ANACORTES PLANNING COMMISSION

October 10, 2018

Municipal Building Council Chambers

6th Street and "Q" Avenue

AGENDA

6 P.M.

VIEW AGENDA MATERIALS HERE

1. **Roll Call**

2. **Minutes of September 26, 2018 will be provided at a later date**

3. **Correspondence**

4. **Old Business**
   Development Regulations Update: Review of Title 19, Division 6: Project Design

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Planning Commission Agenda Bill

Meeting Date: 10/10/2018 **Agenda Item**: Click here to enter text.

Subject: Development Regulations Update: Div. 6 Project Design, cont.

Staff Contact: Don Measamer, Libby Grage

Approved for Submittal to PC by	
	Laurie Gere, Mayor
x	Don Measamer, PCED Director
	Darcy Swetnam, City Attorney

Action Type	
	Public Hearing
	Staff Report
x	Discussion

Summary Statement: At the 10/10/18 Planning Commission meeting, the Commission will continue to review and discuss draft Division 6 of AMC Title 19 *Unified Development Code*. Staff recommends focusing on Ch. 19.64 Parking and Ch. 19.67 Signs. If the parking and signs review is completed, Ch. 19.65, 19.66 and 19.68 could then be reviewed, depending on the amount of time remaining in the evening.

Please refer to the Division 6 Staff Report, provided in the 9/12/18 PC Packet, for additional information. Attachment 3 discusses the parking chapter and includes the Downtown Parking Report and summary as an attachment. It is requested that Planning Commissioners please bring your hard copy of the full 2nd Draft Development Regulations Update document, or your electronic device with access to the document, so you are able to reference the material.

Background: Since June 2018, the Planning Commission has been reviewing and discussing proposed updates to the development regulations (2nd Draft) contained in the Anacortes Municipal Code (AMC) Title 19. The goals of the proposed amendments are to provide clear, user-friendly development regulations and to implement key goals and policies of the 2016 Comprehensive Plan.

The full 2nd Draft and additional project background information can be viewed on the project website. (https://www.anacorteswa.gov/202/Development-Regulations-Design-Standards)

Previous Council/Committee/Commission Action: None.

Competing Viewpoints Considered: Public comments have been submitted over the last 1.5 years and have contributed to the development of the 2nd Draft. Members of the public may provide comments at upcoming Planning Commission meetings during the PC's review of the draft, and may also submit written comments to Libby Grage, Planning Manager, libbyb@cityofanacortes.org at any time. A formal public comment period and public hearing will be advertised in the coming months. All comments received prior to the end of the advertised public comment period will be considered, summarized and responded to in a comment matrix, and forwarded on to the PC and CC during the review process.

Recommended Motion: None

Attachments:

Attachment 3 to the Div. 6 Staff Report
Public comments received from 9/13/18 to 10/3/18

Attachment 3: Parking Requirements

Current Provisions

AMC 17.46.020: Current code provides minimum parking requirements by use. Only a handful of uses are listed and development proposals with unique parking requirements may have alternative minimums established by the Planning Commission.

Comprehensive Plan:

Goal LU-7. Downtown and South Commercial Avenue. Enhance the character and economic vitality of Downtown and the South Commercial Avenue corridor.

Policy LU-7.1. Maintain and strengthen downtown as the center for civic, retail, cultural, dining and entertainment activity in Anacortes.

B. Facilitate more opportunities for people to live downtown through regulatory changes and proactive communication with property owners and the development community. Key concepts:

- Consider increasing flexibility for minimum parking requirements

C. Craft and apply form-based design standards for downtown: Key concepts to emphasize in the design standards:

- Locate and design off-street parking to minimize impacts to the retail and pedestrian environment. [Note: This is addressed in the draft block frontage standards and is more feasible if parking requirements are flexible.]

G. Encourage multi-story construction with underground or structured parking that facilitates transit-friendly densities and vibrant pedestrian-oriented streetscapes. [Note: Structured parking has a higher cost-per-stall than surface parking and is more feasible if parking requirements are flexible and adjusted to meet demonstrated demand.]

I. Prioritize and implement recommendations in the Anacortes Parking Study, which identifies short and long-term strategies and alternatives for providing additional and better management of downtown public parking.

Policy T-2.28. Be flexible with development standards to promote infill by allowing alternate ways, such as narrower streets, modified parking requirements, one-way streets, and/or low-speed design streets to meet those standards where full compliance with standards is not feasible or desirable.

Policy T-3.23. Provide adequate parking space in high demand areas by:

B. Investigating opportunities to reduce parking requirements,

C. Identifying minimum and maximum parking standards,

F. Considering funding the purchase of land for developing public parking lots,

H. Developing a 'fee-in-lieu-of' parking space fee program for projects which are unable to meet on-site parking requirements and use these funds to provide parking or save for a larger parking project.

Issue: Parking is a significant factor in the physical and financial feasibility of development projects, particularly in compact urban downtowns like Anacortes's. The current standards are a one-size-fits-all approach and do not account for variations in location or specialized land uses.

The 2015 Anacortes Parking Study found Downtown has greater parking supply than demand, including residential uses and especially for commercial uses. More flexible parking requirements, particularly in the walkable Downtown core, would help balance infill opportunities with transportation and access needs.

Draft Proposal

The draft code implements the Comprehensive Plan and the Anacortes Parking Study recommendations with new and updated parking requirements, including protections to ensure parking supply is adequate to meet projected parking demand.

AMC 19.64.030(B): New requirements for multifamily and townhouse guest parking.

Table AMC 19.64.040: An expanded list of uses is provided. For key uses which typically have sprawling and under-utilized parking lots (like multifamily, retail, places of assembly, and industrial), minimum parking requirements are lowered and new maximum parking allowances are put in place. See the draft code for full details.

For many special uses the minimum requirement is a "Director decision", which is guided by one the following from the applicant:

- Documentation of actual parking demand for the proposed use; or
- Technical studies prepared by a qualified professional; or
- Documentation of parking requirements for the use in other comparable cities

AMC 19.64.060: Reduced parking requirements are provided for a variety of situations. Numerous protections are built in to ensure parking supply is not exceeded by demand.

- In the CBD zone:
  - Minimum parking required are reduced 50% from the citywide standard
  - Ground floor commercial uses are exempt from parking requirements
- In most zones outside of the CBD:
  - Minimum parking requirements may be reduced 50% with provision of a professional parking study demonstrating demand, designated carpool spaces, and bicycle commuter facilities
  - Maximum parking allowed may be increased 50% with provision of a professional parking study demonstrating demand and compliance with block front, site planning, and building design standards
- Existing mixed-use and industrial development that expand floor area less than 50 percent are exempt from parking requirements for the life of the building

AMC 19.64.070: A parking fee-in-lieu option is provided. This allows up to 100 percent of required parking to be waived in select areas near Downtown in exchange for a fee payment to the city that goes toward shared public parking.

AMC 19.64.080: The shared parking provisions (currently AMC 17.46.010.G-H) are updated to clarify the criteria and encourage use by developers and property owners. Key provisions that allow reduced parking requirements:

- When peak demand for the two (or more) uses occurs at distinctly different times of day and/or day of the week. For example, offices and movie theatres.
- The combined parking may be no less than 60 percent of what would normally be required for the uses separately
- The shared parking arrangement must be legally defined and recorded

AMC 19.64.100: Detailed bicycle parking standards, including minimum long-term and short-term spaces by land use and design requirements.

Public Feedback

Written public comments on quantitative parking requirements have been minimal. One public comment has sought clarification on parking requirements for commercial daycare.

Considerations

Consideration	Benefits	Drawbacks
3a Similar to multifamily and townhouses, develop minimum guest parking standards for single-family subdivisions and integrate with street design standards in AMC 19.52. Consider a requirement somewhere between 1 space per 3 dwelling units and 1 space per dwelling unit (see example next page)	Guarantees that a minimum amount of guest-type parking will be provided on or adjacent to streets in subdivisions	Perhaps the market is going to take care of this.
3b Add criteria that the fee-in-lieu parking option cannot be used until a plan for use of the funds is adopted by the City	Clarifies that the option is not yet available and encourages the city to move forward on a public parking plan	Requires the city to adopt this into its work plan
3c Lower the fee-in-lieu parking option from 100 percent of spaces	Lessens potential impact on on-street parking and helps potentially strengthen the historical urban form of Downtown	Development options are less flexible

Example of a subdivision elsewhere utilizing a narrow alley like roadway – and providing a shared parking lane at one end.

From: Cynthia Richardson
To: Measamer, Don; Grage, Libby
Subject: south commercial parking issue
Date: Wednesday, September 12, 2018 10:53:50 PM

Don,

I think I may have a solution to the question of where to allow parking for buildings on South Commercial which could address the concerns brought up by the Planning Commission without Makers having to go to the trouble of developing several alternatives or re-drawing the maps. Here is a possible wording modification for the Mixed block frontage standards:

> Add a **Parking location and vehicle access** section to the Mixed block frontage table
>
> Parking must be located to the side or rear of buildings. For multi-building developments, no more than 50% of the lot frontage can be occupied by off-street parking and driveways. Exception: On Commercial Avenue south of 17th Street parking may be located in front of the building(s) if a continuous 10 ft. landscaped area is provided between the parking area and the sidewalk. Access to the parking area must be from a side street or alley, with curb cuts permitted on Commercial Avenue only if there is no side street or alley available.

Planning Commission may want to discuss where this would apply (south of 17th, south of 24th, or other???) or the width of the landscaping.

Cynthia Richardson

From: Cynthia Richardson
To: Grage, Libby; Measamer, Don
Subject: RE: site definition
Date: Friday, September 14, 2018 7:28:36 PM

Thanks for the explanation, Libby.

Since the reality is that any of those parcels now under common ownership could be subdivided into multiple ownerships at any time prior to an application, it is important that the code is structured to respond to that possibility. Remember that the area now owned by MJB was in multiple ownerships several decades ago, then consolidated when one company bought up many parcels, then sold to MJB. The reverse could happen.

Could the owner of a larger parcel transfer portions of a site to different subsidiary companies to avoid complying with regulations by saying they are not in "common ownership"? This question applies to large parcels in any zone, whether for a residential subdivision or commercial enterprise.

Even if only one of the larger parcels was subdivided to split off a small section and sell it, city staff and owners need to know how the code would be applied to a small parcel. Both multifamily and commercial are allowed uses, and the discussion has focused on setting a percentage of the site or percentage of building square footage that can be used for residential. Suppose the Port was willing to sell a corner of their parking lot to someone. How would it be determined how much of that small piece could be residential (if any)?

If the percentage of uses is based on the site area, it would calculate differently than if the percentage of uses is based on the square footage of floor area of each use. How would that affect what could be built on a small site vs. a large site?

Cynthia

From: Grage, Libby [mailto:LibbyB@cityofanacortes.org]
Sent: Friday, September 14, 2018 9:15 AM
To: 'Cynthia Richardson'; Measamer, Don
Subject: RE: site definition

Hi Cynthia,

The site is the parcel or contiguous parcels held under common ownership (19.46.010.H.4 and 19.46.010.I.3). So, the maximum amount of site area devoted to single purpose multifamily would be based on the total (MMU) site area under common ownership at the time of a particular project application. Most of the non-MJB-owned parcels in the MMU area on Fidalgo Bay and in Skyline are relatively large in size (or under common ownership), which we think could likely support a variety of uses and configurations.

I've forwarded this to Makers and provided copies to the PC at the last meeting for consideration.

Thanks,

Libby Grage | City of Anacortes
Planning, Community & Economic Development Department
Planning Manager
P.O. Box 547 | 904 6th Street | Anacortes, WA 98221
360.299.1986 (work) | libbyb@cityofanacortes.org | www.cityofanacortes.org

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: Cynthia Richardson <richrson@cnw.com>
Sent: Monday, September 10, 2018 11:16 PM
To: Measamer, Don <don@cityofanacortes.org>; Grage, Libby <LibbyB@cityofanacortes.org>
Subject: site definition

Here is an important question that has not been addressed in the current code discussions:

In the MMU zone, we have been discussing how to achieve a balance between residential and non-residential uses which meets the intent of the Comprehensive Plan with regard to non-residential uses being the primary uses.

The discussion has primarily involved the MJB property, as it has substantial developable acreage. However, it is not clear how the principles that are eventually decided upon would apply to a smaller area. There are several smaller non-MJB properties in the MMU zone – for example, in the former Port properties just south of Cap Sante Marina, and the area by the former brass works. In addition, it is possible that MJB or a future owner of that large parcel could subdivide it into smaller lots and sell them separately.

On a small parcel, it is likely that the owner would want to construct a building that is all residential or all non-residential. Mixing uses in each building may not be practical, and the individual site may not be large enough to construct multiple buildings.

It seems unfair to require the owners of a small parcel to mix uses within their building, if the owners of a larger parcel can build several single use buildings just because they have more land.

So the question is: What is considered a "site" for purposes of meeting the requirements?

Could the entire zone be considered the *site* with all buildings in the zone counting as residential or non-residential? In that case, the existing non-residential buildings in the zone could be balanced against new residential buildings, whether site area or building square footage is used as the measurement.

But that would mean that whatever category is built out first would force the owners of other properties to build only the remaining under-built category of use (residential or non-residential). Would that be legal?

This topic must be addressed as part of the MMU discussion. There is no other zone where the code is attempting to regulate the proportion of a site (or the proportion of building square footage) devoted to specific categories of use.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221

From: Barbara Jackson
To: Grage, Libby
Subject: Flexible layout of beautiful condos
Date: Friday, September 28, 2018 4:19:07 PM
Attachments: ATT00001.txt
ATT00002.txt
ATT00003.txt
ATT00004.txt

This is in Taos New Mexico.

Just referred to this in the phone call to you… The adjacent units are side-by-side single story and double story they broke up the landscape in a nice way. just wanted to give this input into the decision making process.

thanks Barbara Jackson

From: Cynthia Richardson
To: Measamer, Don; Grage, Libby
Subject: Comments for October 10 Planning Commission meeting
Date: Sunday, September 30, 2018 11:08:06 PM
Attachments: CBD storefront depth map001.pdf

Planning Commissioners,

At the 9-26-18 Planning Commission meeting, there was a brief discussion of the minimum depth of a commercial use that should be required along "storefront" designated street frontages. The consensus seemed to be that the draft 2 requirement for 20 ft. minimum depth is sufficient. I strongly disagree.

Following the meeting, I looked into what the impact might be on the Central Business District if new buildings were allowed to be built with only 20 ft. depth of commercial space along the Commercial Avenue frontage. Although I did not physically measure the existing buildings, using the City's GIS online map it was possible to estimate a 20 ft. depth and a 40 ft. depth. The estimated 20 ft. depth and 40 ft. depth on the attached map clearly show that 20 ft. deep spaces would be too small to accommodate nearly all of the types of small businesses that we currently enjoy in Anacortes.

As the map shows, a 20 ft. deep space would not accommodate the types of businesses that we currently enjoy and want to attract to the CBD. Even a 40 ft. deep space would be inadequate for many uses, such as a nice restaurant. Analysis of the map shows:

ALL of the current commercial uses are at least 40 ft. deep
NONE of the current commercial uses are 20 ft. deep
MANY of the current commercial uses are 60 ft. deep or more

Thus, if buildings are allowed to have retail spaces only 20 ft. deep, *none* of the current businesses could fit in those spaces.
Is this what we want?

-

I RESPECTFULLY REQUEST THAT THE PLANNING COMMISSION RECONSIDER

THE ISSUE OF MINIMUM DEPTH AND REQUIRE AT LEAST A 40 FT. DEPTH FOR COMMERCIAL SPACES ON A STOREFRONT FRONTAGE.

Since a new mixed-use building would probably occupy at least a half block of street frontage, and over time several such buildings will hopefully be built, the result could be several blocks of storefronts that are unrentable because they won't fit the businesses that might want to locate there. As businesses are successful they often need larger spaces and there are few in the CBD. Result: empty storefronts – not because the businesses aren't viable, but because they can't find a suitable size space.

Although a business that is now 20' wide and 60' deep could be 60' wide and 20' deep instead, that would mean that only a single business would have street frontage, instead of two or three in a 60' width now. One of the reasons the current buildings in the CBD have narrow, deep spaces is because that maximizes the number of businesses facing the pedestrian and vehicular traffic.

If the "back" of the ground floor is used for a parking garage for upper floor tenants, it cannot be converted to retail or restaurant use, so it will be impossible to enlarge these skinny storefronts later. The need for parking must be addressed by acquiring more land and/or building structured parking, NOT by reducing our precious commercial space to a thin strip along the sidewalk.

To have a vibrant downtown, with a mix of businesses, buildings must be built with spaces that are large enough to accommodate a variety of businesses over time as new businesses come in and old ones relocate. We want downtown to be walkable for residents. But restricting depth to 20 ft. would exclude nearly all of the businesses (restaurants, stores, etc.) that those residents need nearby.

Anacortes has only one commercial street, and only 7 blocks of it is in the historic downtown, so we must make thoughtful use of that limited area. If the small local businesses that enhance our small-town character are to thrive, the zoning code must encourage buildings that provide the kinds of spaces needed

by those businesses.

It may cost more to build a new building with 40 ft. or more in commercial uses, but what is the “cost” to Anacortes if downtown dies because of this 20’ rule? Don't compromise on the Commercial Avenues business spaces that are the heartbeat of a thriving downtown.

Again, I urge you to reconsider the 20 ft. clause and change it to 40’ minimum.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221

360-299-9081

Structures Web Map

Commercial Avenue uses in CBD

black line = 20 ft. deep storefront uses
red line = 40 ft. deep storefront uses

ALL of the current commercial uses are at least 40 ft. deep
NONE of the current commercial uses are 20 ft. deep
MANY of the current commercial uses are over 60 ft. deep

Thus, if buildings are allowed to have retail spaces only 20 ft. deep,
***none* of the current businesses could fit in those spaces.**

Storefront measurements are approximate.

From: Cynthia Richardson
To: Grage, Libby; Measamer, Don
Subject: Parking ordinance comments
Date: Wednesday, October 3, 2018 11:14:07 AM

Comments on Draft 2 Parking requirements

The following clause from the current code has been deleted. Does it appear elsewhere? If not, it should be added.

> K. A recreational vehicle (RV) may not be occupied in any zone as a dwelling unit. However, a guest(s) of a permanent resident may occupy a recreational vehicle parked on private property for a period not exceeding three weeks in a one-year period for any individual guest, nor nine weeks in a one-year period for all such RV occupancy on a property; the guest RV may be parked in a front yard in a driveway, or in a side or rear yard, for the legal duration of the guest's stay. An unoccupied recreational vehicle may be parked on private property in a side or rear yard, but not in a front yard (whether or not it is in a driveway), except for the limited guest period defined herein. RVs parked on streets, alleys, or undeveloped street rights-of-way shall be subject to the city's general parking regulations and enforcement. A pickup truck with a simple canopy or a passenger van shall not be considered an RV

The nonresidential parking requirements are based on square footage of buildings (net leasable area). The following language in the current code seems to have disappeared.

> When a use is established which does not use a building, or which uses a very small building in relation to the number of vehicles reasonably expected, or has other unique parking requirements, the planning commission shall establish the number of spaces required to accommodate the reasonably expected parking demand generated by the use, with the decision appealable to the city council. Examples of such uses include, but are not limited to, passenger ferry service, boat tours, bicycle tours, car or truck rental, taxi service, boat transport services, cruise boat moorage, park-and-ride lot.

It is important to give the director the authority to require parking commensurate with the actual parking needs of a particular use. 19.64.060 addresses *reductions in minimum* parking requirements and *increases in maximums*, but there may be cases where *increases in the minimums* are warranted by specific circumstances.

Suggest adding the following under **19.64.040:**

> **D.** For a use which does not use a building with a net leasable area, or which uses a very small building in relation to the number of vehicles reasonably expected, or has other unique parking requirements, the director must establish the number of spaces required to accommodate the reasonably expected parking demand generated by the use, based on information provided per 19.64.040 B. Examples of such uses include, but are not limited to,

passenger or vehicle ferry service, boat tours, bicycle tours, car or truck rental, taxi service, boat transport services, cruise boat moorage, park-and-ride lot.

E. For a use which is not listed in Table 19.64.040, the director must establish the number of spaces required to accommodate the reasonably expected parking demand generated by the use, based on listed uses which are comparable to the proposed use or information provided per 19.64.040 B.

Change the requirement for Vehicle Sales/Rental to "Director Decision". Otherwise, a small office with 1 parking space could be provided, and all of the rental vehicles could be parked on public streets (we have examples of this here in town).

Parking fee-in-lieu has been allowed in our code for several decades and has never been implemented or enforced. What makes us think it will work now? Basing fees on current construction costs will not pay for any meaningful quantity of parking if it takes 10 years to accumulate funds to purchase property. By then the value of the contributions will have diminished but the price of land and construction will have escalated, so we'll never have enough funding to actually build the parking needed.

This is in the sign section, not parking, but should be re-worded as follows. Commercial vehicles often park for more than 10 days in a 3 month period for perfectly legitimate reasons. Uses such as commercial vehicles on industrial property (but with the logo of a different business or trucking company), or parked in a storage lot, at a vehicle service business while awaiting parts on order for repairs, or other quite normal activities would be in violation. The intent is to keep them out of residential areas. Maybe consider adding the CBD.

8. Placement on private property **in a residential zone** for more than ten days in any 90-day period of any truck, boat, trailer or other vehicle or vehicle part which has affixed thereto any commercial advertising message not pertaining to the legally permitted use carried on within such property is prohibited.

Thank you for considering these changes.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221

360-299-9081

From: Cynthia Richardson
To: Grage, Libby; Measamer, Don
Subject: Sign Ordinance comments
Date: Wednesday, October 3, 2018 2:46:41 AM

The new sign ordinance proposed in Draft 2 should be rejected by the Planning Commission. Staff and consultants should be directed to go back to the current sign code, revise the language that conflicts with the Supreme Court decision (requiring sign ordinances to be content neutral), add a modest number of illustrations if needed for clarification, and ***keep it simple***.

The Planning Commission recommended keeping the lot coverage and dimensional standards for residential zones, rather than adopt a totally new FAR method. The "old" method has worked fine for decades, the resulting residential development has been generally pleasing, with few problems, so "why fix it if it ain't broke"?

The same can be said of the existing sign ordinance. It has been working fine for many years. There has been no citizen outcry demanding extensive sign controls. There has been no articulation of a "problem" that needs to be fixed with regard to signs, so **there is no need for a totally new approach to the sign code.**

The magnitude of the proposed ordinance is also totally out of proportion to the importance of signage in the overall development of our city. The section on building design has 20 pages, even though buildings are large and will likely remain in place for 50 or even 100 years. The section on signs has 46 pages, even though signs are small and often changed every few years.

In driving up and down Commercial Avenue, one sees a wide variety of sign types and designs. Some are more attractive than others, but none is outrageously ugly. The variety reflects the preferences of the business owners and how they wish to portray their business. The variety is also part of the eclectic character of our town, which many people prefer to homogeneity.

The proposed code is very thorough and has lots of good illustrations covering all sorts of signs in great detail. As guidelines for a shopping center or new town where the objective is careful control and uniformity, it would serve well (perhaps much of the content was borrowed from just such a development).

However, it is unnecessarily over-detailed for our small town. For example, we don't need illustrated descriptions of 8 different ways of lighting a sign, with restrictions on where they can be used. Just say that if a sign is internally lighted it shouldn't create glare and let it be lighted any way the owner wants. ***Keep it simple.***

Some clauses are particularly problematic, such as:

Setback. At the intersection of any state or federal highway with an arterial or collector street, the setback of any [freestanding] sign or outdoor advertising structure must not be less than 50 feet from the established right-of-way of each highway or street.

Does this mean that if a building at an intersection on south Commercial is at the front of the lot, the sign must be 50 ft. back, which would put it behind the building? Besides, we don't have any federal highways. This wording was obviously borrowed from some other city and does not fit Anacortes.

Monument signs must integrate a top, middle, and bottom element but pylon signs, which are *subject to the height and area standards for monument signs,* only need two simple posts. Why not just specify the allowed size for a freestanding sign and let the owner decide whether it has a post or a base or an arm? ***Keep it simple.***

Commercial tenants on upper levels may include a wall sign placed on façade above the business The current code prohibits wall signs above the first floor, but allows signs lettered on the window glass of upper level businesses. This is important to keep a clean, uncluttered look to building facades, and should be maintained.

The current code says *In the Central Business District, digital electronic signs with changeable messages are not permitted.* That should be retained.

The current code is not perfect, but it is straightforward, easy for owners to understand and easy for the city to enforce. It was developed by consensus of citizens and businesspeople and has not resulted in problems. We certainly don't need 46 pages with over 12,000 words to deal with signs – a regulatory nightmare. Let's improve it a little, but **keep it simple.**

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221

360-299-9081

From:	Cynthia Richardson
To:	Grage, Libby; Measamer, Don
Subject:	Miscellaneous concerns throughout Draft 2
Date:	Wednesday, October 3, 2018 10:22:57 PM

Libby,

I apologize for the randomness of these comments from various sections of Draft 2. It seems that as I review one section it will remind me of a question about another section. So here some additional concerns for consideration by the Planning Commission.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221
360-299-9081

Retail depth and Parking should NOT be eligible for departures in the CBD. The minimum retail depth should not be reduced – to do so would result in a "false front" and seriously impair the options for a variety of retail uses for the life of the building. Parking should NOT be allowed to intrude on the continuous storefront frontage of our limited CBD area. "Mitigating" the "visual impact" will never compensate for the loss of critical retail space.

> **19.61.060 C. Departure criteria.**
> ~~1. **Retail space depth.** Reduced depths will be considered where the applicant can successfully demonstrate the proposed alternative design and configuration of the space is viable for a variety of permitted retail uses.~~
> ~~4. **Parking location.** There must be an acceptable tradeoff in terms of the amount and quality of storefront area that is integrated with the development and the applicable parking location departure. In addition, the alternative must include design features to successfully mitigate the visual impact of additional parking areas along designated storefront streets.~~

Special standards

Why are the two paragraphs below worded differently?

> **19.68.060 – Special standards for the LM and AZ zones.** *[17.18.020 and 17.39.020(A)]*
> The processes or equipment employed, or goods stored, processed or sold must be limited to those uses which are not objectionable by reason of hazards, odor, dust, smoke, cinders, fumes, noise, vibration, refuse matter or water carried waste.
> **19.68.070 – Special standards for the I and HM zones.** *(17.16.020 and 17.15.020)*
> Any use in the I and HM zones must not inflict upon neighboring zones smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health,

welfare, and safety of persons occupying or visiting the zone or adjacent zones.

Why is it objectionable to emit fumes or refuse matter or water carried waste in LM and AZ but not in I and HM? Why is glare a bad thing in I and HM but not in LM and AZ? Why prohibit "objectionable" things in LM and AZ but in I and HM it's things "detrimental to the health, welfare and safety"? Why do the most intensive zones (I and HM) have to protect "persons occupying or visiting the zone or adjacent zones." but LM and AZ only have to limit the uses. There is no obvious rationale for these differences, they are simply copied from the current code.

Why is the MS zone (which abuts residential zones and the CBD) not regulated, but the HM zone, which is bounded by water, state highway, and refineries required to limit emissions to adjacent zones?

Please combine these into a single standard that would apply equally to LM, AZ, I, HM and MS zones (or if the standards vary, do so on a rational basis that is more protective when abutting residential zones).

Add Accessory Dwelling Unit as a type of use in the parking table 19.40.040 with a reference to 19.47.030 B.9.

Why should an owner or contractor have to go to the expense of hiring a horticulturist for a small project if they can draw up a simple landscape plan that meets code? Suggest the following change:

> A Washington licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) shall complete the landscape plan except that a plan for a site with fewer than 5 units or for a site less than 20,000 square feet may be prepared by an unlicensed or non-certified person.

Suggest adding the following to **G. Landscape installation standards**

> 6. In areas frequented by deer, trees must be protected by fencing until they are mature enough to withstand deer foraging and bucks rubbing trees with their antlers.

Some subdivisions have height limits in their CC&R's to protect views. If city code *requires* a certain number of large trees, but the covenants *prohibit* large trees, which governs when a new house or building is built?

Are such limits by covenant legal in new subdivisions if they conflict with city code?

These two clauses sort of contradict each other. Change B.

B. Supplemental buffer standards. 2. The required buffer vegetation must be planted within the property boundaries, however additional plantings above the minimum requirement may extend beyond ~~No required buffer may extend nearer to a street than~~ the street right-of-way line.

G. Use of right-of-way 2. Up to 50 percent of the on-site landscaping requirement can be satisfied by landscaping excess street right-of-way or detention facilities, including open stormwater conveyance swales, if landscaped and maintained.

Trees eventually die. Is there a time limit?

In the following instances, how is a subsequent owner made aware of a tree's bonus designation and the replacement criteria? How would someone know 10 years from now which trees are part of the "required" landscaping and which were added over and above the requirement? *Is an agreement or landscape plan recorded? Does the City retain these records for easy reference by subsequent property owners?*

F. Existing site vegetation 2. Bonus for retention.

19.65.080 - Maintenance. A. The owners of the property and their agents, heirs, or assigns must be responsible for maintaining all required landscaping and screening areas in a healthy, growing condition.

E. Any property owner who fails to reasonably maintain and replace required landscaping and screening areas will be considered to have committed an offense under this title.

Does this prohibition apply only to trees that are part of the "required" landscaping? Can a non-required tree be limbed to improve a view?

19.65.080 - Maintenance. D. Limbing up required trees and "topping" or shearing off trees must be prohibited, unless required for public safety reasons approved by the director.

Suggest deleting this requirement:

19.62.030 B. Balconies along side and rear property lines adjacent to property in any residential zone.
Balconies and rooftop decks above the ground floor within 15 horizontal feet of a side property line abutting a residentially zoned property must feature a railing system that is at least **50 percent opaque**. Specifically, 50 percent of the area below the railing must be a sight-obscuring structure.

What is the purpose of this? As written, it could be the left half of the railing is opaque and the right half is glass, or the top half is opaque and the bottom half glass, or vertical or horizontal members spaced so that you can peek through the spaces between.

If the goal is privacy, none of those configurations would do much. And neighbors could still see whatever is above the railing.

If people want glass or cable railings that they can see through, what's wrong with that?

Table 19.66.030 I strongly disagree with the notion that there should be separate fence height standards for homes with daycare uses. If state laws require a 54" tall fence for child safety, then that should be the standard for **all** fences which the table now lists as 42".

The reasoning is simple: If I have a daycare and install a 54" fence, and then you buy the house but don't run a daycare, the fence would be non-conforming. Would you then have to cut off the top foot of the fence? By making 54" the default for all fences, whether or not there is a daycare use becomes irrelevant.

This wording should apply in all instances that now say 42" and the daycare column should be deleted:

> 54", and any portion above 42" must be at least 50 percent transparent

Also change the height references for day care in **19.66.040.**

The planning commission recommended that most building standards do not apply in the industrial-type zones because the businesses should be allowed to build what makes sense for their functional needs. Consistent with that philosophy, in the MS, I, LM, LM1, AZ, and HM zones, chain link fences should be permitted along the property lines without requiring landscaping or losing 10' of useable area to a setback. It is normal and expected to have chain link fences in these areas. They are functional, and allow transparency for surveillance, as is evident in driving around those zones today. An exception would be areas with street frontage requirements.

On the other hand, it is appropriate to restrict chain link fences in commercial and mixed-use zones, as well as residential.

Suggest the following change:

> **19.66.080 - Fence types prohibited.**
> A. Chain link fences are prohibited in the following areas:

1. In the CBD zone.
2. Between a street right-of-way and the front of any building in the C, CM, CM2, and MMU zones.
3. Between a street right-of-way and the front of any residential building.

Departures per AMC 19.20.250 will be allowed where the design of the fence and landscape buffer treatment meets the purposes of the standards.

19.66.050 – Fence, wall, hedge, and rockery measurements restricts fence posts to no more than 4" above the fence. That is arbitrary. There are examples in town where the posts extend a foot or more above the fence, and then cables are strung between the post tops **to keep deer from jumping into the yard**. Also, many decorative post caps, particularly those with lights, are more than 4 inches above the fence.

Change this sentence:

"Fence posts that exceed the height of the upper rail by less than four inches may be exempted from the maximum height standards." to

"Fence posts may exceed the height of the upper rail."

C. Retaining wall and rockery terracing standards.

Add the following:

b. The Director may require the retaining walls or rockeries to be designed by a structural engineer if drainage issues, unstable soils or other structural concerns are present.

c. Where a slope consists of natural solid rock, rather than a constructed wall or rockery, terracing is not required.

It is counter-productive to require someone to blast or chip back solid rock into 5 ft. terraces. Natural rock is beautiful and structurally sound, and can be left in its natural state, even if it is a high or steep rock face.

The key on the zoning map uses the term "**Marine** Shipping". The correct term for the MS zone is "Manufacturing and Shipping". Please correct this.

ANACORTES

Development Regulations Update

Planning Commission Meeting

Parking, Landscaping,

Fences & Signage

October 10, 2018

Chapter 19.64 Parking

Sections:

19.64.010 - Purpose.
19.64.020 - Generally.
19.64.030 - Computation of required parking spaces.
19.64.040 - Number of parking spaces required.
19.64.050 - Size of parking spaces.
19.64.060 - Reduced parking requirements.
19.64.070 - Parking fee-in-lieu.
19.64.080 - Shared parking.
19.64.090 - Parking for shell building permits.
19.64.100 - Bicycle parking requirements.
19.64.110 - Off-street parking plans and performance assurance.
19.64.120 - Parking area design and construction standards.
19.64.130 - Off-street parking; landscaping plans and documents required; performance assurance.

Parking Policy Background

Current Provisions: AMC 17.46.020

- Current code provides minimum parking requirements by use
- Only a handful of uses are listed
- Unique developments may have alternative minimums established by the Planning Commission

Parking Policy Background

Key Comprehensive Plan Goals/Policies

- Policy LU-7.1.B: Consider increasing flexibility for minimum parking requirements
- Policy LU-7.1.G: Encourage multi-story construction with underground or structured parking that facilitates transit-friendly densities and vibrant pedestrian-oriented streetscapes. [Note: Structured parking is expensive]
- Policy LU-7.1.I: Prioritize and implement recommendations in the Anacortes Parking Study…

Parking Policy Background

Key Comprehensive Plan Goals/Policies

- Policy T-3.23: Provide adequate parking space in high demand areas by:

  B. Investigating opportunities to reduce parking requirements

  C. Identifying minimum and maximum parking standards

  H. Developing a ‘fee-in-lieu-of’ parking space fee program

Parking Policy Background

Issues

- Parking is a significant factor in the physical and financial feasibility of development projects
- The current standards are a one-size-fits-all approach
- The 2015 Anacortes Parking Study found Downtown has greater parking supply than demand, including residential uses and especially for commercial uses
- More flexible parking requirements would help balance infill opportunities with transportation and access needs

Draft Proposal

Key Provisions

- AMC 19.64.030(B): New requirements for multifamily and townhouse guest parking
- Table AMC 19.64.040: An expanded list of uses is provided. For key uses which typically have large parking lots, minimum parking requirements are lowered and new maximum parking allowances are put in place.
- For many special uses the minimum requirement is a technical “Director decision”

Off-Street Parking Standards - Downtown

Proposal

- Reduce minimum parking requirements by 50 percent in CBD zone
- Exempt ground floor commercial uses from parking requirements in the CBD zone
- Exempt existing buildings from conforming to parking requirements

Draft Proposal

Outside the CBD:

- Minimum parking requirements may be reduced 50% with provision of a professional parking study
- Maximum parking allowed may be increased 50% with provision of a professional parking
- Existing mixed-use and industrial development that expand floor area less than 50 percent are exempt from parking requirements for the life of the building

Draft Proposal

Other Provisions

- AMC 19.64.070: Placeholder for fee-in-lieu option in select areas in and near CBD
- AMC 19.64.080: Updated shared parking provisions
- AMC 19.64.090: New detailed bicycle parking standards

Chapter 19.65 Landscaping

Sections:

19.66.010 - Purpose
19.66.020 - Applicability and compliance
19.66.030 - Landscape plans
19.66.040 - Plant material and installation standards
19.66.050 - Landscaping types
19.66.060 - Landscaping site design standards
19.66.070 - Maintenance
19.66.080 - Irrigation standards
19.66.090 - Performance assurance/bonding

Landscaping - Key Concepts

The landscaping code is in need of substantial updates in terms of code readability and community design issues. Below are some key suggestions.

1. Provide standard landscaping types.

Several landscaping types are proposed for easy reference by code users and in situations referenced through the Design Regulations, such as the block frontage standards. The types are lettered A through D and differ in how much of a visual screen they provide.

2. Update planting requirements.

a. Current code utilizes an outdated requirement for landscaping based on the size of the site. In Division 4 we propose replacing this requirement with impervious surface/stormwater standards.

b. We suggest requiring landscaping plans to be submitted as part of the development review process.

c. Plant material and installation standards are proposed to ensure new landscaping is appropriate for the climate, durable, is easily maintained, and will have longevity. Examples of these standards include minimum tree and shrub size at planting and tree species diversity.

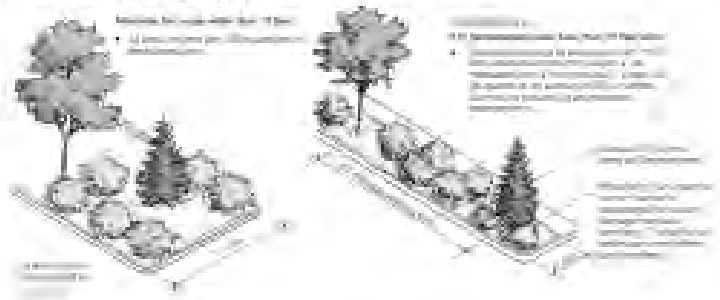
3. Update buffer requirements.

The current code has buffer requirements but they are mostly vague and subjective. We suggest detailed

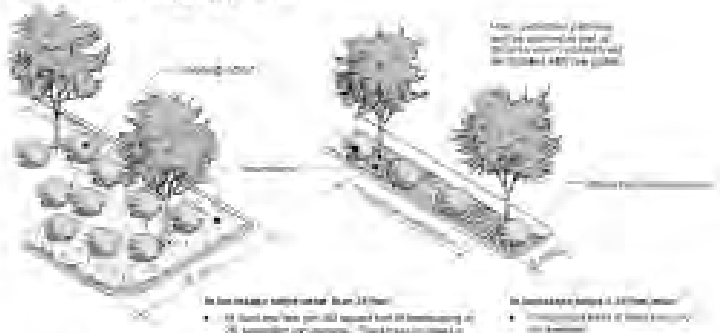
New Landscaping Types

Landscaping Type A

Landscaping Type B



Landscaping Type C



Landscaping – Key Concepts

3. Update buffer requirements.

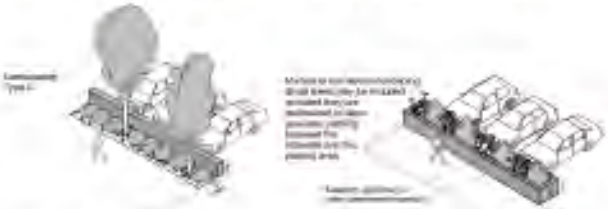
The current code has buffer requirements but they are mostly vague and subjective. We suggest detailed buffer requirements based on land use, zoning, the new landscaping types, and specific minimum width requirements. See the table at right.

4. Update parking lot landscaping standards

We'll also update the specific standards for parking lots, including landscaping within and on the edges of lots.

5. Relax requirements in certain zones.

We suggest allowing the director to relax or waive landscaping requirements in the HM, I, LM, LM1, MS, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's physical context.



Examples of how landscaping types may be applied to parking lots

Exposed foundations will also be required to be screened with landscaping

	Existing Abutting Uses and Districts					
Developing Use	Streets	R-1 & R-2 zones	R-3 & R-4 zones or Multi-family use	C, CBD, MMU & CM zones	HM, MS, CM2, I & LM zones	Park & trails
Multifamily	See block frontage standards	Fence, plus B/C-5'	Fence, A/B/C-5', or both	Fence, B/C-5', or both	Fence plus A/B/C-10'	Fence or A/B/C/D-10'
Low intensity non-residential use	See block frontage standards	Fence, plus A/B/C-5'	Fence or A/B-5'	See site planning standards in chapter 17.62		See trail frontage standards
Moderate intensity non-residential use	See block frontage standards	Fence, plus A/B/C-10'	Fence plus A/B/C-5'			See trail frontage standards
High intensity non-residential use	See block frontage standards	Fence, plus A/B/C-15'	Fence plus A/B/C-10'			See trail frontage standards
Outdoor storage	See block frontage standards, plus A-10'	Fence, plus A/B/C-10'	Fence plus A/B/C-10'	Fence or A-5' or B-10'		Fence plus A/B/C-5' or A-10'
Heavy industry	See block frontage standards	Fence, plus A/B/C-20'	Fence plus A/B/C-20'	Fence plus A/B/C-5' or A-10'	Fence plus A/B/C-5' or A-10'	Fence plus A/B/C-10' or A/B-20'

Chapter 19.66 Fences

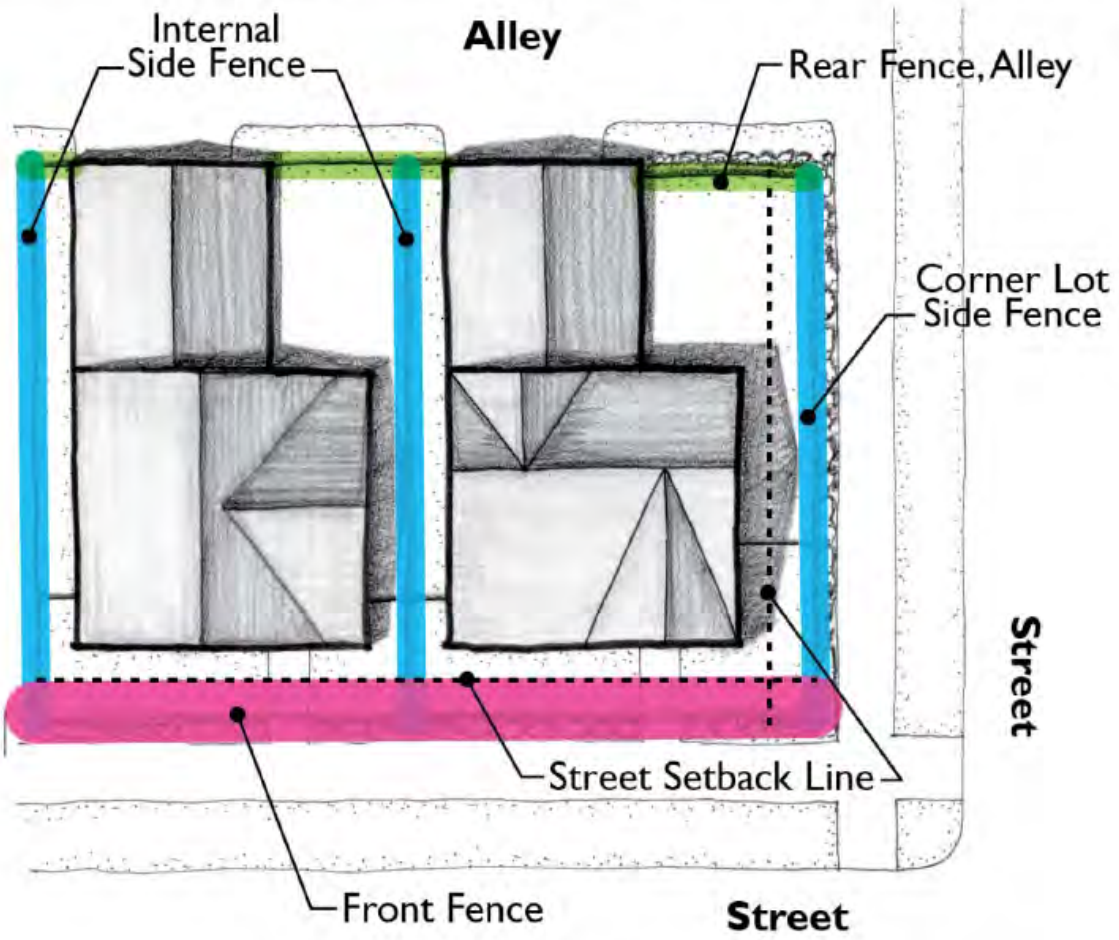
Sections:

19.66.010 - Purpose
19.66.020 - Applicability
19.66.030 - Fences, walls, and hedges for residential zones
19.66.040 - Fences, walls, and hedges for mixed-use and industrial zones
19.66.050 - Fence, wall, hedge, and rockery measurements
19.66.060 - Site distance at intersections
19.66.070 - Fence and wall location and maintenance
19.66.080 - Fence types prohibited
19.66.090 - Retaining walls and rockeries

Fences

Figure 19.66.030(A)

Clarification on the location of fences, walls, and hedges associated with the standards in Table 19.66.030.



Fences

Table 19.66.030

Height standards for fences, walls, and hedges in residential zones by location.

NOTE to reviewers – standards below are in track changes to clarify adjustments from current standards.

Location		Maximum height	Maximum height for homes with accessory daycare uses
Front	Within the street setback	42" ~~30" for solid fences in residential zones~~ ~~54" for non-sight obscuring in residential zones~~ ~~7' for all fences in nonresidential zones~~	54", and any portion above 42" must be at least 50 percent transparent
	Elsewhere between the façade and front property line	7'	7'
Side	Corner lot – side fence, within 5 feet of any street property line	42"	54", and any portion above 42" must be at least 50 percent transparent
	Corner lot – side fence, more than 5 feet from any street property line	7'	7'
	Along/near any internal side property line	7'	7'
Rear	Along/near rear property line with or without an abutting alley	7'	7'
	Through lots – within 5' of a street property line	42"	54" within 5' of the property line, and any portion above 42" must be at least 50 percent transparent
	Through lots –5' or more from street property line	7'	7'

Fences

Figure 19.66.030(B)

Acceptable fences, walls, and hedges for the street setback for residential zones.

The left image uses a picket fence. The right image uses a low wrought iron fence.

The left image uses a low masonry retaining wall and the right image uses a low hedge.

Fences

Figure 19.66.030(C)

Unacceptable fences, walls, and hedges for the street setback for residential zones.

The fence and hedge are both taller than the maximum 42 inch height.

Figure 19.66.030(D)

Acceptable and unacceptable side fences on corner lots in residential zones or along through lots where the rear setback abuts a street.

The left example is a low picket fence. Taller fences like that in the middle image are acceptable along the side and rear setback, but are not allowed within 5 feet of a property line. The right image shows an acceptable example where the fence is setback from the sidewalk to allow space for landscaping.

Fences

19.66.040 - Fences, walls, and hedges for mixed-use and industrial zones. *(NEW)*

A. Fences within the street setback:

   1. Fences within the street setback area are subject to the block frontage standards set forth in AMC Chapter 19.61.

   2. Supplemental street setback standards: Fences less than 10 feet from a property line are limited to 42 inches in height. Day care uses are allowed fences up to 54 inches tall in this area, provided the portion of the fence above 42 inches is at least 30 percent transparent.

B. Fences may be required along side and/or rear property lines as a required buffer feature depending on the proposed use and existing abutting uses and zone per Table 19.65.070(A).

C. The maximum height for fences and walls is seven feet. The director may allow taller fences provided they are necessary for functional and security purposes and the design of the fences meets the purposes of the standards.

19.66.080 - Fence types prohibited. *(NEW + 17.52.030 and 040)*

A. Chain link fences are prohibited in the following areas:

   1. All zones within 10 feet of a street right-of-way. Departures per AMC 19.20.250 will be allowed where the design of the fence and landscape buffer treatment meets the purposes of the standards.

   2. Between a street right-of-way and the front of any residential building.

B. Electric fences are prohibited in all zones except R1 zones and may be allowed only by the director for the purpose of containing animals in a permitted area. No electric fence may be allowed or maintained which does not conform to state electrical codes. *(From 17.52.030)*

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Sign Code Updates

The sign code is in need of substantial updates in terms of (1) code readability, (2) community design issues, and (3) legal issues. Below are some key suggestions.

1. Update freestanding sign provisions

Current code still allows 20' tall pole signs in all non-residential districts. Except for perhaps the Highway 20 corridor, such signs are increasingly in conflict with the desired character of Anacortes. Specifically:

a. Limit most freestanding signs to 6' in height. Allow taller signs (up to 10' in the central part of city) for larger developments or along Highway 20 (maybe up to 20')
b. Emphasize monument signs over pole signs to improve the visual character of signs

The long term vision for South Commercial Avenue includes street trees which will block views of pole signs and make monument signs more appropriate.

Monument sign examples.

2. Add design standards for wall signs

Current code only features basic dimensional standards. Proposed concepts ensure that signs are better integrated into the building design.

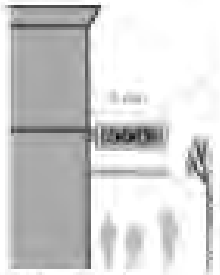
a. Wall signs must be proportional to the architectural features of the façade. Signs must be no wider than 2/3 the width of storefront façade
b. Wall signs shall not cover over significant architectural features, including windows, cornice lines, or columns

Sign Code Updates

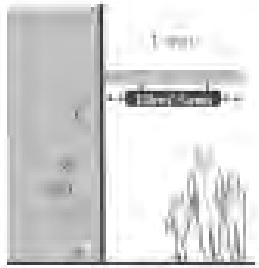
3. Add or update design standards for distinct sign types

a. Projecting signs – allow for horizontally-oriented projecting sign types, and increase allowable projection from 4' to 8'
b. Canopy or awning signs – clarify standards and apply proportional size rule. Sign shall be no more than 2/3 the width of canopy or awning.
c. Under canopy signs – allow, provided they have at least 8' of vertical sidewalk clearance.

Awning sign



Projecting sign

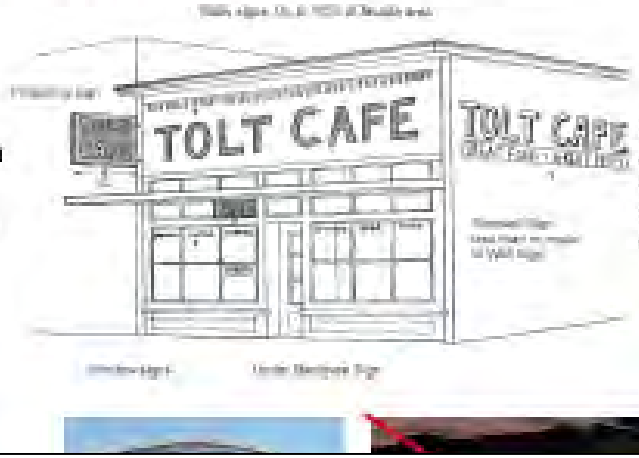


Under canopy sign

4. Update/clarify sign area standards

We suggest updates that add common sense and flexibility to the sign code.

a. Allow multiple sign types per street frontage, provided they meet design standards.
b. Include maximum sign area standards by sign type rather than a single collective sign allowance for all signs. Eliminate maximum sign size provided the sign is proportional and meets other standards.



Current standards only allow for 3 sign types for each business. Consider allowing more flexibility.

Sign Code Updates

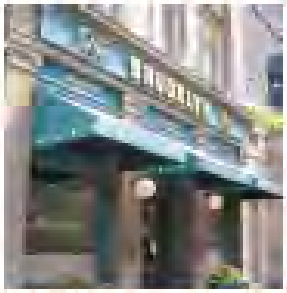
5. Digital signs and sign lighting

We suggest strategic upgrades to minimize visual clutter in Anacortes.

a. Limit the use of electronic signs to freestanding signs (not for wall or projecting signs)
b. Prohibit backlit awning signs
c. Prohibit backlit signs in the CBD (externally lit signs are OK)

6. Legal sign code updates

Update sign code to comply with the content-neutral Supreme Court sign code ruling. This will require significant changes to temporary signs including political signs, real estate signs, and other short term signs. Updated standards will focus on sign height, area limits, and time limitations.



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