.

2. Bicycle facilities for patrons shall be located within 100 feet of a building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement. It is not necessary for all on-site bicycle spaces to be grouped in one central location.
3. All bicycle parking and storage shall be located in secure locations that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
4. One indoor bicycle storage space shall be provided for every two dwelling units in multifamily residential uses, with the exception of specialized senior housing, unless individual garages are provided for every unit. The director may reduce the number of bike rack parking spaces if indoor storage facilities are available to all residents.
5. The square footage of any approved outdoor dining area structures is exempt from the provision of bicycle parking.

(Ord. 2360 § 3, 2021; Ord. 1815 § 1, 2000; Ord. 1629 § 1, 1996).

\* \* \*

## Chapter 12.18 TREE RETENTION AND LANDSCAPING

\* \* \*

Because we are proposing to allow outdoor dining in parking lot areas, staff suggests adding language to ensure that on-site landscaping that is required in parking lots is not removed without being provided elsewhere in order to not remove the benefits provided by landscaping such as visual relief, cooling, reduction of impacts to the stormwater system, and others.

### **12.18.090 Parking lot landscaping.**

The following are minimum landscaping requirements relating to off-street parking areas for development other than single-family detached and two-family dwellings:

A. A five-foot-wide Type IV landscape strip around the outside perimeter of the parking area, except where required street frontage landscaping forms a portion of such perimeter.

B. If a parking lot contains at least 20 parking stalls, Type IV landscaping shall be installed as follows:

1. At least seven percent of the interior parking area shall be landscaped;

2. At least one interior landscape island for every 10 parking stalls shall be distributed throughout the parking lot;
3. At least one tree shall be provided in each landscape island peninsula;
4. A planting bed or landscape island peninsula shall be provided at the end of each parking row;
5. Landscaping shall not be installed so as to obstruct the view of or inhibit access to fire hydrants or other fire protection equipment;
6. All planting beds, landscape islands, and landscape peninsulas shall have a minimum dimension of five feet as measured from the interior of the curb;
7. LID BMPs such as bioretention facilities should be used within parking lot landscaping where feasible. Where bioretention facilities are located within parking lot landscaping, curb inlets shall be provided consistent with the city of Bothell design and construction development standards.
8. Use of parking lot area for outdoor dining facilities shall not result in a net loss of required landscaping. Removal of landscaping shall be avoided whenever possible. Any landscaping approved for removal shall be replaced in-kind elsewhere on-site as approved by the director.

\* \* \*

## Chapter 12.48 CANYON PARK SUBAREA REGULATIONS

\* \* \*

Similar to the Downtown Subarea, the Canyon Park Subarea has its own applicability regulations, separate from the citywide requirements. Language is proposed to clarify how that outdoor dining tents shall not be considered Level 1 improvements and are exempt from the same regulations that would be applicable to other kinds of floor area increases.

### **12.48.010            Applicability.**

B. *Additions and Improvements.* Three different thresholds have been established to determine how the regulations herein are applied to such projects:

1. Level I improvements include all exterior remodels, building additions, and/or site improvements that affect the exterior appearance of the building/site and/or cumulatively increase the gross floor area on a site less than 50 percent within

three years of the date of permit issuance. The requirement for such improvements is only that the proposed improvements meet the regulations and do not lead to further nonconformance with the regulations.

For example, if a property owner decides to replace a building façade's siding, then the siding must meet the applicable exterior building material regulations, but elements such as building articulation would not be required.

Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

2. Level II improvements include all improvements that cumulatively increase the gross floor area on a site by 50 percent to 100 percent, within three years of the date of permit issuance. All regulations that do not involve repositioning the building or reconfiguring site development must apply to Level II improvements.

For example, if a property owner of an existing business in the RMU-M zone wants to build an addition equaling 75 percent of the current building's footprint, then the following elements must apply:

- a. The location and design of the addition/remodel must be consistent with the block frontage design regulations in Article [IV](#) of this chapter, which addresses building frontages, entries, parking lot location, and street setback landscaping. For such developments seeking additions to buildings where off-street parking location currently does not comply with applicable parking location regulations, building additions are allowed provided they do not increase any current nonconformity and generally bring the project closer into conformance with the regulations.
- b. Comply with applicable through-block connection, trail, and off-street parking regulations (in Article [III](#) of this chapter) that are associated with the addition. The through-block connection and trail provisions would apply where such addition is located in the immediate area of such features shown in Figure 12.48.200.
- c. Comply with applicable block frontage regulations (in Article [IV](#) of this chapter) that are associated with the addition. The block frontage provisions would apply when such an addition is located adjacent to a particular designated block frontage shown in Figure 12.48.305.
- d. Comply with the site planning design regulations (in Article [V](#) of this chapter) associated with proposed site and building improvements.
- e. Comply with the applicable building design regulations (in Article [VI](#) of this chapter), except architectural scale and materials provisions related to

the existing portion of the building where no exterior changes are proposed.

f. Comply with applicable off-street parking, landscaping, and signage provisions that relate to proposed improvements.

3. Level III improvements include all improvements that cumulatively increase the gross floor area on a site by more than 100 percent within three years of the date of permit issuance. Such developments must conform to all applicable regulations, except in a case where there are multiple buildings on one site, and only one building is being enlarged. In that scenario, improvements to the additional buildings are not required, but conformance with all other regulations apply.

\* \* \*

## **Chapter 12.64 DOWNTOWN SUBAREA REGULATIONS**

\* \* \*

Additional language added as subsection (B)(5) to carry over the citywide exemption language into the Downtown Subarea's applicability section.

### **12.64.001 Applicability.**

The policies contained within this chapter shall apply as follows:

A. *New Construction.* All regulations in Chapter 12.64 BMC shall apply, except that within the Campus District (i) the regulations of Chapter 12.64 BMC shall apply only to the extent such regulations are identified in BMC 12.64.108 and (ii) the remaining regulations of this Chapter 12.64 BMC shall be used as guidance when the provisions of BMC 12.64.108 do not fully address an issue pertaining to a development proposal

B. *Additions and Improvements.*

1. These Downtown Subarea Regulations shall apply to significant additions constituting greater than 10 percent of a building's floor area OR exterior improvements costing more than 10 percent of a property's assessed value.
2. Requirements for renovation or enlargements shall only apply to net new floor area
3. Improvements and additions to existing buildings that increase non-conformities are not permitted.



4. If regulations to be applied to net new floor area are not specified in this chapter, then citywide regulations shall apply.

5. Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

\* \* \*

Language added for consistency with the added language in BMC 12.16.020(A) to exempt outdoor dining structures of 1,000 sf or less from parking requirements. Further, per the current regulations, the parcel containing Julios and the Cottage, which both currently have outdoor dining tents taking a total of 6 spaces, an allowance to use up to one-third of the minimum number of required spaces would bring that parcel into compliance. A total of 15 spaces would currently be required based on the net square footage noted by the King County Assessor. 10 spaces remain after accounting for the 6 spaces taken by the tents. If these spaces are still permitted to count towards the total, then a total of 16 spaces are on-site.

#### **12.64.402 Provision of Parking.**

A. The minimum parking provision for vehicles required by all new development and those proposing substantial modifications to existing buildings shall be as specified in BMC 12.64.100. District Requirements.

1. Outdoor dining space structures of 1,000 square feet in area or less associated with existing businesses are exempt from the provisions of this chapter and do not constitute an expansion of the existing business.

2. Up to one-third of the minimum number of required parking spaces may be utilized for outdoor dining area(s) without requiring the provision of additional parking area and/or fee in-lieu as detailed in subsection D to meet the minimum required number of parking spaces for the underlying use.

B. The maximum surface parking area permitted by all new development and those proposing substantial modifications to existing buildings shall not exceed that amount shown in BMC 12.64.100. District Requirements. Parking spaces exceeding the maximum permitted surface parking area provision may be provided in a parking structure, off-site, or as cash-in-lieu (see d. below).

C. New on-street parking spaces provided along a property's frontage on new streets (see BMC 12.64.301 Street Requirements) may be counted toward the minimum parking requirement for commercial development on that property.

D. All or part of the parking requirement for most retail (as specified in BMC 12.64.402 Provision of Parking chart for each district in BMC 12.64.100), civic and cultural, and office development may be satisfied through payment of in-lieu fees based on the current real cost of constructing a parking space in an exposed above-ground parking structure or in off-site locations as allowed in BMC 12.64.100. District Requirements

E. Reductions for shared use parking may be allowed for land uses as indicated in BMC 12.64.100. District Requirements and subject to the provisions of BMC 12.16.040 concerning shared parking.