

ORDINANCE NO. 2270 (2018)

AN ORDINANCE OF THE CITY OF BOTHELL, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN PORTION OF THE DOWNTOWN SUBAREA PLAN AND REGULATIONS RELATING TO THE DOWNTOWN DISTRICT STRUCTURE AND COMMUNITY VISION FOR THE SR 522 CORRIDOR AND AMENDING BOTHELL MUNICIPAL CODE SECTIONS 12.07.020, 12.64.010, 12.64.100, 12.64.103, 12.64.104, 12.64.201, 12.64.304 AND 12.64.505.

WHEREAS, RCW 36.70A, 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; 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 2018 Planning Docket initiated amendments to rezone the General Commercial zone to SR 522 Corridor, revise the Design Review process for projects in the historic core, and clarify provisions for fees in-lieu of public open space; and

WHEREAS, the 2018 Housing Strategy identified affordable housing requirements related to increases in development capacity as an important strategy for promoting affordable housing, initiating amendments to the Downtown Transition district density limits in addition to the rezone proposal; and

WHEREAS, upon due consideration, the City Council finds that such action will enhance and is in the public interest and welfare.

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

Section 1. Subsection C of the Community Vision part of the Downtown Subarea Plan and Regulations, representing part of the City’s Comprehensive Plan for the Downtown Subarea, is hereby amended as follows, with the new Figure 1.3 herein replacing the existing Figure 1.3 in order to reflect rezoning of the General Commercial to SR 522 Corridor and new text shown by underline, deletions shown by ~~strikethrough~~, and skipped sections shown by three asterisks (* * *); all other provisions of these sections shall remain unchanged and in full force:

C. The Envisioned Future Downtown

* * *

1. The Structure of the Downtown Subarea

* * *

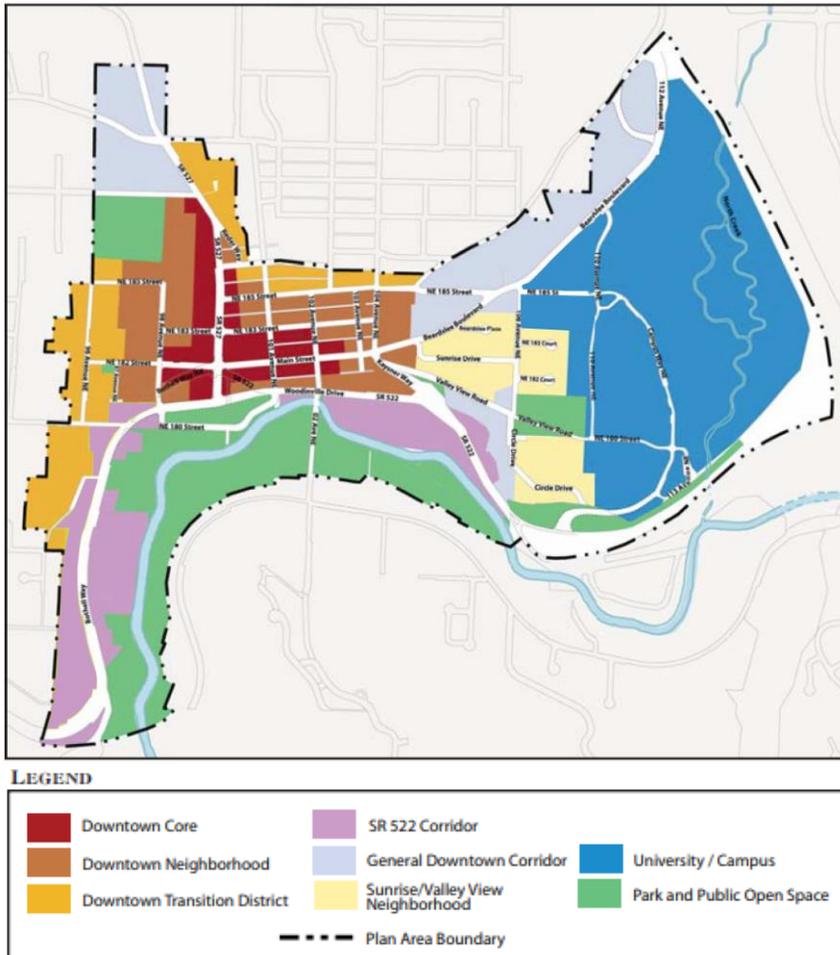


FIG. 1.3 THE DISTRICT STRUCTURE OF THE DOWNTOWN SUBAREA

* * *

6. The SR 522 Corridor

* * *

~~The General Commercial zone along SR 522 will retain its pre-Downtown Plan zoning and be controlled by the city-wide regulations for that zone in BMC Title 12.~~

* * *

Section 2. A new section is added to Chapter 12.07 of the Bothell Municipal Code (BMC), to be BMC 12.07.020.

12.07.020 Location of affordable housing programs.

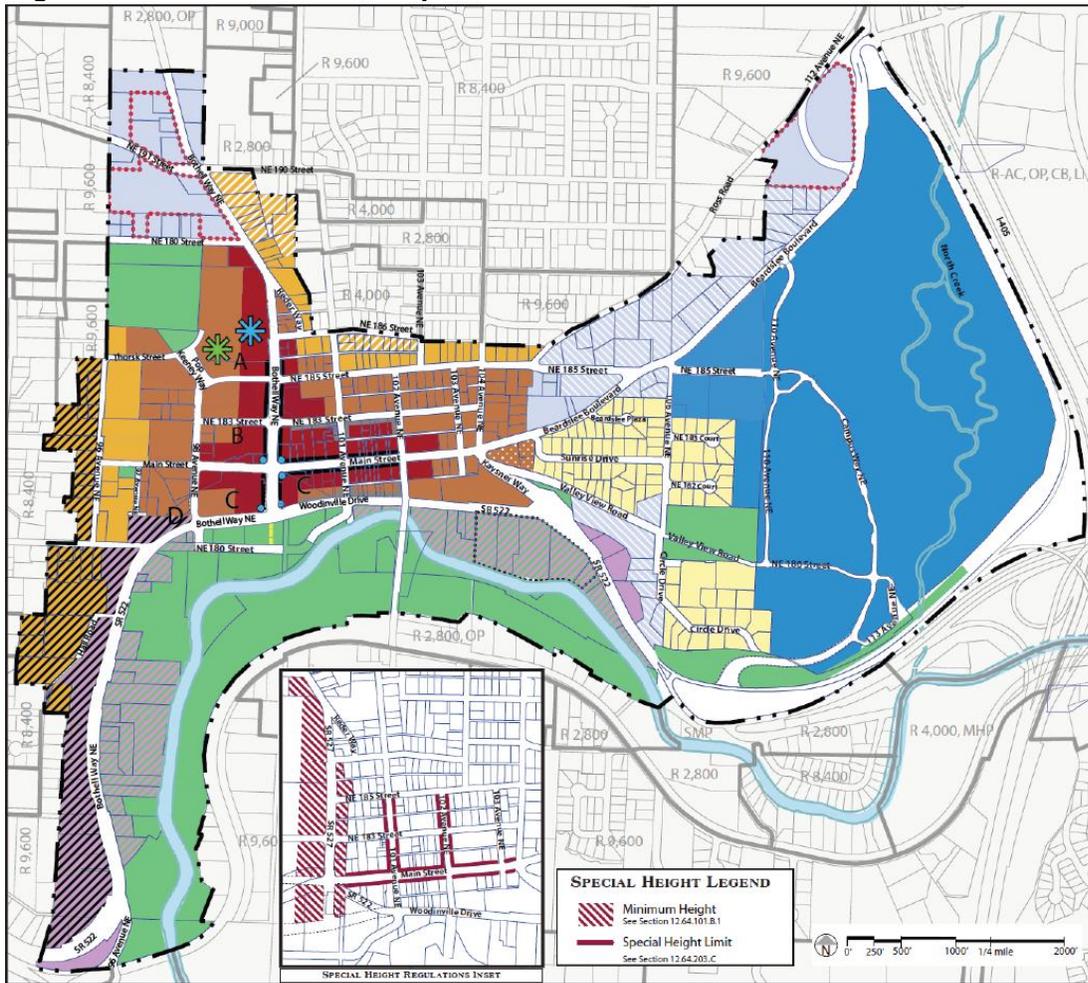
A. Downtown Subarea:

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

Section 3. Figure 1 within BMC 12.64.010 is hereby amended with the updated Figure 1 herein depicting the Downtown Subarea Zoning map, thereby reflecting the zoning amendments adopted within this Ordinance; all other provisions of these sections shall remain unchanged and in full force

Section 4. Figure 12.64.100 within Chapter 12.64 BMC is hereby amended to be replaced with the updated Districts Map herein, thereby reflecting the zoning amendments adopted within this Ordinance.

Figure 12.64.100 Districts Map



MAP LEGEND	
 Downtown Core See Section 12.64.101	 Downtown Neighborhood See Section 12.64.102
 Downtown Transition District See Section 12.64.103	 SR 522 Corridor See Section 12.64.104
 General Downtown Corridor See Section 12.64.105	 Sunrise/Valley View Neighborhood See Section 12.64.106
 Park and Public Open Space See Section 12.64.107	 Campus See Section 12.64.108
 SR 522 Corridor Affordable Housing Overlay See Section 12.64.103.B.4	 Special Riverfront Overlay See Section 12.64.104.B.2
 4 Floor Height Overlay See Section 12.64.102.A	 3 Floor Height Overlay See Section 12.64.105.A
 Downtown Transition Overlay See Section 12.64.103.B.1	 Downtown Transition District Affordable Housing Overlay See Section 12.64.104.B.4
 Special Open Space Requirement See Section 12.64.304.D	 Anderson Building See Section 12.64.101.B.2
 Plan Area Boundary	 Parking Exceptions See Section 12.64.101.B.3
 Pedestrian Oriented Retail Required See Section 12.64.101.A	 Neighborhood Center Overlay (NCO) See Section 12.64.105.A
 Required New Pre-Located Street See Section 12.64.301.A.2	 Required New Pedestrian Walkway See Section 12.64.301.D.8
 Split Parcel District Boundary See Section 12.64.100.C.2-3	 Corner Entry Required See Section 12.64.206.B.2
 Mobile Home Park Overlay See Section 12.64.104.B.3	

Section 5. Subsection B of BMC 12.64.103, relating to the Downtown Transition District, is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~strikethrough~~; all other provisions of these sections shall remain unchanged and in full force:

B. Special Downtown Transition District Requirements

All Special Requirements on this page apply to development in the Downtown Transition District.

1. Special Residential Density Requirement

- a. In the Downtown Transition District Density Overlay, 20 dwelling units shall be allowed per acre, except as otherwise may be permitted under an approved conditional use permit to specialized senior housing, in accordance with Chapter 12.10 BMC. Unit yield shall be calculated to the nearest whole number, rounding up from even half units.
- b. Land area in roads and other rights-of-way, surface storm water retention/detention/water quality facilities, critical areas, critical area buffers, or land dedicated to the city shall not be counted in the calculation of number of units allowed, unless so stated in the conditions of an approved planned unit development, in accordance with Chapter 12.30 BMC.
- c. 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.

2. Only Residential Uses Allowed Adjacent to Single Family Zones

On parcels adjacent to single family zoning just outside the west Subarea boundary, only residential uses are permitted.

3. Affordable Housing Overlay

- a. Applicability. All developments within the Downtown Transition District Affordable Housing Overlay creating five (5) or more new dwelling units shall provide for affordable housing units within the development.
- b. The provisions of Chapter 12.07 BMC apply to the affordable housing required by this section, except as expressly provided within this section.

- c. Minimum Requirement. At least ten percent (10%) of the number of new dwelling units created within a development shall be affordable to moderate-income households, as defined in BMC 12.07.015.A.1.

Section 6. The Provision of Parking chart contained in Subsection A of BMC 12.64.104, relating to the SR 522 Corridor District, is hereby amended to be replaced with the updated Provision of Parking chart as follows, based on the adopted parking requirements for the General Downtown Corridor District.]; all other provisions of these sections shall remain unchanged and in full force:

12.64.402 Provision of Parking				
12.64.201 Building Use	Minimum Parking Requirements	Permitted Maximum Parking in a Surface Lot	Shared Parking Reduction	Special Condition Requirements
1 - Retail:				
a) Pedestrian Oriented Retail (Except Eating and Drinking Establishments)	1 vehicle space per 400 sf	1 vehicle space per 250 sf	10% reduction allowed for shared-use parking	On-site, or off-site within 800 feet, or cash-in-lieu
Pedestrian Oriented - eating and drinking establishments	1 vehicle space per 400 sf	1 vehicle space per 200 sf	No reductions	On-site, or off-site within 800 feet, or cash-in-lieu
b) Neighborhood Center Retail	1 vehicle space per 400 sf	1 vehicle space per 250 sf	No reductions	On-site
c) Auto Oriented Retail	1 vehicle space per 400 sf	1 vehicle space per 250 sf	No reductions	On-site
d) Corner Store Retail	1 vehicle space per 400 sf	1 vehicle space per 250 sf	No reductions	On-site, or on street within 200 feet, or cash-in-lieu
2 - Civic & Cultural				
	1 vehicle space per 500 sf	1 vehicle space per 250 sf	10% reduction allowed for shared-use parking	On-site, or off-site within 800 feet, or cash-in-lieu
3 - Office				
	1 vehicle space per 500 sf	1 vehicle space per 300 sf	10% reduction allowed for shared-use parking	On-site, or off-site within 800 feet, or cash-in-lieu
4 - Lodging				
	1 vehicle space per bedroom	1 vehicle space per bedroom	No reductions	On-site, or off-site within 100 feet
5 - Residential (All)				
	1 vehicle space per bedroom or 2.2 spaces per unit, whichever is less*	1 vehicle space per bedroom	10% reduction allowed for shared-use parking	On-site, or off-site within 100 feet
*If the formula results in a fraction, the minimum number of parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounded up and fractions below 0.50 rounding down.				

* * *

Section 7. Subsection B of BMC 12.64.104, relating to the SR 522 Corridor District, is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~strikethrough~~; all other provisions of these sections shall remain unchanged and in full force:

B. Special SR 522 Corridor District Requirements

All Special Requirements on this page apply to development in the SR 522 Corridor

1. Driveway Access

- a. Driveways shall be spaced a minimum of 250 feet apart from intersections with public streets or other driveways.
- b. Where a parcel or assembled parcel has less than 250 feet of street frontage, driveways shall be located at opposite ends of the available street frontage where the side property lines intersect the right-of-way, so that each drive may serve the adjacent properties.
- c. To have driveways spaced less than 250 feet apart on one property, they must be one way and located at opposite ends of a property.
- d. Where parcel configuration, topography or other site limitations make these regulations impractical, the city traffic engineer shall determine driveway location.

2. Special Riverfront Overlay

- a. Building Height: maximum three floors / 35 feet within the Shoreline Master Program (SMP) jurisdiction and four floors / 45 feet outside the SMP jurisdiction.
- b. View Corridor Provision: A minimum of one-fourth of the property width shall be maintained as a View Corridor free of structures for the entire depth of the property from the street toward the river.
 - i. "Property width" is defined as the widest part of a parcel, or in the case of triangular lots, the point midway between the front and rear property lines as measured parallel to the course of the Sammamish River nearest the property. Where these regulations do not clearly

define the property width, the Community Development Director/ Designee shall determine property width.

- ii. Surface parking can be in the required View Corridor.
 - iii. The total View Corridor area may be provided in two separate View Corridors.
- c. Impervious Surface Coverage shall not exceed the following limits:
- i. Properties with frontage on the Sammamish River: 60 percent;
 - ii. Properties without river frontage: 70 percent.

3. Mobile Home Park Overlay

- a. Development shall be limited to the existing mobile home park (MPH) and any additional mobile homes or manufactured homes which may be permitted by existing approvals or by new approvals obtained under Chapter 12.08 BMC.
- b. Mobile/manufactured homes in the overlay shall be developed in accordance with Chapter 12.08 BMC.
- c. Redevelopment to uses other than a mobile home park shall require prior review and approval of an amendment to the Imagine Bothell...Comprehensive Plan and SR 522 Corridor district regulations shall apply.

4. SR 522 Corridor Affordable Housing Overlay

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

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

Section 8. The Use Category Charts in BMC 12.64.201, relating to Building Use, are hereby to be amended to include a note box below the charts that provides as follows: “Warehousing, storage and distribution uses, including self-storage warehouses, are not allowed in the Downtown Subarea.” This amendment shall be executed in the Downtown Plan by providing a note box below. All other provisions of these sections shall remain unchanged and in full force.

Section 9. Subsection B of BMC 12.64.304, relating to the Provision of Open Space, is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~strikethrough~~; all other provisions of these sections shall remain unchanged and in full force:

B. PUBLIC OPEN SPACE

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

Section 10. Figure 12.64.505.A.1 titled “Historic Resources and Downtown Special Review Area (DSRA) Boundary” shall be amended to reflect the street revisions associated with the realignment of SR 522, with the amended southern DSRA boundary

adjusted to the northern edge of the realigned SR 522 and the amended western DSRA boundary extended south to the northern edge of the realigned SR 522. Furthermore, subsection A of BMC 12.64.505 is hereby amended to read as follows, with new text shown by underline, deletions shown by ~~strikethrough~~, and skipped sections shown by three asterisks (* * *); all other provisions of these sections shall remain unchanged and in full force:

12.64.505 Historic Resources Regulations Guidelines

A. Introduction

* * *

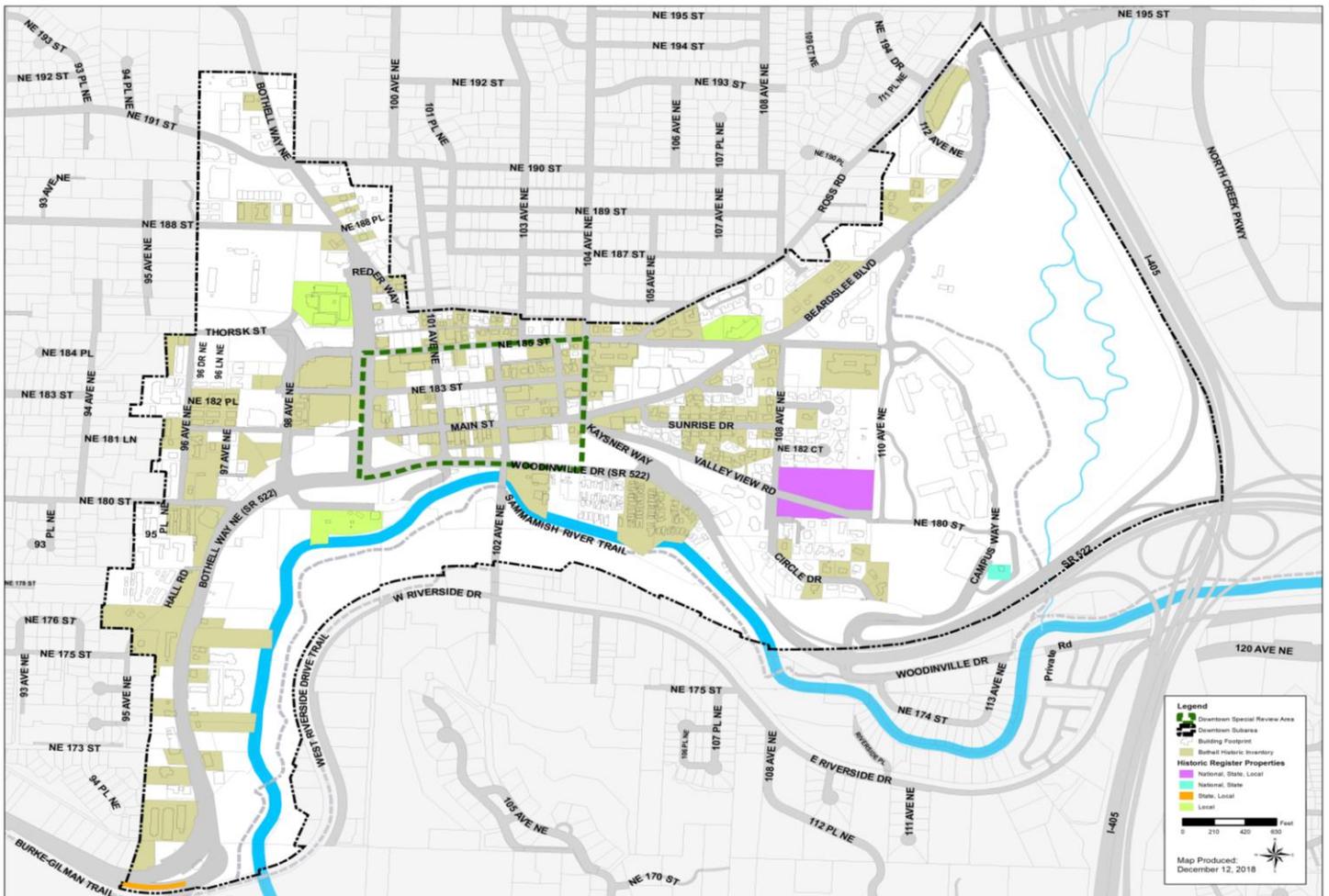


Figure 12.64.505.A.1

* * *

3. Design Review Process

- a. The review process begins when an owner (or an owner's representative) proposes any exterior work on a building that is within the boundaries described above, that has been nominated for landmark status, or that is a listed historic structure. These guidelines should be used when contemplating a project, to help establish the appropriate direction for repairs, alterations, or new construction.
- b. The Landmark Preservation Board will review each proposal in terms of the basic principles and for conformance with the stated regulations. The review process shall be as described in Bothell Municipal Code Chapter 22. In order to promote compliance with the regulations in this section, any development proposal within the DSRA which would exceed the threshold for categorical exemptions under the State Environmental Policy Act (SEPA) shall be submitted to the ~~Bothell~~ Landmark Preservation Board for review and comment in a public meeting prior to application for any grading or building permits being issued.

Section 11. 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 12. EFFECTIVE DATE. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after 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.

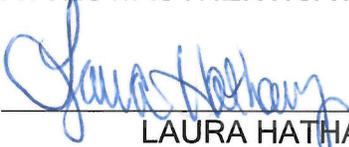
Section 13. CORRECTIONS. The City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

APPROVED:



ANDREW J. RHEAUME
MAYOR

ATTEST/AUTHENTICATED



LAURA HATHAWAY
CITY CLERK

APPROVED AS TO FORM:



PAUL BYRNE
CITY ATTORNEY

FILED WITH THE CITY CLERK: 12/11/2018
PASSED BY THE CITY COUNCIL: 12/18/2018
PUBLISHED: 12/24/2018
EFFECTIVE DATE: 12/29/2018
ORDINANCE NO.: 2270 (2018)

SUMMARY OF ORDINANCE NO. 2270 (2018)

City of Bothell, Washington

On the 18th day of December, 2018, the City Council of the City of Bothell passed Ordinance No. 2270 (2018). 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 COMPREHENSIVE PLAN PORTION OF THE DOWNTOWN SUBAREA PLAN AND REGULATIONS RELATING TO THE DOWNTOWN DISTRICT STRUCTURE AND COMMUNITY VISION FOR THE SR 522 CORRIDOR, AND BOTHELL MUNICIPAL CODE SECTIONS 12.07.020, 12.64.010, 12.64.100, 12.64.103, 12.64.104, 12.64.201, 12.64.304 AND 12.64.505.

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


LAURA HATHAWAY
CITY CLERK

FILED WITH THE CITY CLERK: 12/11/2018
PASSED BY THE CITY COUNCIL: 12/18/2018
PUBLISHED: 12/24/2018
EFFECTIVE DATE: 12/29/2018
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