

Bothell City Council
AGENDA BILL

Meeting Date: December 17, 2019 Action No Action AB #: 19-219

Subject: Continuation of Public Hearing and Action on 2019 Plan and Code amendments (Capital Facilities Element and establishing Minimum Density and intensity within the Canyon Park and North Creek / NE 195 ST Activity Centers)

Budget Impact/Source of Funds: N/A

Staff Presenter/Department: Bruce Blackburn, Community Development

Policy Consideration and Connection to Council Goals:

There are two policy considerations:

- Whether to amend the Capital Facilities Element to reflect voter approved bonds to rebuild fire stations 42 and 45.

This action supports the Council Goal of public safety; and

- Whether to establish minimum residential densities and non-residential floor area ratios within the Canyon Park and North Creek/NE 195 ST Subarea activity centers. 0 to 0.40.

This action supports the Council goal of economic development.

Background:

These amendments are being proposed within the annual comprehensive plan amendment cycle allowed by the Growth Management Act and are required to be adopted by the end of the year. Any amendments not adopted this year could be considered in the 2020 annual amendment cycle which would delay implementation for at least one year.

The public hearing was continued from December 3 due to an appeal of the SEPA determination by the Canyon Park Business Center Owners Association (CPBCOA). Staff has been in discussion with the CPBCOA to address concerns raised through the appeal.

Capital Facilities Element

In November 2018, voters approved bonds to rebuild fire station 42 (Canyon Park) and 45 (Downtown), including safety upgrades, technical modernization and energy efficiency to accommodate current and future growth. This action amends the Capital Facilities Element of the Comprehensive Plan to reflect the Council-adopted Capital Facilities Plan. Under the Growth Management Act (GMA) regulations these documents must align.

Minimum Density and Intensity

The City of Bothell established activity centers, identified by the R-AC zone, in 2002 (Ordinance 1876) as a means of focusing growth toward locations where transportation, utilities, transit, services, and employment were capable of accommodating higher levels of growth.

Activity Centers are an important component to meeting the City's assigned growth targets and accommodate 20% of the City's projected population growth. Historically, R-AC developments have achieved 50 to 80 dwelling units per acre (DU/AC). Recently, applicants have been proposing townhome developments within the Canyon Park and North Creek / NE 195 ST Subareas that achieve less than 20 dwelling units per acre; a density measurably lower than the growth the City planned for these areas.

Previous City Actions:

- June 2002: Council adopts the Residential-Activity Center Zone
- March 2019: Council approves 2019 Planning Docket, including Capital Facilities Element amendments to reflect the Public Safety Bond, and the Canyon Park Subarea Plan Update
- June 2019: Council initiates Minimum density and Intensity Plan and Code amendments within Activity Centers
- November 2019: Planning Commission holds public hearing and forwards recommendation for approval to Council

Discussion:

CPBCOA has agreed to withdraw the SEPA appeal based on four proposed remedies. Staff can support the reduction of the floor area ratio from 0.50 to 0.40 at this time. Staff has informed the CPBCOA that the minimum may be increased to 0.50 or some other level based on the additional analysis done as part of the Canyon Park subarea plan. The CPBCOA has also requested a letter of intent from the City committing to specific actions by the CPBCOA and the City leading to the City assuming ownership of internal streets; that would ultimately be a decision for Council. The CPBCOA has also requested additional transportation analysis of the roadway network and assumptions for that analysis. Finally, the CPBCOA requested that the Council not grant an exemption from the minimum floor area ratio to Sound Transit as part of this amendment. The last request is consistent with the staff recommendation. However, the details of the letter of intent and the scope of work require additional refinement that may or may not be resolved in time for the December 17 Council meeting. Staff will have an update and a recommendation for Council action at the December 17 meeting.

Capital Facilities Element

This Plan amendment requires no changes to the Capital Facilities Element goals or policies. The Planning Commission recommendation is limited to updating the descriptions and staffing levels of the rebuilt fire stations and contains no policy amendments.

Minimum Development Levels

The City is heavily reliant on the R-AC zone to accommodate a substantial amount of the City's 2035 population growth target. For example, the 2012 King County Buildable Lands Report

assumes the R-AC zone will provide between 50 to 80 dwelling units per acre and goes on to estimate a capacity of 3,286 dwelling units (+6,210 residents) within the 55 vacant or re-developable R-AC parcels. This is equal to 60 dwelling units per acre. The lower densities being developed in this zone will be reflected in the upcoming 2020 buildable lands analysis resulting in a reduction in the city's ability to accommodate projected growth. A significant reduction may require the City to accommodate growth elsewhere in the community.

The proposed amendments are timely because recent residential and non-residential developments within the Canyon Park and North Creek / NE 195 ST activity centers propose densities and development intensities substantially below planned capacities. Additionally for Canyon Park, the number of activity units (i.e. jobs and residents) being realized are below the minimums established by the Puget Sound Regional Council's (PSRC) Regional Growth Center (RGC) Framework Criteria.

One of the purposes of the R-AC zone was to avoid the need to increase population growth within the City's established residential neighborhoods consistent with Comprehensive Plan Policy LU-P6, which states: "Preserve the character of established neighborhoods and protect such neighborhoods from intrusion by incompatible uses."

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

"This designation shall provide for multi-family residential development in designated activity centers, and is intended to promote a variety of housing types in sufficient numbers to support a range of shopping, dining and entertainment opportunities within those centers. *No specific density is prescribed:* the number of units which may be constructed on an individual property or within the center shall be controlled by site and building regulations concerning height, parking, landscaping, setbacks and other aspects of development." (*Emphasis added*)

The Planning Commission Recommendation proposes these amendments be limited to the Canyon Park and North Creek / NE 195 ST activity centers because those subareas have been receiving the majority of the development inquiries and applications and because, compared to the other activity centers, there is significant growth capacity remaining in these subareas.

The Planning Commission Recommendation proposes the implementation of a floor area ratio (FAR) standard to establish minimum non-residential intensities (essentially constructing capacity for future employees). FARs are used throughout the Puget Sound region and establish that the building floor area be a percentage of the parcel of land area upon which the building is located. For example, if a minimum FAR of 0.5 were applied to a parcel of 10,000 square feet in area, the square footage of the building would be required to be at least 5,000 square feet.

The Planning Commission is recommending the following (Attachment 2):

1. Apply the minimum density and intensity provisions to the Canyon Park and North Creek / NE 195 ST activity areas.
2. Establish a minimum density of 35 dwelling units per acre for exclusively residential developments.
3. Establish a minimum FAR of 0.40 for exclusively non-residential developments.
4. Establish three approaches for mixed-use developments within Canyon Park:

- a. Apply the minimum residential density plus provide 40% of the average story floor area for structured parking and 10% of the average floor area for externally oriented retail, office and other service uses. This is an existing requirement that is applied to portions of the Canyon Park Activity Center and is invoked whenever the building exceeds 35 feet in height; or
 - b. Apply a minimum FAR of 1.0 and the allocation of space to residential or non-residential would be at the discretion of the developer/owner; or
 - c. Provide discretion to mixed use development applicants to achieve either the minimum residential density or the minimum non-residential floor area ratio and then 'fill-in' the balance of the development with a reduced density or FARs.
5. Establish two approaches for mixed use development within North Creek /NE 195 ST:
- a. Apply a minimum FAR of 1.0; or
 - b. Provide discretion to mixed use development applicants to achieve either the minimum residential density or the minimum non-residential floor area ratio and then 'fill-in' the balance of the development with a reduced density or FARs.

These standards are also contained in the following table:

Subarea	Minimum residential density DU/acre	Minimum FAR for non-residential	Minimums Mixed Use Option 1	Minimums Mixed Use Option 2	Minimums Mixed use Option 3
Canyon Park	35	0.40	Min DU/ac plus structured parking and 10% retail	1.0 FAR	Meet either min DU/ac or min FAR Fill-in with the other land use
North Creek /NE 195 ST	35	0.40	N/A	1.0 FAR	Meet either min DU/ac or min FAR Fill-in with the other land use

Stakeholder Outreach

At the public hearings, the Planning Commission received testimony from representatives of the Canyon Park Business Center Owners Association (CPBCOA) and Sound Transit (ST) raising questions and concerns about the proposed amendments. The letters submitted by the Association and Sound Transit are in Attachment 3. A brief staff response to the concerns is also included in Attachment 3. Staff also reached out to the Board representatives of the property owners' associations for the Monte Villa, Schnitzer and Bothell Business parks and met the Schnitzer and Bothell Business Park Board members. The feedback from these Associations was generally positive and supportive.

The central concerns raised by the Canyon Park Owners Association dealt with the minimum FAR (originally proposed at 0.60 for Canyon Park), how the minimum FAR could create non-conforming buildings and impacts of development on the private roads. The Planning Commission recommendation includes the lower 0.50 FAR proposed by the Owners Association and clearly states that existing buildings would not be required to meet the minimum FAR if they are expanded. Staff has reviewed past environmental documents for Canyon Park which analyzed impacts of development on the transportation system at much greater levels than the proposed minimum FAR.

Sound Transit has stated that the bus facility in Canyon Park would not be able to comply with the minimum FAR requirement as proposed and has requested an exemption as it pertains to essential public facilities. Planning Commission did not recommend an exemption for essential public facilities or a lower FAR for the bus facility.

Category: Public Hearing (continued)

- Mayor opens the public hearing
- Staff Presentation
- Public testimony
- Council Deliberations
- Motion to Approve Recommended Action
- Council Vote on Motion to Approve

Attachments:

1. Draft Ordinance
2. Planning Commission Findings, Conclusions and Recommendation
3. Exhibits received during the Public Hearings held before the Planning Commission

Recommended Action:

Adopt the proposed, revised ordinance (Attachment 1) amending the *Imagine Bothell...* Comprehensive Plan, Land Use and Capital Facilities Elements and the Canyon Park and North Creek / NE 195 ST Subarea Plans; and amending BMC Title 11, Administration of Development Regulations; and BMC Title 12 Zoning including regulations for minimum densities and intensities within activity centers.

City Manager Approval: _____



Date: 12/12/2019

(This page intentionally left blank)

ORDINANCE NO. _____ (2019)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING THE IMAGINE BOTHELL... COMPREHENSIVE PLAN CAPITAL FACILITIES ELEMENT, LAND USE ELEMENT, CANYON PARK AND NORTH CREEK / NE 195 ST SUBAREA PLANS AND TITLES 11 ADMINISTRATION OF DEVELOPMENT REGULATIONS AND TITLE 12 ZONING REGARDING THE PUBLIC SAFETY BOND AND MINIMUM DENSITY AND INTENSITY PLAN AND CODE AMENDMENTS.

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 the 2019 Plan amendments including the Capital Facilities Plan as part of the 2019 Planning Docket and the minimum density and intensity Plan and Code amendments on June 18, 2019; and

WHEREAS, the Planning Commission conducted study sessions and a public hearing resulting in recommended 2019 Plan and Code amendments; and

WHEREAS, upon due consideration, the City Council finds that adoption of the recommended 2019 Capital Facilities Element and Minimum Density and Intensity Plan and Code amendments are in the public interest and welfare.

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

Section 1. The *Imagine Bothell... Comprehensive Plan Capital Facilities Element* is hereby amended as follows with new text shown by underline and deleted text and

graphics shown in ~~strike through~~; all other provisions of this Element shall remain unchanged and in full force

Capital Facilities Element

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

- Purpose and Relationship to GMA
- Planning Area Profile: Inventories, Future Needs, and Planned Capital Facilities
- City General Offices

City Fire and Emergency Medical Services Facilities

Inventory

Three firehouses are located within the city’s Planning Area: the Downtown Firehouse, the Queensborough Firehouse, and the Canyon Park Firehouse (see map, **Figure CF-1**). All are within the city limits. The Queensborough Firehouse is owned by Fire District 10.

Fire Department facilities, with floor areas and current equipment and staffing levels in each as of ~~2019~~ 2014 and the planned new capital improvements authorized under the 2018 Public Safety Bond, are described in the following table ~~as follows~~ (see **Figure CF-1**):

**Table CF-3
Fire and emergency medical services facilities inventory**

Facility, location and land area	Available space	Current (2019) use	Existing (2019) total floor area	Proposed Floor area
Downtown Firehouse (Station 42) 10726 Beardslee Blvd. Land area: 68,016 sq. ft.	Emerg. Resp. Vehicles: 2 Engines 1 Aid Unit 1 Ladder 1 Medic Unit 1 Command Unit 24 hr. Response Personnel: *10 assigned *7.5 minimum	1 Battalion Chief 5 minimum operational staffing – 7 maximum 2 Medics **Jump crews respond with next available units.	3,748 sq. ft. = response crew quarters 4,185 sq. ft. = Apparatus Bay 8,323 sq. ft. = Administrative Offices Total Square Footage 16,256 sq. ft.	6,000 sq. ft. = response crew quarters 6,000 sq. ft. = Apparatus Bay 10,000 sq. ft. = Administrative Offices Total Square Footage 22,000 sq. ft.
		Facility at capacity.		

Att-1

<p>Canyon Park Firehouse (Station 45) 1608 217th Pl. SE</p> <p>Land area: 32,000 sq. ft.</p>	<p>Emerg. Resp. Vehicles: 1 Engine 2 Aid Units</p>	<p>3 minimum operational staffing <u>with 5 routinely staffed.</u> Maximum. _____ If minimum Staffing, all respond to call If max. Staffing, With 5 staff Engine and Aid are placed in service both staffed</p> <p>Facility at capacity.</p>	<p>4,752 sq. ft.</p>	<p><u>7,000 sq. ft.</u></p>
<p>Queensborough Firehouse (Station 44) 330 228th St. SE Owned by Snohomish County Fire Protection District 10 Land area: Part of federal FEMA property – not on separate parcel</p>	<p>Emergency Response Vehicles: 2 Engines 2 Aid Units 1 Utility Truck 1 Hazardous Materials Response Trailer</p>	<p>3 minimum operational staffing – 4 maximum All respond on any call</p> <p><u>Existing Facility</u> at capacity.</p>	<p>3,692 sq. ft.</p>	<p><u>No changes</u></p>
<p>Code Compliance (portable) 9654 NE 182 Street Land Area: See City offices</p>		<p>1 Deputy Chief / Fire Marshal 1 Lt. / Plans Examiner 1 Firefighter / Inspector</p> <p>.5 Administrative Assistant</p> <p>Facility at capacity.</p>	<p>400 sq. ft.</p>	<p><u>No changes</u></p>

* Paramedic services provided through contract with Shoreline Fire Department. Two paramedics and one medic unit housed at the Downtown Firehouse 24/7, 365.

** Response to calls are dictated by the number of staff available. Jump crews will utilize the appropriate apparatus depending on call type, i.e., If staffing is at 3 personnel and an aid call comes in, all 3 crew members will respond on the aid unit, leaving the fire engine unavailable to respond.

Future needs and planned capital facilities

Washington Administrative Code (WAC) 35.103 requires fire departments to establish a response time level of service (LOS), but does not dictate what the level of service should be. The WAC requires that the adopted standard be met 90 percent of the time. Accordingly, in 2011 the City Council adopted the following response time levels of service for the Fire and EMS Department:

Att-1

- Overall system-wide response within 7 minutes and 15 seconds, 90 percent of the time.
- Other supporting LOS measures, all to be met at least 90 percent of the time:
 - First fire engine on location within 8 minutes;
 - First 15 firefighters on location of a structure fire within 13 minutes;
 - A responding apparatus on location of an emergency medical incident within 7 minutes;
 - First two hazardous material technicians on location of a hazardous materials incident within 15 minutes; and
 - First two technical rescue technicians on location of a technical rescue incident within 15 minutes.

Per the Bothell Fire Department's 2018 Annual Report, the total average response time in 2018 for fire and emergency medical incidents was 8 minutes and 11 seconds 90% of the time, or 56 seconds above the adopted LOS. The response time of the first fire engine at a fire incident was 8 minutes and 52 seconds 90% of the time (1 minutes and 37 seconds above the adopted LOS), and the response time of an emergency medical technician to an emergency medical incident was 8 minutes and 9 seconds 90% of the time (54 seconds above the adopted LOS).

Another common effective level of service standard is to look at fire response personnel per 1,000 capita. This helps compare service capabilities over-time and across jurisdictions. Fire suppression personnel are trained in emergency medical services and are all Washington State Emergency Medical Technician also trained in Defibrillation. There is overlap in the number of full-time equivalents for each activity. The Bothell Fire Department currently has 65 total on staff with 58 of them serving in operations as firefighters, or 1.1 firefighters per 1,000 residents.¹

~~As of the writing of the 2015 Plan Update, the Fire Department reported that it was achieving the adopted LOS for overall system wide response.~~

~~An overall response time LOS is useful for measuring performance of a service jurisdiction wide, but by its nature can obscure deficiencies in portions of a jurisdiction. This can particularly be the case with provision of fire and emergency medical services, where response times can vary significantly depending on where within the jurisdiction fire stations are located.~~

~~To examine the relationship between response times and station locations in Bothell, and thereby provide useful information to policy makers for future fire and EMS facilities decisions, the City in 2009 commissioned a study (Appendix CF-A-1) to provide guidance on the following questions, as stated in the report:~~

- ~~• "Where should future fire stations be located for the City of Bothell to most efficiently serve its citizens?"~~

¹ Based on the US Census Bureau's July 1, 2018 population estimate of 46,657 for the City of Bothell.

- ~~Could the City's coverage be improved by moving any existing stations?~~
- ~~Where might mutual aid across the border of the City and its surrounding fire districts or departments provide the best level of service for the cost?"~~

~~The study examined a number of station location scenarios, including keeping the current three locations; maintaining three stations but relocating one or more of them; and constructing a new fourth station located in the south portion of Bothell. The analysis demonstrated that under any scenario involving only the three existing stations, even if one or more were relocated, the south portion of the City experiences longer response times, equating to a lower level of service. Only those scenarios that included a new south station showed response times roughly equivalent to those elsewhere in Bothell.~~

~~Areas adjacent to the south portion of Bothell, to the east in Woodinville, to the south in Kirkland, and to the west in Kenmore, also exhibit longer response times for the fire and EMS departments that serve those areas. In recognition of this shared concern, the City of Bothell and Woodinville Fire and Rescue (WFR)(Fire District 36) entered into an interlocal agreement in 2013, in conjunction with the 2014 annexation of all of Bothell's designated potential annexation areas in King County, to address this issue.~~

~~The agreement called for Bothell and WFR to collaborate to determine the feasibility of re-opening a closed WFR station, Station 34, located near south Bothell. The agreement further called for WFR to direct the proceeds from any future sale of Station 34 towards siting, design and construction of a new fire station "beneficially situated to serve both the City and WFR", subject to the Bothell City Council authorizing the construction of such new fire station.~~

In 2018, a third-party Facilities Analysis on space needs was prepared for Bothell Fire Stations. The study's purpose was to define operational space needs, provide conceptual facility and site planning at existing and potential new locations, and identify order of magnitude budget estimates. The analysis included the rebuild of Downtown Fire Station 42 and Canyon Park Fire Station 45 at the current site locations.

The Downtown Fire Station 42 that was built in 1980 (39 years old) and the Canyon Park Fire Station 45 was built in 1985 (33 years old) and are both outdated. The Public Safety Capital Bonds will fund the complete rebuild of the two fire stations including safety upgrades, technical modernization and energy efficiency to accommodate current and future growth. The new facilities will include safety requirements, installing sprinklers; improve the decontamination area for firefighter health and safety; provide industry-standard separate sleeping quarters for male and female firefighters; and space for on-site training and parking and accommodates future staffing needs. Canyon Park Fire Station 45 is proposed to house a new Police satellite office at the Canyon Park fire station to better serve North Bothell residents.

~~Also as of the writing of the 2015 Plan Update, the City is researching the possibility of consolidating fire departments under the model of a Regional Fire Authority (RFA), which would require voter approval. Departments consolidating as an RFA would include Bothell, Northshore (Fire District 16) and WFR.~~

~~Part of the RFA research involves analyzing the effects on response times of present and potential future locations of fire stations. Should the RFA be placed on the ballot and approved by voters, the City's Fire and EMS Department facilities and their locations would become the responsibility of the RFA.~~

* * * No other Changes to the Capital Facilities Element * * *

Section 2. The Imagine Bothell... Comprehensive Plan Land Use Element is hereby amended as follows with new text shown by underline and deleted text and graphics shown in ~~strike through~~; all other provisions of this Element shall remain unchanged and in full force

Land Use Element

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

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

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

Establishing minimum densities and intensities

The City of Bothell relies upon its plan designations and zoning classifications to meet the population and employment targets discussed above. For example, the 2012 King County Buildable Lands Report estimates that the R-AC designation achieves a dwelling unit per acre density range of 40 to 80 dwelling units per acre. Should the City not accommodate this growth assumption, the City's ability to achieve its assigned growth targets is compromised.

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

Land Use Goals, Policies and Actions

Goals

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

Policies

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

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

***** No changes to LU-P4 Paragraphs 1 through 3 *****

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

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

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

13. Mixed Use (MU).

This designation does not indicate a land use by itself, but is intended to be utilized where integrated development of more than one type of land use within

a property or area is desired. Such integrated development may include but not be limited to coordinated building design, signage, landscaping, minimum densities and floor area ratios and access.

14. Activity Centers (R-AC in conjunction with OP, NB, CB, GC, and LI)

Within designated activity centers in conjunction with the R-AC designation, the OP, NB, CB, GC, and LI designations may have a minimum floor area ratio (FAR) established within the individual subarea plan. The maximum FAR shall be controlled by site and building regulations concerning height, parking, landscaping, setbacks and other aspects of development established within each subarea plan.

***** No further changes to the Land Use Element*****

Section 3. The Imagine Bothell... Comprehensive Plan Canyon Park Subarea Plan is hereby amended as follows with new text shown by underline and deleted text and graphics shown in ~~strike through~~; all other provisions of this Subarea Plan shall remain unchanged and in full force

Canyon Park Subarea Plan

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

- Summary
- Subarea Profile

Canyon Park Subarea Plan Elements

Land Use

Policies

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

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

The Thrashers Corner and Canyon Park community activity centers should provide a shopping, dining, and entertainment focal point for those who live and work within the center or nearby. The maximum height of buildings in these centers should be four to six stories, or around 65 feet, to permit a vibrant and mutually supportive mix of retail, service, and office uses (at Thrasher's Corner) or retail, service, office, and

residential uses (at Canyon Park) while maintaining a sense of connection between the uppermost floors and street-level activity. In the Canyon Park community activity center, residential development should achieve minimum residential densities that accommodate projected population growth and reflect the character of the area and maximum residential densities not be restricted to a specific density but should be controlled by site and building envelope regulations, to promote a variety of housing types in sufficient numbers to support a range of activities within the center. Around the edges of these areas, appropriate setbacks should be applied to protect surrounding lower-intensity uses. Development of taller buildings should incorporate structured parking to keep the area compact and pedestrian-friendly. Public gathering places should be included in developments to promote socializing.

The Canyon Park regional activity center should provide opportunities for businesses to start and grow in Bothell, and for employees to work close to home. To ensure new non-residential buildings provide capacity to accommodate new companies or expansion of existing companies, a minimum floor area ratio should be employed with the maximum Floor area ratio to be controlled by site and building envelope regulations. The maximum height of buildings containing exclusively commercial uses within this center should be seven to ten stories, or around 100 feet, with additional height up to a total of around 150 feet permitted only to accommodate manufacturing processes which require a tall structure but few employees. The maximum height of buildings containing residential uses or mixed uses that include a residential use should be four to six stories or around 65 feet. Providing for buildings of such height would ensure that sufficient employment and population capacity exists to accommodate extended future growth within the existing boundaries of the area, thereby utilizing infrastructure efficiently and avoiding pressure to expand into established residential areas. Such buildings would be compatible with the scale of the valley setting -- around the edges of the area. However, appropriate setbacks are warranted to protect surrounding lower-intensity uses. Within the Canyon Park regional activity center, residential development is appropriate at for minimum residential densities with maximum densities controlled by site and building envelope regulations, to promote a variety of housing types in close proximity to places of work.

2. New development is subject to availability of necessary utilities, critical area regulations, and other development standards and mitigation requirements.
3. Land located in the northeast corner, immediately north of the southeast corner, and in the south central portion of the Subarea is appropriate for detached residential development at a minimum lot size of 9,600 square feet as described in Land Use Element Policy LU-P4 (R 9,600 in the northeast, south central and southeast portions of the map).
4. Land located on either side of SR-527, south of Filbert and Maltby Roads to the alignment of about 212th Street, comprising the Thrasher's Corner community activity center, is appropriate for residential dwellings at minimum net residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential

densities and floor area ratios controlled by site and building envelope regulations and a building height of four to six stories or approximately 65 feet, office-professional and community business uses subject to critical area regulations and other development standards and mitigation requirements (**R-AC, OP, CB** in the north central portion of the map). Any such development should provide a buffer adjacent to lower density residential development to the east and west. Such a buffer may consist of the existing wetlands in the east and west borders of this area.

5. Land located west of North Creek and south of Filbert Road to the alignment of about 212th Street is appropriate for attached or detached residential development at one dwelling unit per 5,400 square feet as described in Land Use Element Policy LU-P4 (**R 5,400a** in the northwest corner of the map).
6. Land located west of SR-527 between the alignment of 212th Street SE and 217th ST, within the Canyon Park regional activity center, is appropriate for residential dwellings at minimum residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential densities and maximum floor area ratios controlled by site and building envelope regulations, office professional, community business, and light industrial uses subject to compliance with critical areas regulations and other development standards and mitigation requirements (**R-AC, OP, LI** in below the northwest corner of the map). Such development shall incorporate internal access from property to property and shall provide shared driveways to minimize access points onto SR-527.
7. Land located west of SR-527 approximately 450 feet north of the intersection of SR-527/214th Street SE and east of North Creek is appropriate for residential dwellings at minimum residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential densities and maximum floor area ratios controlled by site and building envelope regulations, office professional, neighborhood business, and light industrial uses subject to compliance with critical areas regulations and other development standards and mitigation requirements (**R-AC, OP, NB, LI** in the northwest corner of the map)
8. Land located east of SR-527 between the alignment of 212th Street SE and 220th Street SE is appropriate for residential dwellings at minimum net residential densities and minimum floor area ratios that accommodate projected population and employment growth and reflect the character of the area with maximum residential densities and maximum floor area ratios controlled by site and building envelope regulations and a building height of four to six stories or approximately 65 feet, office professional, community business, and light industrial uses subject to compliance with critical areas regulations and other development standards and mitigation requirements (**R-AC, OP, CB, LI** in the central portion of the map). Such development shall incorporate internal access from property to property and shall provide shared driveways to minimize access points onto SR-527.

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

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

Section 4. The Imagine Bothell... Comprehensive Plan North Creek / NE 195 ST Subarea Plan is hereby amended as follows with new text shown by underline and deleted text and graphics shown in ~~strike through~~; all other provisions of this Subarea Plan shall remain unchanged and in full force

North Creek / NE195th Street Subarea Plan

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

- Summary
- Subarea Profile

North Creek Subarea Plan Elements

Land Use

Policies

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

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

approximately 500 feet in the southeast portion of the subarea. All other areas of the Subarea is designated as Subdistrict B.

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

Section 5. Section 11.02.007 of the Bothell Municipal Code (BMC), providing definitions for words and phrases beginning with the letter “F,” is hereby amended to include a new definition for the phrase “Floor area ratio,” with such definition as follow; the remainder of the section is unchanged.

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

Section 6. Section 11.02.050 of the Bothell Municipal Code (BMC), providing definitions for words and phrases beginning with the letter “M,” is hereby amended to include a new definition for the phrase “Mixed-Use Development,” with such definition as follow; the remainder of the section is unchanged.

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

Section 7. BMC 12.04 is hereby amended as follows, with new text shown by underline and deleted text and graphics shown in ~~striketrough~~; all other provisions of this section shall remain unchanged and in full force:

Chapter 12.04

ZONING CLASSIFICATIONS, SUBAREAS, MAPS, AND BOUNDARIES

Sections:

- [12.04.010](#) Purpose.
- [12.04.020](#) Zoning classifications.
- [12.04.025](#) Agricultural zoning classification.
- [12.04.030](#) Residential zoning classifications.
- [12.04.035](#) Specialized Senior Housing Overlay zoning classification.
- [12.04.040](#) Office-Professional zoning classification.
- [12.04.050](#) Neighborhood Business zoning classification.
- [12.04.060](#) Community Business zoning classification.
- [12.04.065](#) Motor Vehicle Sales Overlay zoning classification.
- [12.04.070](#) General Commercial zoning classification.
- [12.04.080](#) Light Industrial zoning classification.
- [12.04.085](#) North Creek Fish and Wildlife Critical Habitat Protection Area.

- [12.04.090](#) Shoreline master program.
- [12.04.100](#) Mobile Home Park Overlay zoning classification.
- [12.04.105](#) Activity Centers
- [12.04.110](#) Canyon Park Annexation concomitant zoning agreements.
- [12.04.120](#) Subareas.
- [12.04.130](#) Downtown subarea regulations.
- [12.04.140](#) Adoption of city-wide and subarea zoning maps.
- [12.04.150](#) Boundaries – Administrative determination.
- [12.04.160](#) Boundaries – Hearing body recommendation – City council determination.

12.04.010 Purpose.

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

12.04.020 Zoning classifications.

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

Name	Symbol
Agricultural	AG
Residential, 40,000 square foot minimum lot size	R 40,000
Residential, 9,600 square foot minimum lot size, except as may be allowed under lot size averaging regulations set forth in BMC 12.14.030(B)	R 9,600
Residential, 8,400 square foot minimum lot size	R 8,400
Residential, 7,200 square foot minimum lot size	R 7,200
Residential, 5,400 square foot minimum lot size, detached	R 5,400d
Residential, one dwelling unit per 5,400 square feet of net buildable area, attached or detached	R 5,400a
Residential, one dwelling unit per 4,000 square feet of net buildable area	R 4,000
Residential, one dwelling unit per 2,800 square feet of net buildable area	R 2,800
Residential – Activity Center (<u>see subarea plan for minimum</u> no specific density; <u>maximum</u> number of units controlled by site and building envelope regulations)	R-AC

Office-Professional	OP
Neighborhood Business	NB
Community Business	CB
General Commercial	GC
Light Industrial	LI
Specialized Senior Housing Overlay	SSHO
Mobile/Manufactured Home Park Overlay	MHP
Motor Vehicle Sales Overlay	MVSO
North Creek Fish and Wildlife Critical Habitat Protection Area	NCFWCHPA

Zoning classifications are applied separately (e.g., R 2,800) where one category of land use is determined to be appropriate as designated by the Imagine Bothell... Comprehensive Plan, and in combination (e.g., R 2,800, OP, CB) where more than one category of land use is determined to be appropriate as designated by the plan. When used in combination, the most permissive regulations of the combined zones shall apply, unless specifically provided otherwise such as, minimum density and minimum floor area ratio requirements which must be met.

***** No changes to 12.04.025 through 12.04.100 *****

12.04.105 Activity Centers

Within designated activity centers in conjunction with the R-AC zone classification, the OP, NB, CB, GC, and LI zones may have a minimum floor area ratio (FAR) established within the individual subarea plan regulations. The maximum FAR shall be controlled by site and building regulations concerning height, parking, landscaping, setbacks and other aspects of development established within each subarea plan.

*****No Changes to 12.04.085 through 12.04.160 *****

Section 8. BMC 12.06.020 is hereby amended as follows, with new text shown by underline and deleted text and graphics shown in ~~strike through~~; all other provisions of this section shall remain unchanged and in full force:

12.06.020 Interpretation of land use tables.

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

are located in vertical columns and specific uses are arranged alphabetically in horizontal rows.

B. If no symbol appears in the box at the intersection of a column and a row, the use is not allowed in that zoning classification.

C. If the letter "P," for "Permitted," appears in the box at the intersection of a column and a row, the use is allowed in that classification, subject to the development and operational requirements of this and other applicable titles. The conduct or development of a permitted use may require approvals including but not limited to land clearing, grading, plumbing, mechanical and building permits. The procedures for applying for such approvals shall be as set forth in BMC Title [11](#), Administration of Development Regulations.

D. If the letter "C," for "Conditional," appears in the box at the intersection of a column and a row, the use is allowed subject to conditional use permit procedures and requirements and other development and operational requirements of this and other applicable titles. The conduct or development of a conditional use shall require approval of a conditional use permit in addition to other approvals as set forth in subsection C of this section. Procedures for applying for a conditional use permit shall be as set forth in Chapter [12.28](#) BMC and BMC Title [11](#), Administration of Development Regulations.

E. If a number appears in the box describing the use, or in the box at the intersection of a column and a row, the use is subject to specific development and/or operational requirements which may be in addition to or in place of general requirements of this and other applicable titles. Such use-specific requirements typically follow the table and correspond to the number in the table, although some such requirements, such as those for specialized senior housing, are set forth in separate chapters.

F. Where multiple zoning classifications are combined (e.g., OP, LI), the most permissive land use regulations of the individual zoning classifications shall apply, unless specifically provided otherwise or as stipulated within a subarea regulation. For example, if a use is not permitted in the OP zone but is permitted in the LI zone, the use is permitted on land zoned OP, LI.

G. Any proposed use not listed in the table shall be classified by the community development director as permitted, conditional, or not permitted, based on the listed use to which the proposed use is most similar. If the community development director determines that the proposed use is not similar to any use in the table, the proposed use shall not be permitted. The determination of the community development director shall be appealable to the hearing body.

H. Permitted uses as established by this chapter may be modified by subarea regulations.

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

Section 9. BMC 12.14 is hereby amended as follows, with new text shown by underline and deleted text and graphics shown in ~~striketrough~~; all other provisions of this section shall remain unchanged and in full force:

**Chapter 12.14
AREA, DIMENSIONS AND DESIGN**

Sections:

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

12.14.010 Purpose.

The purpose of this chapter is to establish area, dimension and design regulations which comply with and implement the goals and policies of the Imagine Bothell... Comprehensive Plan with respect to the desired intensity and appearance of development within the city's residential, commercial and industrial areas.

12.14.020 Interpretation of tables.

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

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

1. Residential;
2. Commercial/industrial.

C. Development standards are listed down the left side of both tables, and the zones are listed at the top. The matrix cells contain the area and dimensional requirements of each zone. All dimensions are measured in lineal feet, and all areas are measured in square feet. The parenthetical numbers in the matrix identify specific requirements or other information which is set forth following the matrix.

12.14.030 Residential area and dimensions.

A. Development Standards Table.

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

Att-1

Residential Development Standards (1)	Zoning Classification								
	R 40,000	R 9,600	R 8,400	R 7,200	R 5,400d	R 5,400a	R 4,000	R 2,800	R-AC (always in combination with OP, NB, CB, and/or LI)
unit (square feet) (3)									
<u>Maximum lot area per single family dwelling unit (square feet) (2)</u>	<u>150% of underlying zone</u>	<u>150% of underlying zone</u>	<u>150% of underlying zone</u>	<u>150% of underlying zone</u>	<u>150% of underlying zone</u>				
<u>Minimum density (3)(6)</u>						<u>150% of underlying zone</u>	<u>150% of underlying zone</u>	<u>150% of underlying zone</u>	<u>As established for designated centers (6)</u>
Minimum lot circle diameter (4)	150	70 – 80 per BMC 12.14.030 (B)(4)	70	60	50	None	None	None	None
Minimum front yard setback (5)(10)	30	20	20	20	20	20	20	20	See BMC 12.14.040(A)
Minimum rear yard setback (5)(10)	35	15	15	15	15	15	25	25	
Minimum side yard setback: One side yard Combined side yards (5)(10)(11)	5 15	5 15	5 15	5 15	5 15	5 15	5 15	5 15	
Maximum building height (6)	30 35 in certain	30 35 in certain	30 35 in certain	30 35 in certain	30 35 in certain	30 35 in certain	35	35, or as established for designated	As established for designated centers (6)

Att-1

Residential Development Standards (1)	Zoning Classification									
	R 40,000	R 9,600	R 8,400	R 7,200	R 5,400d	R 5,400a	R 4,000	R 2,800	R-AC (always in combination with OP, NB, CB, and/or LI)	
	situations (6)	situations (6)	situations (6)	situations (6)	situations (6)	situations (6)		d centers (6)		
Maximum building coverage (7)	35%	35%	35%	35%	35%	50%	50%	50%	See BMC 12.14.040(A)	
Maximum accessory building coverage (8)	5%	5%	5%	5%	5%	5%	5%	5%	See BMC 12.14.040(A) (no limit except for landscaping requirements)	
	35%	45%	50%	65%	70%	70%	75%	75%	80%	
Maximum hard surface coverage (7)	The area within the front yard setback shall not contain any hard surface except for driveways, walkways, and structures allowed to project into the setback in accordance with BMC 12.14.090 . If critical areas are present anywhere on the property, impervious surface coverage is further regulated by BMC Title 14 , Environment.					If critical areas are present anywhere on the property, impervious surface coverage is further regulated by BMC Title 14 , Environment.				

B. Notes.

1. General Notes.

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

2. Single-Family Minimum, Average and Maximum Lot Area.

- a. In the R 40,000, R 8,400, R 7,200 and R 5,400d zones, no lot shall be less than the minimum lot area per single-family dwelling unit, except as may otherwise be permitted under an approved planned unit development, in accordance with Chapter [12.30](#) BMC or under Fitzgerald/35th Avenue SE Subarea regulations in accordance with Chapter [12.52](#) BMC. No more than one primary dwelling unit shall be placed on a lot.
- b. In the R 9,600 zone, subdivisions shall achieve an average of no less than 9,600 square feet per lot, except as may be otherwise permitted under

an approved planned unit development, in accordance with Chapter [12.30](#) BMC or under Fitzgerald/35th Avenue SE Subarea regulations in accordance with Chapter [12.52](#) BMC. That is, the total area of all lots within a proposed subdivision divided by the number of lots shall amount to an average lot area of at least 9,600 square feet. Twenty percent of the lots in a subdivision may be smaller than 9,600 square feet, but no lot shall be smaller than 8,400 square feet, nor larger than 14,400 square feet. No more than one primary dwelling unit shall be placed on a lot.

c. In order to promote efficient use of land, no subdivision shall contain any lot having more than one and one-half times the minimum lot area, in the R 40,000, R 8,400, R 7,200 and R 5,400d zones, or one and one-half times the average lot area, in the R 9,600 zone (i.e., 14,400 square feet), except as follows:

(1) Any subdivision of four lots or fewer may contain larger lots, but the property lines of such a subdivision shall be laid out so as to allow future subdivisions which comply with this subsection;

(2) A subdivision of five or more lots may contain larger lots to accommodate phasing of the subdivision; provided, that at completion of all phases, the subdivision complies with this subsection;

(3) A subdivision of five or more lots may contain a larger lot to permit the preexisting house and any related outbuildings and grounds to be retained intact on one property;

(4) These maximum lot size regulations do not apply to any common tracts for critical area protection, open space retention, storm water retention/detention or other purposes as may be required by the city as a condition of subdivision approval.

d. Land area in roads and other rights-of-way, critical areas, critical area buffers, or land dedicated to the city, shall not be included in any proposed single-family lot, unless so stated in the conditions of an approved planned unit development, in accordance with Chapter [12.30](#) BMC.

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

3. Multifamily Minimum and Maximum Density.

a. In the R 5,400a through R 2,800 zones, one dwelling unit shall be allowed for each whole number multiple of the stated minimum land area per multifamily dwelling unit except as otherwise may be permitted under an approved conditional use permit for specialized senior housing, in accordance with Chapter [12.10](#) BMC.

b. In order to promote efficient use of land, no multifamily development in the R 5,400a through R 2,800 zones shall contain fewer units than would

result if the total number of units were calculated at one and one-half times the minimum land area per multifamily dwelling unit for the zoning classification in which the subject property is located, except as follows:

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

c. In the R-AC zone, minimum residential density shall be consistent with the applicable subarea regulations.

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

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

4. Each lot must be of sufficient size to fully accommodate the diameter circle specified in the development standards table under this section for the underlying zoning designation except as may otherwise be permitted under an approved planned unit development, in accordance with Chapter [12.30](#) BMC or under Fitzgerald/35th Avenue SE Subarea regulations in accordance with Chapter [12.52](#) BMC. In the R 9,600 zone, the lot circle diameter shall be 80 feet for lots of 9,600 square feet or larger, and shall decrease proportionally with smaller lot sizes to a minimum diameter of 70 feet for lots of 8,400 square feet. Critical areas as defined under Chapter [14.04](#) BMC and their associated buffers shall not be included within the lot circle.

5. Setbacks.

a. "Setback" shall mean the distance from the lot line to the point where a structure may be constructed, not including those structures permitted under BMC [12.14.090](#) to project into the setback. The area between a lot line and a setback is a yard. Setbacks shall be in accordance with BMC [12.14.050](#) through [12.14.100](#).

- b. Garages, carports, and other structures whose intent is to house or provide parking for vehicles shall be set back from streets and access tracts a minimum of 20 feet.
 - c. Special setbacks apply to specific building types, uses and accessory structures. See BMC [12.14.070](#).
6. Specific building height, minimum residential densities and minimum floor area ratios shall be measured as set forth in BMC [12.14.110](#) through [12.14.130](#). Special building height regulations may apply to certain activity centers and within certain residential zones as follows:
- a. Within the following activity centers identified in the Imagine Bothell... Comprehensive Plan and illustrated in Figure 12.14-0:
 - (1) Filbert/Winesap neighborhood activity center, in accordance with Chapter 12.72 BMC ~~12.72.030~~.
 - (2) Juanita-Woodinville Way/I-405 neighborhood activity center, in accordance with Chapter 12.60 BMC.
 - (3) Maltby/York/Jewel neighborhood activity center, in accordance with Chapter 12.74 BMC ~~12.60.040~~ and ~~12.66.035~~.
 - (4) Canyon Park community activity center, in accordance with Chapter 12.44 and 12.48 BMC ~~12.44.020~~ and ~~12.48.040~~.
 - (5) Downtown community activity center, in accordance with Chapter 12.64 BMC. ~~12.64.202 Building Height (Downtown Specific Definition~~
 - (6) Thrasher's Corner community activity center, in accordance with Chapter 12.48 and 12.74 BMC. ~~12.48.020~~ and ~~12.74.040~~
 - (7) Canyon Park regional activity center, in accordance with Chapter 12.48 BMC ~~12.44.020~~ and ~~12.48.040~~.
 - (8) North Creek regional activity center, in accordance with Chapter 12.56 BMC ~~12.56.080~~.
 - (9) Country Village / Bothell-Everett Highway / Lake Pleasant / Bothell-Everett Highway neighborhood activity center in accordance with Chapter 12.46 BMC.

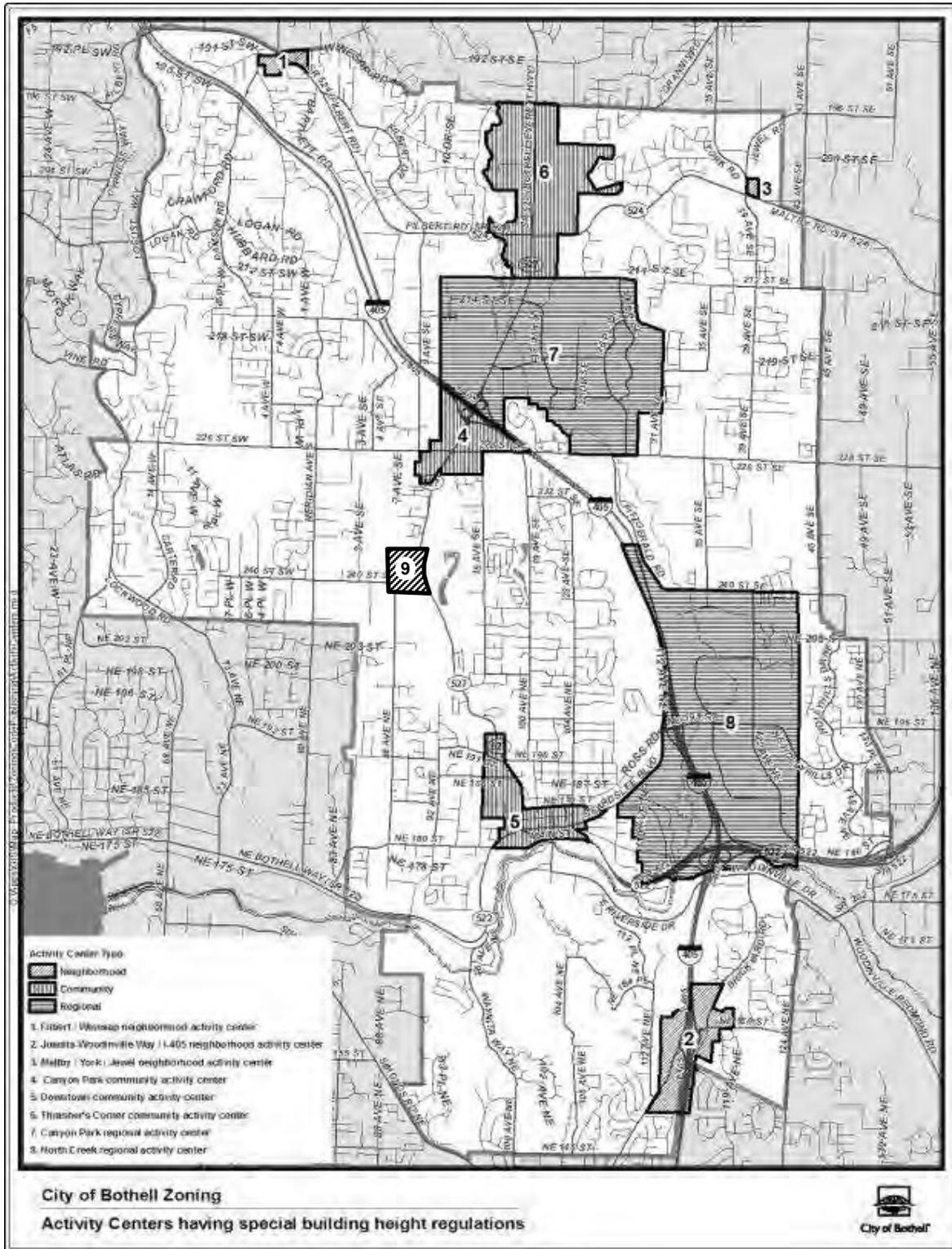


Fig. 12.14-0

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (D) The adjacent property is a subdivision which qualifies for 35-foot-tall structures under these regulations; or
- (3) On existing lots of record when a 12-foot-wide Type II landscape buffer plus a 25-foot setback are provided on the subject property.
7. Building and hard surface coverage shall be measured as set forth in BMC [12.14.140](#). For the purposes of this section, driveways within the front yard setback shall be no wider than necessary to accommodate three vehicles across, and walkways within the front yard setback shall not exceed five feet in width.
- a. Notes. Hard surfaces legally established on a site prior to December 31, 2016, and which exceed the limits set forth in this section and BMC [12.14.040](#) shall be subject to nonconforming provisions of Chapter [12.26](#) BMC.
- b. In determining the building and hard surface coverage for a panhandle lot, the handle or access portion of the lot shall not be used to determine hard surface coverage. Building and hard surface coverage shall be measured as though no handle was on the lot.
8. Accessory building coverage shall be measured as set forth in BMC [12.14.130](#). When combined, the primary and accessory building coverage shall not exceed the maximum building coverage as established above. Garages and carports located in R-8,400, R-7,200 and R-5,400d zoned properties may exceed the five percent coverage limitation, provided the garage or carport is 480 square feet in area or less. Combined garages and carports in R-5,400a, R-4,000 and R-2,800 zoned properties shall not be subject to the 480-square-foot maximum, but are limited to an area no greater than five percent of the lot area. Detached accessory dwelling units may exceed the five percent coverage limitation, as long as they meet the size limits in BMC [12.14.135\(B\)\(5\)\(a\)](#).
9. Within the R-AC zoning classification, minimum residential ~~no specific~~ density is prescribed in the applicable subarea regulations. The maximum number of dwelling units attainable shall be controlled by the applicable site and building envelope design regulations.
10. Lands with a zoning classification of R 5,400a, R 4,000, R 2,800, DC, DT, DN, GDC, or R-AC where offspring lots are proposed to be created within a parent site through the subdivision provisions of BMC Title [15](#) may apply setback dimensions to the offspring lots as set forth in BMC [12.14.085](#).
11. Within specific subareas duplexes shall be allowed on individual lots to meet affordable housing requirements (see Chapter [12.07](#) BMC). Such duplexes do not need to meet the side yard setbacks for the common walls between dwelling units, but all duplex lots shall provide all setbacks from adjacent property lines pursuant to subsection A of this section.

12.14.040 Commercial and industrial dimensions.

A. Development Standards Table.

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

B. Notes.

1. General Notes.

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

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

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

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

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

- b. Thrasher's Corner community activity center, in accordance with Chapters 12.48 and 12.74 BMC~~12.74.040, 12.48.020 and 12.78.040~~
 - c. Canyon Park regional activity center, in accordance with Chapter 12.48 BMC. ~~12.60.025 and 12.66.035~~
 - d. North Creek regional activity center, in accordance with Chapter 12.56 BMC. ~~12.56.080~~
 - e. Downtown community activity center, in accordance with Chapter 12.64 BMC. ~~12.64.202 Building Height (Downtown Specific Definition)~~
 - f. Juanita-Woodinville Way/I-405 neighborhood activity center, in accordance with Chapter 12.60 and 12.66 BMC. ~~12.60.025 and 12.66.035~~
 - g. Filbert/Winesap neighborhood activity center, in accordance with Chapter 12.72 BMC. ~~12.72.030~~
 - h. Maltby/York/Jewel neighborhood activity center, in accordance with Chapter 12.74 BMC. ~~12.74.050~~
 - i. Country Village / Bothell-Everett Highway / Lake Pleasant / Bothell-Everett Highway neighborhood activity center in accordance with Chapter 12.46 BMC.
4. Building and hard surface coverage shall be measured as set forth in BMC 12.14.140.

*****No changes to 12.14.050 through 12.14.130*****

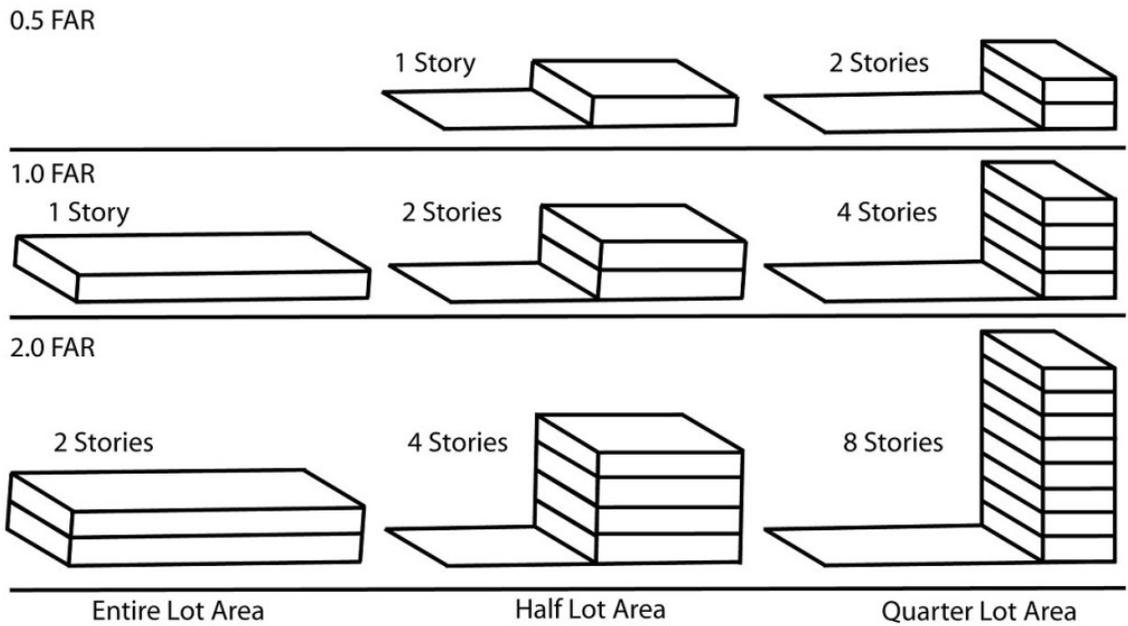
12.14.135 Floor Area Ratios

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

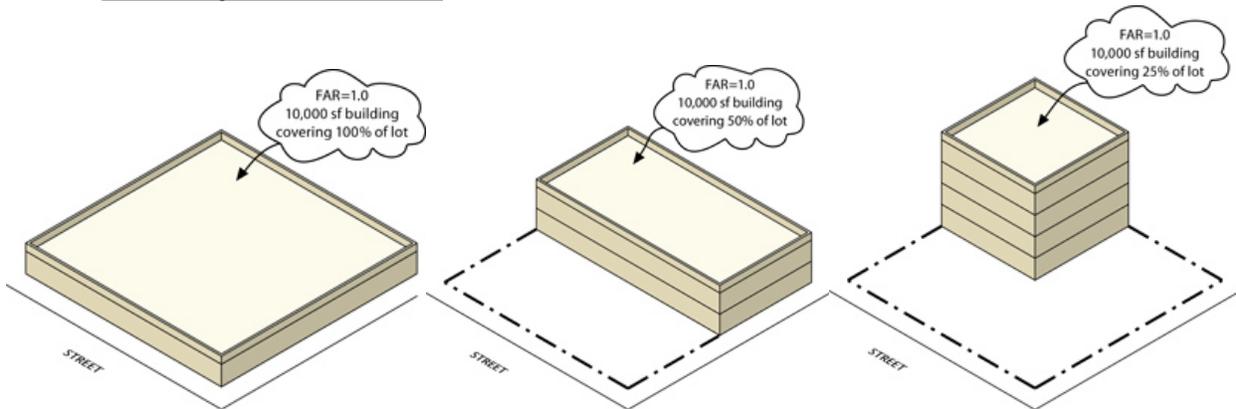
A. FAR is calculated using the following method:

1. First, determine the net buildable area of the site pursuant to 12.14.030(B)(3).
2. Second, determine the total square footage of all enclosed and temperature controlled portions of the proposed, existing or any combination thereof of building(s) located on the subject parcel. Square footage within the building(s) dedicated for parking, parking garages, drive aisles, and interior recreation purposes consistent with 12.20.020 are exempt from the FAR ratio.
3. Finally, divide the floor area by the net buildable site area using similar units of measure to derive at the floor area ratio.
4. For example, a 10,000 square foot parcel within an activity center that requires a minimum FAR of 0.40, establishes that the minimum square footage of temperature controlled and enclosed building area must be at least 4,000 square feet.

B. Visual examples of FAR:



Draft - Figure 12.14-135-A



Draft - Figure 12.14.135-B

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

residential density and non-residential floor area ratio shall be established within the subarea regulations.

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

Section 10. BMC 12.26.050 is hereby amended as follows, with new text shown by underline and deleted text and graphics shown in ~~strike through~~; all other provisions of this section shall remain unchanged and in full force:

12.26.050 Nonconforming structures and other improvements.

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

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

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

C. Upkeep, repairs and maintenance of a nonconforming structure or other improvement shall be permitted.

Section 11. BMC 12.30.030 is hereby amended as follows, with new text shown by underline and deleted text and graphics shown in ~~strike through~~; all other provisions of this section shall remain unchanged and in full force:

12.30.030 Permissive modifications of regulations – Generally.

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

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

- B. Distance between Buildings. The requirements for minimum side and rear yard setbacks may be modified; provided, that minimum distances required by the International Building Code and Fire Code shall be met.
- C. Building Height. Building height and any corresponding setback requirements related to building height shall be governed by the requirements of the underlying zoning classification as set forth in Chapter 12.14 BMC or any applicable subarea regulation.
- D. Minimum density and minimum floor area ratios in designated activity centers shall be governed by the requirements of the applicable subarea regulations wherein the development is located and shall not be modified.

Section 12. BMC 12.48 is hereby amended as follows, with new text shown by underline and deleted text and graphics shown in ~~strike through~~; all other provisions of this section shall remain unchanged and in full force:

Chapter 12.48
CANYON PARK SUBAREA REGULATIONS

Sections:

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

12.48.010 Purpose.

Subarea zoning regulations implement subarea-specific policies in the Imagine Bothell... Comprehensive Plan. The subarea zoning regulations in this chapter apply specifically to land within the Canyon Park Subarea. Subarea zoning regulations are in addition to city-wide zoning regulations or, where more restrictive, take the place of city-wide zoning regulations.

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

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

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

- a. At least 40 percent of the gross floor area of the average story within the building (total building gross floor area divided by the number of stories) is devoted to parking either within or under the building or within a separate parking structure;
- b. At least 10 percent of the gross floor area of the average story within the building (total building gross floor area divided by number of stories) is devoted to externally oriented at-grade space for retail uses, eating and drinking establishments, recreation, culture and entertainment uses, personal services, and/or other similar businesses which are characterized by regular and frequent patronage during the course of the normal business day. "Externally oriented" for the purposes of this regulation shall mean having a door opening directly to the outside. This requirement may be reduced or waived by the community development director for individual buildings within multiple-building developments if it can be demonstrated to the satisfaction of the director that the total amount of the above-described space within the development would comprise at least as much space as the combined total of the minimum required amounts of such space for all of the individual buildings in the development.

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

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

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

C. Minimum residential density and minimum floor area ratio

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

2. Development proposing exclusively non-residential uses, shall achieve a minimum floor area ratio of 0.4.
3. Mixed use developments proposing both residential and non-residential uses shall:
 - a. Achieve the minimum residential density, with the minimum non-residential floor area ratio being satisfied through compliance with 12.48.040(A)(1); or
 - b. Achieve a minimum floor area ratio of [1.0]; or
 - c. Either fully provide non-residential land uses at the minimum floor area ratio of 0.4, and then apply a reduced residential density, or fully provide the minimum residential density of 35 units per net acre and then provide non-residential land uses at a reduced floor area ratio.

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

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

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

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

1. The mandatory setbacks from any abutting R zoning, as set forth in BMC [12.14.070\(D\)](#), shall be increased three feet horizontally for each foot of building height exceeding 35 feet. These increased setbacks shall apply to the entire building, rather than only to those portions of the building which may be higher than 35 feet. Where the property zoned R-AC, OP, CB; R-AC, OP, LI; or R-AC, OP, LI abuts R zoning along a street, the increased setbacks shall be measured from the street property line of the property zoned R-AC, OP, CB; R-AC, OP, LI; or R-AC, OP, LI. Building height shall be measured as set forth in BMC [12.14.110](#) through [12.14.130](#).
2. The mandatory landscaping buffers adjacent to any abutting R zoning, as set forth in BMC [12.18.110](#), shall be increased 0.25 feet (three inches) for each foot of building height exceeding 35 feet, up to a maximum of 10 feet of additional landscaping. In such cases, the entire buffer shall consist of Type I landscaping.

C. Minimum residential density and minimum floor area ratio

1. Development proposing primarily residential uses shall achieve a minimum density of 35 dwelling units per net acre with a maximum density controlled by the site and building envelope regulations of this section.
2. Non-residential development shall achieve a minimum floor area ratio of 0.4.
3. Mixed use developments proposing both residential and non-residential uses shall:
 - a. Achieve a minimum floor area ratio of 1.0; or
 - b. At the applicant's discretion, either fully provide non-residential land uses at the minimum floor area ratio of 0.4, and then apply a reduced residential density, or fully provide the minimum residential density of 35 units per net acre and then provide non-residential land uses at a reduced floor area ratio.

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

A. Building Height.

1. Maximum building height shall be 35 feet, but may be increased to 65 feet if both of the following conditions are met:
 - a. At least 40 percent of the gross floor area of the average story within the building (total building gross floor area divided by the number of stories) is devoted to parking either within or under the building or within a separate parking structure;
 - b. At least 10 percent of the gross floor area of the average story within the building (total building gross floor area divided by number of stories) is devoted to externally oriented at-grade space for retail uses, eating and drinking establishments, recreation, culture and entertainment uses, personal services, and/or other similar businesses which are characterized by regular and frequent patronage during the course of the normal business day. "Externally oriented" for the purposes of this regulation shall mean having a door opening directly to the outside. This requirement may be reduced or waived by the community development director for individual buildings within multiple-building developments if it can be demonstrated to the satisfaction of the director that the total amount of the above-described space within the development would comprise at least as much space as the combined total of the minimum required amounts of such space for all of the individual buildings in the development.
2. When buildings exceed 35 feet, in accordance with subsection (A)(1) of this section, the mandatory setbacks from, and mandatory landscaping buffers adjacent to, any abutting R zoning (not including combination zones) shall be increased as follows:
 - a. The mandatory setbacks from any abutting R zoning, as set forth in BMC [12.14.070\(D\)](#), shall be increased three feet horizontally for each foot of building height exceeding 35 feet. These increased setbacks shall apply to the entire building, rather than only to those portions of the building which may be higher than 35 feet. Where the property zoned R-AC, OP, CB abuts R zoning along a street, the increased setbacks shall be measured from the street property line of the property zoned R-AC, OP, CB.

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

B. Minimum residential density and minimum floor area ratio

1. Development proposing primarily residential uses shall achieve a minimum density of 35 dwelling units per net acre with the maximum density controlled by the site and building envelope regulations of this section.
2. Development proposing exclusively non-residential uses, shall achieve a minimum floor area ratio of 0.4.
3. Mixed use developments proposing both residential and non-residential uses shall:
 - a. Achieve the minimum residential density, with the minimum non-residential floor area ratio being satisfied through compliance with 12.48.040(A)(1); or
 - b. Achieve a minimum floor area ratio of 1.0; or
 - c. At the applicant's discretion, either fully provide non-residential land uses at the minimum floor area ratio of 0.4, and then apply a reduced residential density, or fully provide the minimum residential density of 35 units per net acre and then provide non-residential land uses at a reduced floor area ratio.

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

A. Within this designation, any development proposing to implement any of the uses permitted under the Community Business zone are subject to the following special regulations:

1. All applications proposing to implement the uses permitted under the Residential-Activity Center and Community Business zoning designation shall be subject to this code including critical areas, site and building design and landscaping regulations.
2. Properties located within the R-AC, OP, CB, LI zoning designation shall provide for site-to-site vehicle access ways to allow vehicles and pedestrians a smooth flow of traffic across consecutive adjoining properties without the need to use a street. Said access may comprise the aisle between rows of parking stalls.
3. All properties hosting the uses allowed under the Community Business (CB) zone shall be prohibited from creating any connection to the public rights-of-way of 23rd Avenue and 211th Street South East.

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

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

1. The mandatory setbacks from any abutting R zoning, as set forth in BMC [12.14.070](#)(D), shall be increased three feet horizontally for each foot of building height exceeding 35 feet. These increased setbacks shall apply to the entire building, rather than only to those portions of the building which may be higher than 35 feet. Where the property zoned OP, CB, LI abuts R zoning along a street, the increased setbacks shall be measured from the street property line of the property zoned OP, CB, LI. Building height shall be measured as set forth in BMC [12.14.110](#) through [12.14.130](#).
2. The mandatory landscaping buffers adjacent to any abutting R zoning, as set forth in BMC [12.18.110](#), shall be increased 0.25 feet (three inches) for each foot of building height exceeding 35 feet, up to a maximum of 10 feet of additional landscaping. In such cases, the entire buffer shall consist of Type I landscaping.

C. Minimum residential density and minimum floor area ratio

1. Residential development shall achieve a minimum density of 35 dwelling units per net acre and a maximum density controlled by the site and building envelope regulations of this section.
2. Non-residential development shall achieve a minimum floor area ratio of **0.4**.
3. Mixed use developments proposing both residential and non-residential uses shall:
 - a. Achieve a floor area ratio of 1.0; or
 - b. At the applicant's discretion, either fully provide non-residential land uses at the minimum floor area ratio of **0.4**, and then apply a reduced residential density, or fully provide the minimum residential density of 35 units per net acre and then provide non-residential land uses at a reduced floor area ratio.

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

Section 13. BMC 12.56 is hereby amended as follows, with new text shown by underline and deleted text and graphics shown in ~~strike through~~; all other provisions of this section shall remain unchanged and in full force:

**Chapter 12.56
NORTH CREEK/NE 195TH STREET SUBAREA REGULATIONS**

Sections:

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

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

12.56.080 Architectural standards, minimum densities and floor area ratios.

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

- A. Glare.
 - 1. Mirror glass is permitted only when it can be demonstrated to produce no detrimental visual effect upon adjacent areas.
 - 2. Lighting shall be directed toward the interior of the project and away from residential areas.
- B. The major portions of the exterior building and fence materials shall be of natural and earth tones. Accent colors will be permitted on the minor portions of such materials.
- C. Buildings should be designed to encourage overall compatibility. Modular units, tilt-up construction, and other cost-effective techniques are allowed and the final visual effect should be one of quality and permanence.
- D. All vents, air conditioning units, mechanical, electrical and other equipment located on the roof of any structure shall be screened as needed to avoid an unsightly appearance as viewed from surrounding property, including hillside locations. The building roof design and covering/screening materials shall be described in detail, and it shall be demonstrated how these items will mitigate the visual impact of the equipment. These items shall be incorporated as an integral part of the overall building design.

Projections of the view to the proposed site development, of roofs, and of rooftop equipment screening from adjacent hillsides, elevated roadways and residential areas shall be submitted.

E. Building Height.

1. The following special height regulations apply:
 - a. Within the portion of Subdistrict A zoned R-AC, OP, CB, LI, the maximum allowable height is 100 feet, except that buildings may be up to 150 feet to accommodate manufacturing processes which require structures taller than 100 feet. In such cases, the applicant shall demonstrate why the process cannot be conducted in a building of 100 feet or less. Only that portion of the structure containing the manufacturing process may exceed 100 feet; offices and other areas of intensive employee activity are prohibited above this height.
 - b. Within the portion of Subdistrict A zoned R 2,800, OP, NB; and R-AC, OP, CB, LI, MVSO the maximum allowable height is 65 feet.
 - c. Within the portion of Subdistrict B east of 120th Avenue NE and 39th Avenue SE zoned R 2,800, OP, the maximum allowable height is 65 feet.
 - d. Building heights within the remainder of Subdistricts A and B shall be regulated in accordance with Chapter [12.14](#) BMC.
 - e. Building height shall be measured as set forth in BMC [12.14.110](#) through [12.14.130](#).
2. When buildings exceed 35 feet, in accordance with subsection (E)(1) of this section, the mandatory setbacks from, and mandatory landscaping buffers adjacent to, any abutting R zoning (not including combination zones) shall be increased as follows:
 - a. The mandatory setbacks from any abutting R zoning, as set forth in BMC [12.14.070\(D\)](#), shall be increased three feet horizontally for each foot of building height exceeding 35 feet. These increased setbacks shall apply to the entire building, rather than only to those portions of the building which may be higher than 35 feet. Where a property within any area described in subsection (E)(1)(a), (b), (c) or (d) of this section abuts R zoning along a street, the increased setbacks shall be measured from the street property line of such property.
 - b. The mandatory landscaping buffers adjacent to any abutting R zoning, as set forth in BMC [12.18.110](#), shall be increased 0.25 feet (three inches) for each foot of building height exceeding 35 feet, up to a maximum of 10 feet of additional landscaping. In such cases, the entire buffer shall consist of Type I landscaping.

F. Minimum residential density and minimum floor area ratio

1. Residential development shall achieve a minimum density of 35 dwelling units per net acre and a maximum density controlled by the site, building envelope, parking, recreation space, and other applicable regulations of this Title.
2. Non-residential development shall achieve a minimum floor area ratio of 0.4.

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

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

b. At the applicant's discretion, either fully provide non-residential land uses at the minimum floor area ratio of 0.4, and then apply a reduced residential density, or fully provide the minimum residential density of 35 units per net acre and then provide non-residential land uses at a reduced floor area ratio.

***** No changes to 12.56.090 through 12.56.130 *****

Section 14. 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 15. 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 thirty (30) days after the later of passage, signature by the Mayor in accordance with the Council's directive, and publication of an approved summary thereof consisting of the title.

Section 16. 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:

ANDREW J. RHEAUME
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.: _____ (2019)

SUMMARY OF ORDINANCE NO. _____ (2019)

City of Bothell, Washington

On the 3rd day of September, 2019, the City Council of the City of Bothell passed Ordinance No. _____ (2019). 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 THE IMAGINE BOTHELL... COMPREHENSIVE PLAN CAPITAL FACILIITES ELEMENT, LAND USE ELEMENT, CANYON PARK AND NORTH CREEK / NE 195 ST SUBAREA PLANS AND TITLES 11 ADMINISTRATION OF DEVELOPMENT REGULATIONS AND TITLE 12 ZONING REGARDING THE PUBLIC SAFETY BOND AND MINIMUM DENSITY AND INTENSITY PLAN AND CODE AMENDMENTS.

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.: _____ (2019)

(This page intentionally left blank)

Proposed Code Amendments Regarding 2019 Comprehensive Plan and Code amendments

Planning Commission Findings, Conclusions and Recommendation

Findings

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

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

Att-2

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

Findings regarding Minimum Density and Intensity Plan and Code amendments

6. Purpose of this amendment

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

7. Scope of this amendment

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

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

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

"Residential – Activity Center

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

Att-2

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

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

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

Further, Land Use Policy LU-P17 identifies:

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

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

12. There are seven R-AC zoning combinations:

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

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

“Office-Professional (OP).

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

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

“Light Industrial (LI).

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

Community Business (CB).

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

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

Table - Residential Densities City of Bothell

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

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

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

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

The following table demonstrates this trend

Table - Completed and Proposed R-AC developments:

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

Att-2

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

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

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

17. Policy Considerations

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

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

18. Concepts considered – Residential densities.

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

Canyon Park Subarea

Att-2

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

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

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

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

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

North Creek / NE 195th ST Subarea

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

Planning Commission deliberated upon two viable minimum density alternatives:

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

Att-2

Staff has explained it is their observation that most developments seek densities that are more than the minimums; or

- 2) Establish a minimum density of 50 DU/ac to match King County buildable lands assumptions and to achieve similar densities as previous R-AC developments. A 50 DU/ac minimum requires a different style of development that may be at a scale that is different than the existing development pattern in the Subarea.

The Planning Commission deliberated on the above approaches and determined that a 35 dwelling unit per acre assignment for the North Creek / NE 195th St Subarea was the most appropriate density because it matches that established for the Canyon Park Subarea thereby avoiding the confusion of having two different minimum density amounts and it is generally easier to increase a minimum density than it is to decrease one if, in the future, it is determined that an increase in the minimum density is necessary.

19. Recommended minimum residential densities

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

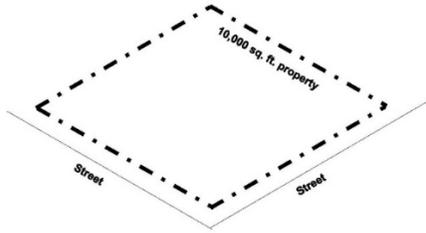
Subarea	Dwelling units per acre <i>minimums</i>
Canyon Park	35
North Creek /NE 195 ST	35

20. Concepts considered – Floor Area Ratios.

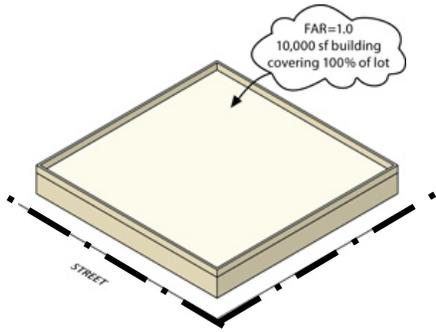
Employment density needs a different approach because a minimum employment density is not currently found within the BMC. This is a somewhat problematic endeavor because the number of employees per acre is dependent upon many outside influences such as the selected land use, the square footage of the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

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

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

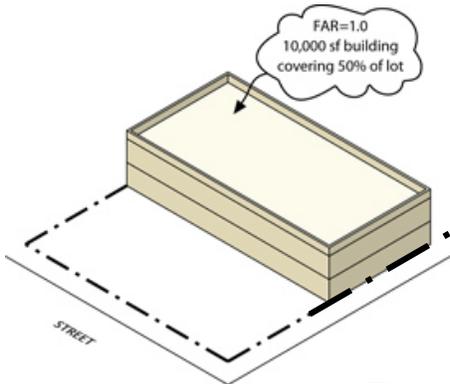


10,000 sq. ft. property



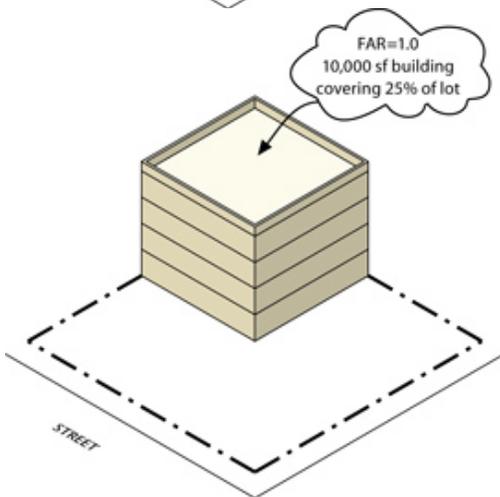
FAR = 1.0 means the 10,000 sq. ft. property must have a 10,000 sq. ft. building.

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



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

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



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

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

Att-2

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

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

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

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

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

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

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

Table - building square feet per employee

Att-2

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

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

21. Analyzing Floor area ratios

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

Downtown Developments

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

Downtown Buildings

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

Downtown Townhome residential developments

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

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

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

Canyon Park – Submitted residential development proposals

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

*Estimate

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

22. Other Jurisdiction FARs for similar zoning classifications

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

Table - Jurisdiction FARs

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

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

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

Att-2

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

24. Recommended minimums

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

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

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

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

Table – Planning Commission Recommendation by Subarea

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

Findings regarding Capital Facilities Element Plan amendments

25. Purpose of the Capital Facilities Element Plan amendments

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

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

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

27. Scope of the Capital Facilities Element Plan amendments

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

28. Plan amendments

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

29. Department of Commerce Review.

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

30. State Environmental Policy Act (SEPA) Review.

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

31. List of Exhibits.

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

Conclusions

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

Recommendation

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

Exhibits

- 1- Letter from Ms. Molly Lawrence, Legal Counsel Canyon Park Business Center Owners Association dated October 3, 2019
- 2- Email from Gary Yao, Sound Transit Bus Maintenance Project Manager dated October 3, 2019

The following summarizes the concerns within Exhibits 1 and 2 and provides a response below each summarized concern

Exhibit 1 - Canyon Park Business Center:

- Establish these minimums as part of the Canyon Park Update when improved transportation analysis will be completed.

Response: There is a need to establish minimums because of the considerable development interest being shown in the Canyon Park and North Creek / NE 95 ST Subareas. Recent developments have proposed densities and intensities that are substantially less than those assumed for the R-AC zone under prior buildable lands analysis. If future buildable lands reports identify a need to reduce those assumed R-AC densities, the City will be required to accommodate that 'lost' growth elsewhere in the City.

For Canyon Park, regulations applying to the Regional Growth Center must be capable of providing development densities and intensities consistent with the Puget Sound Regional Council Regional Growth Center Framework criteria.

- Concerned with the pace of actions currently affecting the Canyon Park area
Response: There are indeed many activities affecting Canyon Park. Staff is committed to coordinating with the Owners Association and is available for meetings to discuss issues and concerns.
- Concerned with transportation impacts to the private roads within the Park.
Response - These are minimum standards that are substantially less than the maximum building area or densities currently allowed within the park. Under today's regulations, buildings may be significantly larger than the minimums recommended by the Planning Commission.

Further, over the years, the City has taken several actions to establish the currently allowed maximum development levels including establishing activity centers, allowing buildings as tall as 100 feet and even 150 feet for certain manufacturing processes, allowing large percentages of hard surface cover and other provisions which have established the permissible development levels which are much greater than the proposed minimums. Staff has reviewed past environmental documents for Canyon Park which analyzed impacts of development on the transportation system at much greater levels than the proposed minimum FAR.

- Proposed a lower FAR ratio of 0.50.
Response: The Commission reduced the minimum FAR to 0.50 which more closely resembles existing development. The average FAR of Canyon Park buildings is an FAR of

0.425. Further, a past development proposed an FAR of 1.43. A minimum FAR of 0.50 is consistent with current development patterns.

- Requested existing buildings be exempted from the FAR ratios.
Response: The Commission exempted existing buildings from the new FAR standards if they are expanded.

Exhibit 2 - Sound Transit

- Sound Transit stated the bus facility in Canyon Park would not be able to comply with the minimum FAR requirement as proposed and requested an exemption as it pertains to essential public facilities
Response: The Planning Commission did not recommend an exemption for essential public facilities or a lower FAR for the bus facility because the City's Regional Growth Center must comply with Puget Sound Regional Council (PSRC) development levels. This Plan and Code amendment assists the City with complying with these minimum levels.

Exhibits are on the following page

October 2, 2019

City of Bothell Planning Commission
c/o Bruce Blackburn, Senior Planner
Bothell City Hall
18415 101st Avenue NE
Bothell, WA 98011

Sent by email: bruce.blackburn@bothellwa.gov

RE: Public Hearing Minimum Density and Intensity Plan and Code Amendments

Dear Chair Vliet and Planning Commissioners:

This firm represents the Canyon Park Business Center Owners' Association ("CPBCOA"). The CPBCOA is comprised of 60 property owners. The Canyon Park Business Center ("the Park") is over 360 acres, contains hundreds of businesses, and is a significant economic development and employment generator for the City of Bothell.

The CPBCOA has been working with City staff on a variety of issues over the past several years, including, but not limited to, the Canyon Park Sub-Area Plan and the I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project. We have always appreciated the willingness of the Community Development Department to seek out and listen to the input of the CPBCOA and the businesses in the Park. We look forward to continuing to work productively with City staff, the Planning Commission and City Council on projects that effect future growth and development in the Park.

With that context, we are writing regarding the proposed amendments to the City of Bothell Comprehensive Plan and Chapter 12 (Zoning) of the Bothell Municipal Code to establish minimum densities and intensities in designated activity centers and R-AC zones ("the Amendments"). The Amendments include establishment of minimum floor area ratios in the Canyon Park regional activity center, within which the Park is located.

The Amendments are the subject of the public hearing before the Planning Commission this evening. As discussed in detail below, the CPBCOA has significant concerns regarding the Amendments as they would apply within the Park. We respectfully request that the Planning Commission's recommendation to City Council include deletion of the Amendments that apply to the Canyon Park regional activity center.

As proposed by Staff, the Amendments would apply within the nine (9) activity centers identified within the Bothell Comprehensive Plan. Among these activity centers, the Canyon Park regional activity center is unique in the following ways:

- The roads within the Park are privately owned and maintained. The CPBCOA has limited authority to require improvements, expansions or other mitigations to the private road system for new development within the Park. The City has not evaluated transportation impacts to the private road system as part of their environmental or traffic review for proposed new development in the Park. The City does not provide police patrols or traffic enforcement within the Park.
- There are three undeveloped properties in the Park. A townhome project has been approved by the City and is under construction on Tracts 22A/B (Tax Parcels 27052900201200 and 27052900201800). The Sound Transit bus maintenance facility is planned on Tract 24 (Tax Parcel 27052900200800). A development plan for Lots 1-4 of the Woodlands Short Plat is being discussed with the City (Tax Parcels 27052900204600, 27052900204700, 27053000106300 and 27053000106400). The remainder of the Park is fully developed with buildings and improvements that are economically sound assets for their owners. There is no current risk of redevelopment of these properties for low density or intensity projects based on their current condition and economic viability.
- The City is in the process of preparing a Sub-Area Plan for the Canyon Park regional activity center. The Sub-Area Plan is the second phase of a three phase planning process. The initial Visioning phase has been completed. A third phase of drafting and adopting development regulations to implement the Sub-Area Plan, planned for the first half of 2020, will complete the process. Through the Sub-Area Plan and implementing regulations, the City intends to significantly increase density and intensity within the Park.
- As part of the Sub-Area Plan, the City will prepare an Environmental Impact Statement (EIS) that identifies the probable significant adverse environmental impacts and recommends mitigation measures. The most significant adverse impacts will be to the transportation system within the Canyon Park Sub-Area. A scoping notice for the EIS was issued on April 8, 2019. Discussions with City staff indicate that the transportation impacts to be analyzed in the EIS are of sufficient complexity to have delayed the development of a scope of work and contracts for the selected transportation consultants to October, 2019.
- The I-405, SR 522 Vicinity to SR 527 Express Toll Lanes Improvement Project (“the I-405 Project”) connects through the Park to SR 527. The analysis of the transportation impacts or proposed mitigations of this project to the private road system within the Park has not been completed. The project will include condemnation of, and improvements to, an undetermined portion of the private road system in the Park, after which the City will accept and maintain those road segments.

- Sound Transit has taken possession in use of Tract 24 within the Park as part of a condemnation process. Sound Transit intends to develop a bus maintenance facility on this property (“the Sound Transit project”). The size of the facility and the resulting environmental impacts are not known at this time. However, the facility will generate significant volumes of heavy vehicle traffic on the private road system within the Park.
- The Canyon Park Sub-Area Plan and EIS must consider how the City will accept dedication of portions of the private road system and provide police patrols and traffic enforcement in the Park. The private road system has limited remaining capacity to support the additional densities and intensities that the City intends for the Canyon Park Sub-Area. The CPBCOA has limited authority to require improvements to the private road system. Unless this issue is resolved and the private streets become public, the City’s Sub-Area Plan will not be implementable.

None of the other eight (8) activity centers that are the subject of the Amendments present the level of complexity and uncertainty as the Canyon Park Sub-Area. Based on this context, our comments on the Amendments area as follows:

- It is unknown if the existing private road system can support the minimum floor area ratios proposed by the Amendments. No environmental or traffic analysis has been conducted of the Amendments. The City needs to complete the EIS and transportation analysis for the Sub-Area Plan before proceeding with consideration or adoption of the Amendments.
- The transportation analysis will need to consider also the effects of the two other known pending projects – the I-405 Project and the Sound Transit Project.
- Based on the Department of Ecology’s SEPA Register, the most recent Final EIS (“FEIS”) prepared for the Imagine Bothell Comprehensive Plan was completed in December, 2004. Addenda to the FEIS for amendments and updates to the Imagine Bothell Comprehensive Plan were completed in July, 2005 and November, 2006. The City cannot rely on the EIS and subsequent addenda for the environmental analysis of the Amendments for the Canyon Park Sub-Area for the following reasons:
 - The EIS and subsequent addenda evaluated the environmental impacts of the Comprehensive Plan at a programmatic level. The analysis in the EIS is of insufficient specificity regarding the current existing conditions of development in the Park, the private road system in the Park, and growth in background traffic levels within the Canyon Park Sub-Area.
 - The EIS and subsequent addenda did not fully analyze either of the two other known pending projects – the I-405 Project and the Sound Transit Project. The I-405 Project is in the process of developing a transportation impact analysis and required mitigations. The CPBCOA is unaware of the status of the transportation impact analysis for the Sound Transit Project. These two major projects must be included in the environmental analysis of the Amendments to add minimum FAR requirements in the Canyon Park Sub-Area.

- By proceeding with the Amendments to establish minimum floor area ratios in the Canyon Park Sub-Area, the City appears to be taking an incremental approach to analyzing the environmental impacts of the proposed Sub-Area Plan. This piecemeal strategy raises potential legal issues, since environmental review under SEPA is intended to analyze the total impacts of inter-related actions. The Amendments to establish minimum floor area ratios are clearly a component of the Sub-Area Plan and implementing regulations. As such, the environmental impacts of the Amendments must be considered comprehensively with the totality of the environmental impacts of the Sub-Area Plan.
- The City met with the CPBCOA on July 10, 2019 to discuss the Canyon Park Sub-Area Plan. The City presented a significant amount of information regarding project background, growth targets, plan alternatives, transportation conditions, the I-405 Project, and next steps. There was no discussion of the Amendments that are the subject of the public hearing tonight or how they fit in to the overall Sub-Area Plan process. The CPBCOA provided the City with a series of questions and comments in response to the presentation on July 26, 2019. As of the date of this letter, we have not received a response to our questions and comments despite a commitment from the City to provide responses to confirm how the issues would be addressed in the Sub-Area Plan and EIS.
- These changes will make the majority of existing buildings in Canyon Park legally non-conforming relative to the minimum non-residential FAR requirement. This results in uncertainty regarding expansion of existing buildings that do not meet the minimum non-residential FAR requirement. To date, the City has made no effort to discuss this issue with the directly affected property owners.
- The differences between the average existing FARs in North Creek (0.386) and Canyon Park (0.426) do not appear to justify the different minimum non-residential FAR requirements in the Amendments of 0.5 and 0.6 respectively. Canyon Park has an average existing FAR that is 0.04 higher than that of North Creek, but the proposed minimum non-residential FAR for Canyon Park is 0.10 higher than that of North Creek.

In conclusion, the proposed Amendments for the Canyon Park Sub-Area are pre-mature until the Sub-Area Plan and EIS have been completed. Before the City can establish minimum FAR requirements for the Canyon Park Sub-Area, many significant issues need to be resolved. The cumulative transportation impacts resulting from the Sub-Area Plan, the I-405 Project, and the Sound Transit Project must be analyzed, and mitigations for those impacts must be identified. A process to transfer the spine roads within the Park to the City must be developed and agreed upon by the CPBCOA and the City to allow for future improvements to support the additional density and intensity. A plan to provide police services and traffic enforcement in the Park must be developed. To comply with SEPA, these issues must be addressed comprehensively.

Therefore, we respectfully reiterate our request that the Planning Commission's recommendation to City Council include deletion of the Amendments that apply to the Canyon Park regional activity center.

Thank you for your consideration of our comments. Please let me know if you have questions or would like to discuss these issues in greater detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Molly", with a horizontal line extending to the right.

Molly A. Lawrence

CC: Michael Kattermann (by email: michael.kattermann@bothellwa.gov)
CPBCOA Board
Tim McHarg
File

Bruce Blackburn

From: Yao, Gary <gary.yao@soundtransit.org>
Sent: Wednesday, October 2, 2019 4:21 PM
To: Bruce Blackburn
Cc: Tull, Andrea
Subject: [EXTERNAL] ST Bus Base North - Comments for Minimum FAR in Canyon Park Subarea

Stop! Look! Think before you click! This message originated from outside the City of Bothell network. Use caution when clicking links or opening attachments.

Hi Bruce,

Thank you for walking me through the background and proposed comprehensive plan/code amendment on Monday. I understand that the proposed code amendment will apply a minimum floor area ratio (FAR) to non-residential development in the Canyon Park subarea, where the Bus Base North (BBN) site is located.

Sound Transit provides the following comments for your consideration in advance of the initial Planning Commission public hearing this evening:

- Bus Base North (BBN) is an essential public facility (EPF) that is needed for the operation and maintenance of I-405 and SR-522/NE 145th BRT. Between the BRT corridors, there will be seven total BRT stations in Bothell, including one BRT station in Canyon Park. When service commences, BRT will provide frequent transit service between Bothell and other regional destinations 19 hours a day.
- The BBN site was identified in ST3 and after analysis of potential alternative sites, acquired for the aforementioned operations and maintenance purposes; Sound Transit is unable to fund or develop the site for non-high capacity transit (HCT) purposes. Additionally, as shown on the conceptual plans submitted for the Pre-Application Meeting (City application no. PRE2019-15136), the programmatic needs of BBN consist of extensive areas for site circulation and parking of up to 120 buses and over 250 non-revenue service (NRV) vehicles, which requires a suitably large site. For this 12.58-acre (547,984-SF) site, even if scope/budget/schedule are not adversely impacted, Sound Transit would be responsible for developing 328,790 SF of floor area in order to meet the minimum 0.6 floor area ratio (FAR) proposed. For comparison, this is more than four times the approximately 77,000 SF of floor area proposed for BBN, and more than three times the approximately 140,000 SF existing Operations and Maintenance Facility (OMF) for Central Link.
- At this time, Sound Transit requests that the City consider adding a provision to proposed Bothell Municipal Code (BMC) 12.48.030.C such that an EPF shall not be required to achieve a minimum FAR. The requested provision would eliminate an additional discretionary approval to depart from the minimum FAR standard, which is needed to accommodate BBN, and would allow for a more efficient use of City and Sound Transit resources.
- At this time, Sound Transit also requests that the Planning Commission public hearing be continued in November. Sound Transit has submitted a Pre-Application Meeting (PRE2019-15136) that is currently scheduled for Thursday, October 24, 2019. Sound Transit hopes to use the intervening time and the meeting to discuss the relationship between BBN and growth targets in the Canyon Park subarea.

Thanks again for your time. Please feel free to let me know if you have any questions.

Gary

Gary Yao | Senior Land Use Permitting Administrator

Pronouns: He/Him/His