

# CITY OF BAINBRIDGE ISLAND CITY COUNCIL AGENDA BILL



## PROCESS INFORMATION

Subject: Ordinance 2009 – 03, An ordinance regarding Underground Parking and Lot Coverage	Date: February 25, 2009
Agenda Item: Ordinances: 1 <sup>st</sup> Reading	Bill No.: AB 09-023
Proposed By: Jennifer Sutton, Planner	Referral(s): Planning Commission

## BUDGET INFORMATION

Department: PCD	Fund: NA	Munis Contract # NA
Expenditure Req: NO	Budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Budget Amend. Req? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

## STANDING COMMITTEE INFORMATION

Referring Committee: Land Use Committee	Recommendation: Forward to 1 <sup>st</sup> Reading
Date of Referral:	Vote – Yea – Ney <input type="checkbox"/> Yes <input type="checkbox"/> No

## DESCRIPTION/SUMMARY

### Action Item:

The City is proposing Ordinance No. 2009-03 to amend the definition of lot coverage to exclude parking structures located entirely below grade. This proposal is related to the inclusion of below grade parking in lot coverage calculations, resulting in discouragement of the type of parking that is encouraged by the Comprehensive Plan. This disincentive stems from the definitions of “building” and “lot coverage” in the BIMC. Currently, a parking garage qualifies as a building because it is a structure with a roof. The purpose of lot coverage is to regulate the amount of bulk appropriate for a property so a parcel doesn’t look overbuilt compared to other homes in the zone/neighborhood. At this time, all parking garages count towards lot coverage-- even a parking garage that is entirely below grade with no building above it contributing to bulk.

### History:

The Department of Planning and Community Development (PCD) has begun the multi-year Land Use Code update project to reorganize and clarify the Bainbridge Island Municipal Code (BIMC). An Ad-Hoc Committee comprised of two Planning Commissioners and two City Councilpersons are providing PCD staff with policy guidance through this project. At their May 5, 2008 meeting, the Ad Hoc Committee recommended that the problem with lot coverage and parking garages within the Mixed-Use Town Center (MUTC) and High School Road (HS) zones be addressed ahead of the multi-year Land Use Code update process, in a separate ordinance. Staff developed the ordinance, and the Planning Commission reviewed it over several meetings, and at the September 25, 2008 meeting the Commission recommended approval of the ordinance to the City Council.

### Schedule/Next Activities:

Land Use Committee (LUC) review March 3, 2009 meeting. City Council 2<sup>nd</sup> Reading, possibly waiving 3<sup>rd</sup> Reading, March 25, 2009.

### Budget:

This ordinance is a minor text change that can be updated by City staff, not requiring any additional monies.

## RECOMMENDED ACTION

Motion: I move that the City Council forward Ordinance 2009-03 to the Land Use Committee for further discussion.

*City of Bainbridge Island*  
**PLANNING & COMMUNITY DEVELOPMENT**



**MEMORANDUM**

TO: City Council  
FROM: Planning Commission  
DATE: February 25, 2009

RE: Ordinance 2009-03 (formerly 2008-09) relating to lot coverage and below grade parking

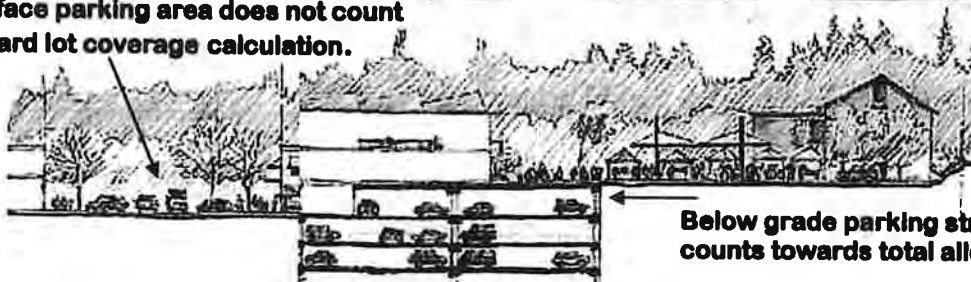
The Planning Commission recommends approval of proposed Ordinance 2009-03 (formerly 2008-09), amending the definition of lot coverage to exclude buildings located entirely below grade. This ordinance rectifies a problem in which the inclusion of below grade parking in lot coverage calculations results in discouraging below grade parking, parking which is explicitly encouraged by the Comprehensive Plan. The Planning Commission reviewed the proposed code changes over several meetings, and on September 25, 2008, recommended approval of the ordinance to the City Council. The proposed code changes are shown succinctly in strikethrough/ underline format on Attachment 1 and in the draft ordinance (Attachment 2).

**I. BACKGROUND**

The Department of Planning and Community Development (PCD) has begun the multi-year Land Use Code update project. An Ad-Hoc Committee comprised of two Planning Commissioners (Gale and Lewars) and two City Councilpersons (Franz and Vancil) are providing PCD staff with policy guidance through this project. At the May 5<sup>th</sup>, 2008 meeting of the Ad Hoc Committee, the topic of lot coverage and parking garages within the Mixed-Use Town Center (MUTC) and High School Road (HS) zones was recommended to be addressed in a separate ordinance, ahead of the multi-year Land Use Code update process.

This disincentive stems from the definitions of “building” and “lot coverage” (see Attachment 3) in the BIMC. Currently, a parking garage qualifies as a building because it is a structure with a roof. The definition of lot coverage is any portion of the lot area that is covered by buildings, and the purpose of lot coverage is visual-- to regulate the amount of bulk appropriate for a property so it doesn't look overbuilt compared to other buildings in the zoning district. At this time, all parking garages count towards lot coverage-- even a parking garage that is entirely below grade with no building above it contributing to bulk. This standard has been identified as especially onerous in districts with limited lot coverage: Madison, Ericksen Avenue, and Gateway Overlay Districts, with 35% lot coverage; and High School Road I/II Overlay Districts, with 50% lot coverage. Also, there are many relatively small properties in the Madison, Ericksen, and Gateway Districts, a condition that compounds the lot coverage difficulty.

**Surface parking area does not count toward lot coverage calculation.**



**Below grade parking structure currently counts towards total allowed lot coverage.**

This disincentive to incorporate parking garages into new development is in contrast to Winslow Master Plan policy WMP 2-5.2 and Comprehensive Plan Land Use Element Goal 3 and policies LU3.2 and W1.3, which encourage the development of parking garages as a preferred alternative to surface parking lots. To that end, the MUTC/HS development standards table (BIMC Section 18.40.030) incorporates an incentive to put required parking underneath a building by allowing an “optional height” of 10 extra feet (see Attachment 1). The MUTC/HS development standard table (see Attachment 1) contains an additional regulation for the Ericksen Avenue Overlay District limiting the maximum building footprint to 2,500 square feet for properties south of Wyatt Way. Currently, this regulation applies to parking garages because they are buildings, even those garages entirely below grade. This code limitation works against establishing parking garages and the end result is more surface parking for new construction.

## II. 2008 PLANNING COMMISSION REVIEW

The Planning Commission held a study session on the issue on **June 12<sup>th</sup>**. The Commission brought up a concern about what would be placed above such below grade parking. Impervious surfaces do not count towards lot coverage, therefore the area above a below grade parking structure could become a surface parking lot. However, entirely prohibiting impervious surface in the area above underground parking structures would limit incorporation of uses such as plazas or tennis courts. The Planning Commission then held a public hearing on **August 14<sup>th</sup>**, and the discussion focused on impacts this ordinance could have on landscaping and trees, and whether or not this change to the lot coverage definition should apply the same way in each MUTC district. At the **September 25<sup>th</sup>** public hearing, the Planning Commission discussed landscaping requirements, and decided that improvements to landscaping requirements could be implemented into the upcoming update to the City’s landscaping requirements, BIMC 18.85. The Commission voted to recommend approval of the ordinance after closed the public hearing on **September 25<sup>th</sup>**.

The Planning Commission also heard a comment from an architect requesting that the Commission allow below grade buildings (i.e. parking structures) into zoning setbacks for the same reasons as excluding the buildings from lot coverage calculations. The Commission made a motion asking staff to develop another ordinance to add below grade parking garages to the list of exceptions to setbacks outlined in BIMC 18.78.020.

### ***State Environmental Policy Act (SEPA) Review***

SEPA review has been completed for the draft ordinance, and a Determination of Non-significance issued on June 18, 2008 (Attachment 5)

## III. ATTACHMENTS

1. Proposed changes
2. Draft Ordinance 2009-03 (formerly 2008-09)
3. Relevant definitions from BIMC Chapter 18.06 *Definitions*
4. Planning Commission meeting minutes
5. State Environmental Policy Act DNS and Checklist

**Proposed Changes**

BIMC Section 18.06.650 Lot coverage. “ Lot coverage” means that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building, any building or portion of building located below pre-development and finished grade, and other minor building features identified in BIMC 18.78.020.B.

**NOTE:** Rows have been omitted from the Mixed Use Town Center development standard table below, BIMC Section 18.40.030. Only the standards relevant to tonight’s discussion are shown.

Mixed Use Town Center					High School Road Districts I and II	Ferry Terminal
	Central Core	Madison Avenue	Ericksen Avenue	Gateway		
Building Height (bldg hgt) Limit	35' 25' bldg hgt south of Parfitt	25' 35' bldg hgt north of High School Road	25'	35'	Bldg hgt north of Winslow Way: Ref. BIMC 18.40.031 35' bldg hgt south of Winslow Way	35'
Optional Height (opt hgt) Limit w/under building parking	45' 35' opt hgt south of Parfitt	35' 45' opt hgt north of High School Road	35'	45'	Opt bldg hgt north of Winslow Way: Ref. BIMC18.40.031 45' opt bldg hgt south of Winslow Way	45'
Maximum Lot Coverage	100%, excluding setbacks	35%	35% 2,500 sq. ft. max. building footprint south of Wyatt, <u>excluding any building or portion of building located below pre-development and finished grade.</u>	35%	75%	50%

**ORDINANCE NO. 2009-03**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, relating to below grade parking garages; and amending Section 18.06.650 and Section 18.40.030 of the Bainbridge Island Municipal Code.

**WHEREAS**, BIMC 18.06.650 defines “lot coverage” to mean that portion of the lot area that is covered by buildings; and

**WHEREAS**, BIMC 18.06.110 defines “buildings” to mean any structure having a roof and designated for shelter of animals, persons and/or property, and includes parking garages; and

**WHEREAS**, the City has adopted policies to encourage the development of parking garages instead of surface parking, including Comprehensive Plan Land Use Element Goal 3 and policies LU3.2 and W1.3 and Winslow Master Plan policy WMP2-5.2; and

**WHEREAS**, BIMC 18.40.030, the development standards table for the Mixed Use Town Center, incorporates an incentive of an additional “optional height” of 10 feet when a development utilizes under building parking; and

**WHEREAS**, BIMC 18.40.030 outlines the allowed lot coverage for each of the Mixed Use Town Center Overlay Districts, including an additional regulation for the Ericksen Avenue Overlay District limiting maximum building footprint to 2,500 square feet for properties south of Wyatt Way; and

**WHEREAS**, the Madison and Ericksen Avenue Overlay Districts allowed lot coverage is thirty-five percent, and the High School Road Overlay Districts allowed lot coverage is fifty percent; and

**WHEREAS**, the Planning Commission reviewed this ordinance at a study session on June 12, 2008, held a public hearing on August 14, 2008, and recommended approval of the ordinance on September 25, 2008; and

**WHEREAS**, the City has concluded that the current regulations, in which parking garages, even those below grade, are counted towards a property’s allowed lot coverage, are inadvertently encouraging the creation of new surface parking lots by discouraging parking garages; and

**WHEREAS**, the City Council finds that it is necessary and in the best interest of the public to amend BIMC 18.06.650 and BIMC 18.40.030; now, therefore,

**THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON,  
DOES ORDAIN AS FOLLOWS:**

Section 1. Section 18.06.650 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“ 18.06.650 Lot coverage. “ Lot coverage” means that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building, any building or portion of building located below pre-development and finished grade, and other minor building features identified in BIMC 18.78.020.B.”

Section 2. Section 18.40.030 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

<b>Mixed Use Town Center</b>					<b>High School Road Districts I and II</b>	<b>Ferry Terminal</b>
	<b>Central Core</b>	<b>Madison Avenue</b>	<b>Ericksen Avenue</b>	<b>Gateway</b>		
<b>Base Floor Area Ratio (FAR)<sup>1</sup></b>						
Commercial and Other Nonresidential Uses	0.6	0.4	0.3	0.15	0.1	0.3
Residential	0.4	0.4	0.3	0.5	0.4	0.3
Mixed Use <sup>2</sup>	1.0	0.5	0.5	0.5	0.5	0.3
Maximum FAR with Bonus <sup>3</sup>						
Commercial and Other Nonresidential Uses	1.0	0.6	0.6	0.3	0.2	0.6
Residential	1.0	0.6	0.6	1.0	1.1	0.6
Mixed Use <sup>2</sup>	1.5	1.0	1.0	1.0	1.3 (1.5) <sup>10</sup>	1.0
Building Height (bldg hght) Limit	35' 25' bldg	25' 35' bldg	25'	35'	Bldg hght north of Winslow	35'

	hght south of Parfitt	hght north of High School Road			Way: Ref. BIMC 18.40.031 35' bldg hght south of Winslow Way	
Optional Height (opt hght) Limit w/under building parking	45' 35' opt hght south of Parfitt	35' 45' opt hght north of High School Road	35'	45'	Opt bldg hght north of Winslow Way: Ref. BIMC 18.40.031 45' opt bldg hght south of Winslow Way	45'
Building Height when property adjoins a lower density residential zone	Except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC 18.40.031					
Maximum Lot Coverage	100%, excluding setbacks	35%	35% 2,500 sq. ft. max. building footprint south of Wyatt, <u>excluding any building or portion of building located below pre-</u>	35%	75%	50%

			<u>development and finished grade</u>			
Front Setback	Comm: 5' max. from sidewalk Res: 10' min. from sidewalk 20' max. from sidewalk	10' min. 20' max	15' min. 20' max.	0' from sidewalk	5' max. from sidewalk Except as modified by transition standards in BIMC 18.40.031	10' max. from sidewalk
Side Setback	0' 5' when property abuts the Madison Avenue or Ericksen Avenue districts	0' 5' when property abuts the central core district	5'	0'	0'	0'
Rear Setback	0' 5' when property abuts the Madison Avenue or Ericksen Avenue districts	0' 5' when property abuts the central core or Ericksen Avenue districts	0' 5' when property abuts the central core or Madison Avenue districts	0'	0'	0'
Building Setback when property adjoins single-family residential zone	Building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements					
Parking Requirements						

Commuter-Oriented Retail	NP	NP	NP	NP	1 parking space per employee per peak shift	NP
<b>Other Commercial and Nonresidential Uses</b>						
Minimum Spaces per 1,000 sq. ft. <sup>7</sup>	4	4	4	4	1	4
Maximum Spaces per 1,000 sq. ft. <sup>8, 9</sup>	5	5	5	5	3	5
Residential Minimum Spaces per dwelling unit	Per BIMC 18.81.030.D					
Residential Maximum Spaces per dwelling unit	1.5	2	2	2	1.5	2
Bicycle Parking	Per BIMC 18.81.140					
Access along Winslow Way	For properties along Winslow Way, there shall be no driveway from private property to the street except as approved as a conditional use. Driveways in existence prior to July 1, 1987, are excepted from this requirement. (Formerly BIMC 18.69.070.D.)					
<p>1Exception from the base FAR: If the existing FAR for a developed property as of the effective date of the ordinance codified in this chapter is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property.</p> <p>2In mixed use development, the established FAR in the residential and commercial components shall not be exceeded.</p> <p>3Maximum level of commercial, residential and mixed use development may be achieved through the use of FAR bonus provisions, in accordance with BIMC 18.40.040.</p> <p>4These setbacks apply along Madison Avenue only.</p> <p>5Porches, bay windows and eaves may intrude up to five feet into the front yard.</p>						

6South of a point 100 feet north of Winslow Way.

7On street parking legally created in conjunction with and adjacent to a project may be included in the parking space calculation.

8Up to a maximum of four spaces per 1,000 square feet for restaurant use, using procedures set out in BIMC 18.81.030.M.

9Exceptions to the maximum commercial parking may be granted in accordance with BIMC 18.81.056.C.

10In mixed use development in the ferry terminal district, an additional .2 FAR is permitted in accordance with BIMC 18.40.040.G. The additional FAR may be applied to either the residential or commercial component of the mixed use development.

(Ord. 2005-11 § 1, 2005; Ord. 2004-02 § 3, 2004; Ord. 99-64 § 6, 1999; Ord. 99-17 § 5, 1999; Ord. 97-06 § 4, 1997; Ord. 96-08 § 9, 1996)

Section 3. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

**PASSED** by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2009.

**APPROVED** by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2009.

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Darlene Kordonowy, Mayor

**ATTEST/AUTHENTICATE:**

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Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
PUBLICATION DATE:

EFFECTIVE DATE:  
ORDINANCE NO. 2009-03

**Relevant Definitions BIMC Chapter 18.06**

Please note that the definitions for “ building” and “ structured parking” are provided for discussion purposes only. Staff does not foresee that these two definitions would need to change to resolve this problem.

18.06.650 Lot coverage. “ Lot coverage” means that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building and other minor building features identified in BIMC 18.78.020.B.

18.06.110 Building. “ Building” means any structure having a roof, designated for shelter of persons, animals, or property.

18.06.908 Structured parking. “ Structured parking” means a covered structure or portion of a covered structure that provides parking area for motor vehicles. Structured parking may be below grade.

**MINUTES**  
**PLANNING COMMISSION**  
**REGULAR MEETING**  
**June 12, 2008**

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**PLANNING COMMISSIONERS PRESENT:**

Maradel Gale, Chair;  
Commissioners Charles Averill, Don Fisher, Kathy McMullen,  
Michael Lewars and Gary Pettersen.

**STAFF PRESENT:**

Kathy Cook, Interim Director of Planning and Community Development.  
Chris Wierszbicki, Deputy Director of Planning and Community Development.  
Jennifer Sutton, Planner.  
Molly Brown, Assistant City Engineer.  
Diane Sawyer, Secretary.

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**ISSUES DISCUSSED:**

**Wyatt Place Site Plan Review Amendment.**  
**Comprehensive Plan Amendments:**  
**CPA15172 – BIMPRD Trail**  
**CPA15196 – NMTP Connectivity/Safety**  
**CPA15194 – NMTP Policy.**  
**Below Grade Parking - Lot Coverage.**  
**Affordable Housing Ordinance: Inclusionary Housing (Deferred).**

Commissioner Pettersen supported a Comp Plan that provides a short concise statement of the City's goals and ambitions. Commissioner Averill cautioned that a combination of committees could result in a dilution of the NMTP.

Ms. Johnson referred to a letter from the NMTAC in which they had supported the recommendation of the 90-day task force; the community values survey will be emphasized across the board; the intent is to eliminate conflicts between the Comp Plan and a Council action.

**Don Willott**, asked that the Commission deny this amendment and recommend the renaming the NMTAC. He noted that the letter from the NMTAC recommended using the Committee as the core of any new committee.

Commissioner Lewars commented that so far he has heard nothing compelling to support the amendment. The amendment will be subject to a study session and public hearing on July 10<sup>th</sup>. Commissioner Averill suggested it would be helpful to have members of the 90-day task force at the public hearing.

### **Below Grade Parking Structures – Lot Coverage** Study Session – Jennifer Sutton, Planner

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Chair Gale questioned why this item is on the agenda since it was not on the work plan. Director Cook responded that it had come from an issue discussed by the Code Update Advisory Committee, it was also discussed at the Land Use Committee. The Comp Plan policies conflict with the regulations because they present a disincentive to integrate parking garages which is a problem significant enough that it should be resolved ahead of the multi-year Land Use Code update process.

Planner Sutton summarized this proposal to amend the definition of lot coverage to exclude parking structures. She provided background, details and definitions from her staff report and responded to Commissioner Pettersen by clarifying the applicable zones and specifically how the amendment applies to the Ericksen Avenue District.

Commissioner Lewars referred to an E-mail received from Sean Parker requesting allowance for sloping grade in which he recommends the following: “excluding parking structures located entirely below finished grade.” Planner Sutton commented that staff does not support this text, since finished grade could refer to an imported mound of soil.

Commissioner Averill expressed concern that such a structure could be covered with a concrete cap; he suggested language stating it has to be below grade and shall be covered by a usable roof, e.g. green roof, plaza, landscaping; there may need to be a definition of “entirely below grade.” Commissioner McMullen suggested “the surface be returned to some usable function.” A public hearing will be held on July 10th.

**Sean Parker**, explained why he would also like to see below grade parking allowed underneath side or rear yard setbacks. Commissioner Averill expressed some discomfort with the impact of the construction process upon neighboring property.

**Charles Schmid**, expressed concern that this item is being rushed through; July 10<sup>th</sup> is too soon for a public hearing; the Design Review Board should have an opportunity to review the proposal.

The Commission agreed to forward this item to the Design Review Board at their next meeting on June 16<sup>th</sup>.

**MINUTES  
PLANNING COMMISSION  
REGULAR MEETING  
August 14, 2008**

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**PLANNING COMMISSIONERS PRESENT:**

Maradel Gale, Chair;  
Commissioners Charles Averill, Don Fisher,  
Michael Lewars.

**STAFF PRESENT:**

Chris Wierszbicki, Deputy Director of Planning and Community Development.  
Bob Katai, Current Planning Division Manager.  
Jennifer Sutton, Planner.  
Diane Sawyer, Secretary.

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**ISSUES DISCUSSED:**

**Below Grade Parking - Lot Coverage.  
Island Medical Center – Conditional Use Permit and Site Plan Review.**

Chair Gale opened the meeting at 7:03 p.m. Commissioners Osmond, McMullen and

Pettersen were absent. Chair Gale reviewed the agenda. There were no public comments regarding non-agenda items.

## MINUTES

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**MOTION: Commissioner Lewars moved to approve the minutes of the meeting of July 24, 2008. Commissioner Fisher seconded the motion which carried unanimously.**

### BELOW GRADE PARKING - LOT COVERAGE

#### Public Hearing – Jennifer Sutton, Planner

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Planner Sutton introduced the proposed ordinance to amend the definition of lot coverage to exclude parking structures located entirely below ground. She summarized her staff report noting the Commission's concerns stemming from the study session held on July 12<sup>th</sup>, and comments received from the Design Review Board (DRB) at their June 16<sup>th</sup> meeting. She noted the DRB had determined that limitation of surface parking would be beneficial, however, to allow flexibility in site design, partial prohibition of surface parking and driving aisles would be advisable. She explained the areas of the BIMC that would be amended.

Commissioner Lewars discussed with Planner Sutton what might happen in the area where surface parking is prohibited.

Commissioner Averill expressed his concern with regard to unintended consequences, e.g. the preclusion of landscaping, he suggested it may be preferable to address the issue in terms of a percentage of the lot.

Planner Sutton discussed parking requirements; Chair Gale noted they could change. Chair Gale expressed concern regarding the loss of impermeable surface and the potential inability to provide trees and landscaping. Deputy Director Wierszbicki believed that landscaping, including trees, could be located over below grade parking with the utilization of state of the art water management techniques. Commissioner Averill commented however, that the size of trees would be limited. Chair Gale noted that currently significant landscaping can be required in surface parking lots. She discussed her concerns with regard to areas such as Ericksen Avenue.

Commissioner Averill suggested an alternative approach to address maximum lot coverage, he proposed a 35% lot coverage limit as currently defined, but with an asterisk indicating an additional 15% of the lot may be covered by parking structures located entirely below grade. Planner Sutton believed it would need to include the Neighborhood Service Center zone, and the Light Manufacturing zone might also be considered. Commissioner Averill agreed, but supported leaving the High School Road zone at 75%. He believed the cleanest way would be to change the wording wherever the maximum lot coverage is described. It was agreed that the asterisk would apply to the 35% indicated for Ericksen Avenue, however, the footprint language will remain. Deputy Director Wierszbicki recommended that this approach be tested against each zone, since the percentage could differ.

Chair Gale opened the public hearing at 7:30 p.m.

**Bruce Brunton**, owner of property on Ericksen Avenue, indicated he was also speaking on behalf of Sean Parker, a contiguous lot owner. He stated that both he and Mr. Parker are fully supportive of putting all parking underground and that they intent to provide significant landscaping on the surface; however, he could not support "requirements" with regard to landscaping. He read a memorandum from Mr. Parker (see Attachment A to these Minutes). Chair Gale closed the public hearing at 7:40 p.m.

The Commission discussed the utilization of setbacks for underground parking. Commissioner Averill suggested looking at applicability to side setbacks on small lots. Planner Sutton noted that currently a variance would be required. Chair Gale expressed concern about the health of existing trees. Staff discussed best management practices for tree retention, screening requirements, and coordination between neighbors. The Commission concurred that additional staff review is necessary with regard to the consequences associated with the setback issue.

**ISLAND MEDICAL CENTER –  
CONDITIONAL USE PERMIT AND SITE PLAN REVIEW  
Public Meeting – Bob Katai, Current Planning Division Manager**

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Manager Katai provided an overview of the process associated with these applications. He indicated the Planning Commission will make a recommendation to the Hearing Examiner who will then make the final decision. He discussed the site and surrounding area, the zoning designation and decision criteria.

**Rolf Hogger, MRJ Construction**, developer, addressed the following: the history of the ownership of the property; the positive siting for a medical facility; zoning and site size; lower

**MINUTES  
PLANNING COMMISSION  
REGULAR MEETING  
September 25, 2008**

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**PLANNING COMMISSIONERS PRESENT:**

Maradel Gale, Chair;  
Commissioners Charles Averill, Michael Lewars, Don Fisher,  
Gary Pettersen, Kathleen McMullen and Kimberly Osmond.

**STAFF PRESENT:**

Libby Hudson, Long Range Planning Division Manager.  
Brent Butler, Long Range Planning Senior Planner.  
Jennifer Sutton, Planner  
Theresa Rice, Acting Secretary.

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**ISSUES DISCUSSED:**

**Below Grade Parking – Lot Coverage – Ordinance 2008-09  
Affordable Housing Ordinance: Inclusionary Housing**

Chair Gale opened the meeting at 7:00 p.m. and reviewed the agenda. All commissioners were present.

## PUBLIC COMMENT/OFF-AGENDA ITEMS

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There was no public comment on off-agenda items.

### BELOW GRADE PARKING – LOT COVERAGE – ORDINANCE 2008-09

Study Session – Jennifer Sutton, Planner

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Commissioner Osmond stated that the issue seems to be that underground parking areas are at a disadvantage because of lot coverage requirements and suggested that the definition of “lot coverage” to include that portion of the lot area surface that is covered by buildings. Her reasoning was that would then remove underground parking from the definition and would remove the disincentive that currently exists for doing underground parking.

Commissioner Lewars said that his understanding is that the Planning Commission was generally in agreement to not penalize underground parking and that the only remaining issue was what would happen on top of underground parking. Staff’s proposal to deal with that was that above-ground or surface parking would be limited to 30%. Planner Sutton responded by talking about stormwater retention requirements and the maximum parking limit as restricting factors on how much surface parking could be installed atop underground parking, even without the 30% limitation.

Planner Sutton also told the Planning Commission that another issue they had previously raised was landscaping in the above-surface area because right now a lot of the landscaping requirements for the Mixed Use Town Center have to do with the front yard area. The other major landscaping requirement relates to screening surface parking or landscaping within those surface parking areas.

Commissioner Osmond pointed out that the phrase “entirely below grade” would result in the entire structure counting toward lot coverage if any portion of it was above grade. She suggested that the phrase be replaced with “any portion of a parking structure that is located below pre-development and finished grade.”

There was some discussion about the potential effect of below grade parking on significant trees and also about the possibility of surface parking being placed on top of below-grade parking. There was a more extensive discussion about landscaping for these structures.

At the Commission’s invitation, Sean Parker spoke about the effect of setback requirements on underground structures. He asked the Commission to allow staff the flexibility to deal with special circumstances for below-grade parking and remarked that what happens underground doesn’t affect what is seen on the surface.

The Commission did not want to address Mr. Parker's issue as part of the below-grade parking and discussed the best way to get the issue addressed.

**MOTION: Commissioner Averill moved that the Planning Commission recommend that the City Council adopt Ordinance 2008-07, as amended. Don Fisher seconded the motion which was then unanimously approved.**

**MOTION: Commissioner Petterson moved that the Planning Commission ask staff to develop a draft ordinance to amend Section 18.78.020. Commissioner Osmond seconded the motion, which was approved with Commissioner McMullen abstaining.**

### **INCLUSIONARY HOUSING ORDINANCE**

Study Session – Brent Butler, Senior Planner and  
Libby Hudson, Long Range Planning Division Manager

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Senior Planner Butler displayed a table showing how the 15% provision would apply to a 6000 square foot building in each of the core districts. Lot size was not included in the calculations. He noted that adding the affordable and market-rate units results in a 30% increase. Use of the optional bonus results in the addition of 40% more. Planning Manager Hudson added that these provisions would work within the existing cap in the core districts.

Architect Charles Wenslau commented lot size is the driver in the core districts and must be used in any attempt to determine how proposed bonuses would work in each district.

Commissioner Gale asked for verification that the required units are achievable in all the core districts without violating the floor-to-area (FAR), the height, and the setback requirements. Senior Planner Butler replied that, barring exceptions such as the critical areas overlay, which is accurate. Planning Director Hudson remarked that that doesn't take lot size into account and added that all the variables need to be tested using sample sites.

Commissioner Petterson asked if it makes any difference if the affordable units are for rental or for sale. Brent replied that there are inducements to create a range of incomes within the development, focusing on providing the bulk of the units for the percentage of the population below 80% of the median income

In response to a question from Commissioner Gale, Senior Planner Butler verified that the optional units are not available for developments in the residential zoning districts but will be available in some instances in the Mixed Use Town Center. He added that, when you start increasing the square footage you're getting closer to the bulk and dimension ceilings.

POSTED  
6-18-08

To: LEGAL NOTICES  
Publication Date: June 18, 2008 Issuance Date: June 18, 2008

**NOTICE OF DETERMINATION OF NONSIGNIFICANCE (DNS)**

The City of Bainbridge Island has reviewed the following ordinance:

**Applicant:** City of Bainbridge Island  
**Proposal:** Ordinance 2008-09

**Description of Proposal:** Non-project action amending the City of Bainbridge Island Municipal Code Sections 18.06.650 and 18.40.030 to exempt below grade parking structures from lot coverage calculation

**Location of Proposal:** This proposal applies Island-wide.

**SEPA Decision:** The City of Bainbridge Island (lead agency) has determined that the proposal does not have a probable significant impact on the environment. This DNS is issued under WAC 197-11-340 (2). This determination was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) c. The lead agency will not act on this proposal for 14 days. Comments must be submitted by no later than 4:00 p.m. on July 2, 2008

**Responsible Official:** Katharine Cook, Interim Planning Director  
Department of Planning & Community Development  
**Address:** City of Bainbridge Island  
280 Madison Avenue North  
Bainbridge Island, WA 98110, (206) 842 - 2552

Signature: Katharine Cook Date: 06-13-08

**APPEAL:** You may appeal this determination by filing a written appeal and paying the appropriate fee to the City Clerk, at 280 Madison Avenue North, Bainbridge Island, WA 98110, in accordance with the procedures set forth in the Bainbridge Island Municipal Code, Section 16.04.170 no later than 4:00 p.m. on July 9, 2008. You should be prepared to make specific factual objections. If you have any questions concerning this application, contact:

**Jennifer Sutton, Planner**  
Department of Planning & Community Development  
280 Madison Avenue North  
Bainbridge Island, WA 98110  
(206) 842-2552  
Fax: (206) 780-0955  
Email: pcd@ci.bainbridge-isl.wa.us

**WAC 197-11-960 Environmental checklist.**

**ENVIRONMENTAL CHECKLIST**

*Purpose of checklist:*

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

*Instructions for applicants:*

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

*Use of checklist for nonproject proposals:*

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

**A. BACKGROUND**

1. Name of proposed project, if applicable:  
Ordinance 2008-09
2. Name of applicant:  
City of Bainbridge Island
3. Address and phone number of applicant and contact person:  
280 Madison Avenue N.  
Bainbridge Island, WA 98110  
Attn: Jennifer Sutton, Planner OR Libby Hudson, Long Range Planning Division Manager
4. Date checklist prepared:  
June 12, 2008
5. Agency requesting checklist:  
City of Bainbridge Island
6. Proposed timing or schedule (including phasing, if applicable):  
The proposed date for the City Council to adopt Ordinance 2008-09 is October 22, 2008.
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.  
No

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

There has not been any environmental information prepared directly related to this proposal.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

No, this non-project action is a regulation change that would apply City-wide and would not affect a specific property.

10. List any government approvals or permits that will be needed for your proposal, if known.  
City of Bainbridge Island City Council adoption.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Ordinance 2008-09 proposes to amend the definition of lot coverage, Bainbridge Island Municipal Code (BIMC) Section 18.06.650 to exclude parking structures located entirely below grade. The ordinance also implements the same change by adding to a regulation regarding building footprint in the Bricksen Avenue Overlay District. The City has Comprehensive Plan policies that encourage the development of parking garages in place of surface parking lots, and this ordinance would remove a current disincentive for incorporating parking garages into development.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

This non-project action is a development regulation amendment that would apply Island-wide.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR  
AGENCY USE ONLY

## B. ENVIRONMENTAL ELEMENTS

### 1. Earth

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other .

The City (Island) is characterized by an irregular coastline of approximately 53 miles with numerous bays and inlets. The topography is generally of low rolling hills with several ridges oriented mostly north to south at 250 to 300 feet in elevation.

b. What is the steepest slope on the site (approximate percent slope)?

Slopes vary across the Island with the steepest slopes generally occurring along the shoreline, in ravines, and along the eastern or western sides of north to south running ridges. The steepest slope would be almost 90%.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

Soils and soil types are not generally impacted by this non-project action. An extensive discussion of the soils and their properties for the Island can be found in the *USDA Soil Survey of Kitsap County*.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Unstable soils and steep slopes occur at numerous locations on the Island. However this non-project action is not site-specific, it applies Island-wide.

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.

No filling or grading is proposed as part of this non-project action.

- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

No clearing or construction is proposed as part of this non-project action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

No construction is proposed as part of this non-project action.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No specific measures are proposed as part of this non-project action. Any future development projects will be evaluated as part of site-specific project review for compliance with SEPA and applicable regulations.

## 2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.

This non-project action will have no adverse impact on air quality

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

There are not any off-site sources of emissions/odors that affect this proposal.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

This non-project action will have no adverse impacts on air quality. Air quality is evaluated as part of site-specific project review and SEPA analysis.

## 3. Water

- a. Surface:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Bainbridge Island is surrounded by numerous bays, inlets and lagoons as well as the main body of Puget Sound. The Island has numerous streams, some of which are fish bearing. Additionally, there are numerous wetlands, including salt marshes that are connected directly and indirectly to streams and marine waters.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

This non-project action will not require any work over, in or adjacent to these waters.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

This non-project action will not require any filling or dredging.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

This non-project action will not require any surface water withdrawals or diversions.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Several areas of the Island are identified as lying within the 100-year flood plain as defined in the Federal Flood Disaster Protection Act of 1973 and as outlined in the recently revised December 2007 Flood Insurance Rate Maps (FIRM). This non-project action does not impact flood areas specifically.

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

This non-project action will not require discharge of materials to surface waters.

**b. Ground:**

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

This non-project action will not require any withdrawal of groundwater or discharge to groundwater.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial; containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

This non-project action will not require any discharge of waste material to groundwater.

**c. Water runoff (including stormwater):**

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

This non-project action will not alter stormwater runoff and/or disposal.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

This non-project action will not affect discharge of waste materials to ground or surface waters.

**d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:**

This non-project action will not have any adverse impact on surfaces, ground or runoff waters. Water quality impacts would be evaluated as part of site-specific project review and SBPA analysis.

**4. Plants**

**a. Check or circle types of vegetation found on the site:**

Bainbridge Island is home to many types of vegetation, including:

- \_\_\_\_\_ deciduous tree: alder, maple, aspen, other  
\_\_\_\_\_ evergreen tree: fir, cedar, pine, other  
\_\_\_\_\_ shrubs  
\_\_\_\_\_ grass  
\_\_\_\_\_ pasture  
\_\_\_\_\_ crop or grain

- \_\_\_\_\_ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- \_\_\_\_\_ water plants: water lily, eelgrass, milfoil, other
- \_\_\_\_\_ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

This non-project action will have no specific effect on vegetation removal or alteration.

c. List threatened or endangered species known to be on or near the site.

There are no known threatened or endangered plant species on Bainbridge Island.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No landscaping is proposed as part of this non-project action.

### 5. Animals

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other: river otter, harbor seal, sea lion, muskrat, weasel, raccoon

fish: bass, salmon, trout, herring, shellfish, other: long nose skate, big skate

b. List any threatened or endangered species known to be on or near the site.

Puget Sound Chinook, Puget Sound Coho, Puget Sound Steelhead, Orca whales, and bald eagles are known to occur on and around Bainbridge Island.

c. Is the site part of a migration route? If so, explain.

Puget Sound, including Bainbridge Island, is an important nesting place, feeding area, and wintering ground for thousands of birds in the Pacific Flyway and is a migratory corridor for salmonids and some marine mammals.

d. Proposed measures to preserve or enhance wildlife, if any:

This non-project action will have no significant adverse impact on animals or birds. Impacts of individual proposals on wildlife and wildlife habitat will be evaluated as part of any future site-specific project review and SEPA analysis.

### 6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

No energy is required for this non-project action.

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe.

This non-project action will not impact solar energy use.

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any:

None. The City uses the Northwest Energy Code to enhance electricity conservation. Energy conservation features will be evaluated as part of site-specific project review and SEPA analysis.

## 7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

This non-project action poses no significant threat of environmental health hazards.

- 1) Describe special emergency services that might be required.

This non-project action will not require any special emergency services.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

No measures to reduce or control environmental health hazards are necessary as part of this non-project action. Effects of future individual development proposals are evaluated as part of site-specific project review and SEPA analysis.

## b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

This non-project action is not site-specific and therefore is not affected by existing noise levels.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

This non-project action will not create any noise or affect noise levels.

- 3) Proposed measures to reduce or control noise impacts, if any:

Noise levels on Bainbridge Island are regulated under Chapter 16.16 of the Bainbridge Island Municipal Code. Effects of future individual proposals are evaluated as part of site-specific project review and SEPA analysis.

## 8. Land and shoreline use

- a. What is the current use of the site and adjacent properties?

Bainbridge Island is primarily in residential use, with commercial and light industrial uses in a few distinct areas.

- b. Has the site been used for agriculture? If so, describe.

There are approximately 450 acres of active agricultural land on Bainbridge Island.

- c. Describe any structures on the site.

The majority of existing structures on Bainbridge Island are single family residences. This proposal is a non-project action, and includes no specific development activity.

- d. Will any structures be demolished? If so, what?

This non-project action requires no demolition.

- e. What is the current zoning classification of the site?

This non-project action will not modify current zoning classifications. Current zoning classifications are presented in the official zoning map available from the Department of Planning & Community Development.

- f. What is the current comprehensive plan designation of the site?

This non-project action will not modify current comprehensive plan land use designations. Current comprehensive plan land use designations are presented in the official City of Bainbridge Island Comprehensive Plan Land Use Map, available from the Department of Planning & Community Development.

**g. If applicable, what is the current shoreline master program designation of the site?**

These non-project actions will not modify current Shoreline Master Program designations. Current Shoreline Master Program designations are presented in the official City of Bainbridge Island Comprehensive Plan Land Use Map, available from the Department of Planning & Community Development.

**h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.**

Bainbridge Island has numerous environmentally sensitive areas, including streams, wetlands, geologically hazardous areas, aquifer recharge areas, as well as fish and wildlife habitat conservation areas.

**i. Approximately how many people would reside or work in the completed project?**

No development is proposed as part of this non-project action.

**j. Approximately how many people would the completed project displace?**

This non-project action will have no effect on population displacement.

**k. Proposed measures to avoid or reduce displacement impacts, if any:**

This non-project action will have no adverse impact on population displacement.

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:**

This proposal is a non-project action. Environmental review of impacts associated with land and shoreline use will be performed on a project specific basis, as required.

## **9. Housing**

**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

This non-project action will not create additional housing units.

**b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

This non-project action will not eliminate any housing units.

**c. Proposed measures to reduce or control housing impacts, if any:**

This non-project action does not adversely impact housing.

## **10. Aesthetics**

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

This non-project action does not propose any new structures.

**b. What views in the immediate vicinity would be altered or obstructed?**

This non-project action will not alter or obstruct any views.

**c. Proposed measures to reduce or control aesthetic impacts, if any:**

This non-project action will not impact aesthetics.

## 11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This non-project action will not produce light or glare.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

This non-project action will not produce light or glare.

- c. What existing off-site sources of light or glare may affect your proposal?

This non-project action will not be affected by any light or glare.

- d. Proposed measures to reduce or control light and glare impacts, if any:

This non-project action will not produce light or glare. Light and glare impacts will be evaluated as part of any future site-specific project review and SEPA analysis.

## 12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

Bainbridge Island has state and municipal parks in addition to shoreline access from many city-owned road ends. There are golf courses, tennis courts, and youth play fields on the island. This non-project action will have no effect on the recreational uses on Bainbridge Island.

- b. Would the proposed project displace any existing recreational uses? If so, describe.

This non-project action will not displace any existing recreational uses.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

This non-project action will not adversely impact recreation. Displacement of existing recreational facilities will be evaluated as part of any future site-specific project review and SEPA analysis.

## 13. Historic and cultural preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

Archeological and historic resources are recorded at the State of Washington Departments of Community, Trade and Economic Development, Office of Archeology and Historic Preservation and in *All Historic Resources Survey of Bainbridge Island, March, 1987*, Boyle Waggoner Architects.

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

There are numerous historic, archaeological, scientific, and cultural resources on and around Bainbridge Island. This non-project action applies Island-wide, and does not involve a specific property.

- c. Proposed measures to reduce or control impacts, if any:

This non-project action does not specifically impact resources of historic, cultural, archaeological or scientific importance. Impacts to such resources will be evaluated as part of any future site-specific project review and SEPA analysis.

#### 14. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

Bainbridge Island is served by the Washington State Ferries which docks in the downtown Winslow area. State Route 305 connects the ferry terminal with State Route 3 in Poulsbo. In addition, the Island has an extensive system of arterials, suburban and local public streets.

- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

Bainbridge Island is served by Kitsap Transit and the Washington State Ferry Service. Kitsap Transit operates a commuter system which is coordinated with the ferry schedule in addition to a dial-a-ride service. Transit stops are generally where riders flag down buses on their routes.

- c. How many parking spaces would the completed project have? How many would the project eliminate?

This non-project action does not construct or eliminate any parking spaces. However, the ordinance could result in an increase in the size of parking garages since it would exempt below grade parking garages from inclusion in lot coverage calculation. The amount of parking spaces required for commercial space and residences would not change with this ordinance, so the ordinance would not result in an increase of required parking.

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

This non-project action does not affect roads or driveways.

- e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

This non-project action will generally not affect transportation.

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

This non-project action will not generate any vehicular trips per day.

- g. Proposed measures to reduce or control transportation impacts, if any:

This non-project action will not have adverse transportation impacts. Future development proposals will assess potential impacts associated with transportation and parking on a project-specific basis, if applicable.

#### 15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

This non-project action will not increase the need for public services.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

This non-project action will have no significant adverse effect on public services. Specific measures to reduce or control the impact on public services will be evaluated as part of future site-specific project review and SBPA analysis.

**16. Utilities**

- a. Circle utilities currently available at the site: Island utilities include electricity, natural gas, water, refuse service, telephones, sanitary sewers, septic system, other.
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

This non-project action does not propose any utilities, and there is not any construction proposed.

**C. SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Jennifer E. Sutton, Planner COBI  
Date Submitted: 6/12/08

**D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS**

(do not use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal would not likely increase discharge to water or other pollution levels. The proposal provides options that would encourage land developers to place required parking underground rather than constructing a surface parking lot. It does not increase the number of vehicle parking spaces required and therefore would not have an effect on pollution levels generated from vehicles.

Proposed measures to avoid or reduce such increases are:

This amendment to the regulation of "lot coverage" within the BIMC is a non-project action that does not require any mitigation measures. Impacts on discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise will be reviewed as part of site-specific review and SEPA analysis and/or future building permits.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would encourage moving required parking underground thereby allowing surface areas that might otherwise have been developed for parking to remain open and pervious, which could promote the retention and conservation of plants on a property.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

This amendment to the regulation of "lot coverage" within the BIMC is a non-project action that does not require any mitigation measures. Impacts to plants, animals, fish or marine life will be reviewed as part of site-specific review and SEPA analysis and/or future building permits.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal would encourage moving required parking underground thereby allowing surface areas that might otherwise have been developed for parking to remain open and pervious, which could have a positive impact by conserving natural resources. Existing vegetation is more likely to remain healthy with less impervious surface. The proposal could also result in a decrease in non-point source stormwater runoff and the "heat island" effect produced by surface parking lots, both positive impacts to natural resources.

Proposed measures to protect or conserve energy and natural resources are:

This amendment to the regulation of "lot coverage" within the BIMC is a non-project action that does not require any mitigation measures. Impacts to energy or natural resources will be reviewed as part of site-specific review and SEPA analysis and/or future building permits.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

These areas are protected through the City's other regulations, such as the Critical Areas Ordinance (BIMC Chapter 16.20), Subdivisions (BIMC Chapters 17.04, 17.12, and 7.16), and Historic Preservation Program (BIMC Chapter 18.76). No adverse impact is anticipated by proposal.

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

**This amendment to the regulation of "lot coverage" within the BIMC is a non-project action that does not require any mitigation measures. Impacts to environmentally sensitive and/or cultural areas will be reviewed as part of site-specific review and SEPA analysis and/or future building permits.**

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

**The proposal encourages underground rather than surface parking thereby having a positive effect on the land by shrinking the amount of new impervious surface. Project-specific development must comply with the City's Shoreline Management Master Program (SMMP, BIMC Chapter 16.12), the City's Critical Areas Ordinance (BIMC Chapter 16.20), the City's zoning regulations (BIMC Title 18), and the State Environmental Policy Act. This proposed amendment to the "lot coverage" regulations of BIMC Title 18 Zoning is compatible with the existing land use and shoreline plans.**

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

**This amendment to the regulation of "lot coverage" within the BIMC is a non-project action that does not require any mitigation measures. Impacts to shoreline and land use will be reviewed as part of site-specific review and SEPA analysis and/or future building permits.**

- 6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

**The proposal would not likely increase demands on transportation, public services, or utilities. The proposal encourages new development to place required parking underground rather than at the surface. It does not increase the number of vehicle parking spaces required and therefore transportation demand will not be affected.**

**Proposed measures to reduce or respond to such demand(s) are:**

**This proposed change to the regulation of "lot coverage" within the BIMC does not require any mitigation measures. Impacts on transportation, public services, and utilities will be reviewed as part of site-specific review and SEPA analysis and/or future building permits.**

- 7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

**The proposed change to the regulation of "lot coverage" and below grade parking structures does not conflict with local, state or federal requirements for the protection of the environment.**