

ORDINANCE NO. 99-32A

AN ORDINANCE of the City of Bainbridge Island, Washington, amending the Winslow Master Plan, a subarea plan of the City's Comprehensive Plan, in response to a remand from the Central Puget Sound Growth Management Hearings Board.

WHEREAS, the City adopted a Comprehensive Plan on September 1, 1994, which has subsequently been amended; and

WHEREAS, in accordance with Policy W 1.7 of the Comprehensive Plan the City undertook the development of a master plan for Winslow; and

WHEREAS, the City Council passed Ordinance 98-11 on May 21, 1998, to amend the City's Comprehensive Plan to incorporate the Winslow Master Plan as a subarea plan; and

WHEREAS, on March 31, 1999, the Central Puget Sound Growth Management Hearings Board (Board) issued a *Final Decision and Order* in the case, *Andrus et al v. City of Bainbridge Island, Case No. 98-3-0030* and concluded that the City's adoption of the Winslow Master Plan, specifically as it relates to the Ferry Terminal Overlay District, did not comply with the Growth Management Act public participation requirements of RCW 36.70.020(11), .070, .130 and .140; and

WHEREAS, the Board remanded Ordinance 98-11 to the City, specifically as it relates to the Ferry Terminal Overlay District policies in the Winslow Master Plan, and ordered the City to provide reasonable opportunity for public review and comment; and

WHEREAS, the City Planning Commission and City Council conducted several study sessions and held public hearings on June 9, 1999, August 11, 1999, and October 13, 1999, and considered extensive written public comment on the Ferry Terminal Overlay District policies in the Winslow Master Plan; and

WHEREAS, the City has determined that it is in the best interest of the citizens of Bainbridge Island to amend certain Winslow Master Plan policies that pertain to the Ferry Terminal Overlay District; now, therefore

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

Section 1 Land use policies regarding floor area ratio bonuses, as shown on page 22 of Chapter 2 (*Land Use*) of the Winslow Master Plan are amended as follows:

Public Amenities/Infrastructure

A bonus density would be established for providing public amenities/infrastructure beyond those required for SEPA mitigation. Separate cost equivalents (e.g., 1200 sq. ft. of commercial and residential development) would be established. In order to utilize this bonus provision, the developer would pay the cost equivalent of the additional development. For example, assume the cost equivalent of commercial development is \$6,000 for 1200 sq. ft. An additional 4800 sq. ft. of commercial development would require a contribution of \$24,000 toward identified public amenities/infrastructure. Funds derived from such bonus density purchase would be used exclusively in the MUTC/HSI/HSII districts and would be used on projects identified in the Six Year Capital Improvement Program. Up to 40% of the maximum available bonus density may use the public amenities/infrastructure provision. The remainder of the bonus density would come from one or more of the other bonus options. The bonus could also be achieved by the construction of public amenities/infrastructure identified in the Master Plan and not required to mitigate the impacts of development, including (a) mid-block pedestrian connections identified in the Master Plan where public right-of-way does not exist, (2) pocket parks of approximately 10,000 sq. ft. dedicated for public use, located in or in the immediate vicinity of locations identified in the Open Space Plan of the Master Plan.

Public Amenities/Community Open Space (Ferry Terminal District)

A density bonus is established in the Ferry Terminal District for providing community open space of 1 acre, or 20% of the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations identified in Figure 9 of Chapter 4 (*Open Space and Trails*) of the Master Plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The City shall approve the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. Up to 60% of the maximum available density bonus may come from the public amenities/community open space provision. The remainder of the bonus would come from one or more of the other bonus options.

Section 2 Table 1, “Application of Optional Bonus Provisions to Each District,” as shown on page 23 of Chapter 2 (*Land Use*) of the Winslow Master Plan is amended as follows:

**Table 1
APPLICATION OF OPTIONAL BONUS PROVISIONS TO EACH DISTRICT**

	Central Core	Madison Ave.	Ericksen	Gateway	Ferry Terminal	HSR I&II
1. 100% of available bonus density may come from TDRs.	✓	✓	✓	✓	✓	✓
2. Up to 20% of the available bonus density may use internal density transfers within the MUTC and within the HSR Districts from development potential transferred to create permanent open space containing environmentally sensitive areas.				✓	✓	✓
3. 100% of the available bonus density may come from providing affordable housing.	✓	✓	✓	✓	✓	✓
4. Up to 40% of the available bonus density may use the public amenities/ infrastructure provision.	✓	✓	✓	✓	✓	✓
5. Up to 60% of the available bonus density may be achieved by using the community open space provision.					✓	
6. All ferry-related underbuilding parking (% depends on extent of parking relocated underbuilding).					✓	
7. Preserving on site historic structure eligible for inclusion on a local, state or federal register of historic resources.	✓	✓	✓	✓	✓	✓

Section 3 Land use policies pertaining to the Ferry Terminal Overlay District as shown on page 25 of Chapter 2 (*Land Use*) of the Winslow Master Plan, are amended as follows:

Ferry Terminal - General

- All development shall include at least 10% of landscaped or naturally vegetated open space (parking may be located under the open space.)
- The number of commuter parking spaces located in the Ferry Terminal District is 1,121 (as shown in Figure 18.) The rights to use these spaces may be bought, sold, traded, leased or otherwise exchanged between properties within the Ferry Terminal District. Commuter parking spaces that are not shown on Figure 18 are not allowed in the Ferry Terminal District.
- Allow an additional 353 parking spaces in structured parking in the Ferry Terminal District for use by non-commuter ferry passengers in off-peak hours (e.g., after 9:00 a.m.),

when constructed in conjunction with placement of an equivalent amount of existing surface ferry parking in structure. No property owner of an existing surface parking lot may increase the total number of spaces by more than 225 additional non-commuter parking spaces.

- Establish FARs as shown in Table 2.

Ferry Terminal - North of Winslow Way

- Non-residential uses are permitted as follows: 1) Commuter-oriented retail and commuter-oriented services may be located only along Winslow Way, within 100' north of Winslow Way, with no single use larger than 2,000 square feet. Buildings shall have customer entrances on Winslow Way. 2) Personal and professional services may be located only along Winslow Way, within 100' north of Winslow Way. Buildings shall have customer entrances on Winslow Way. 3) There is no restriction on the location of daycare. 4) Government, educational, cultural and religious institutions are not permitted north of Winslow Way.
- A one hundred foot wide transition area establishing standards for landscaped buffers and lower height limits shall be applied as follows: along the west side of Ferncliff Avenue; the north boundary of the district, east of Cave Avenue; and along both sides of Cave Avenue, starting approximately 300 feet north of Winslow Way. The purpose of these transition standards is to protect adjacent residential neighborhoods from adverse impacts of development. The transition area is illustrated in Attachment 1 to this Ordinance.
- Should parking needed to serve commercial development not be fully utilized by a development, then the unused parking may be converted to non-commuter ferry parking. The property owner would need to demonstrate that the parking was not needed for the commercial uses. (Allowing unused parking spaces designated for commercial use to be converted to non-commuter ferry parking could encourage commercial uses that generate minimal traffic.)

Ferry Terminal - South of Winslow Way

- Permit only commuter-oriented retail services, with no single use larger than 2,000 square feet.
- A hotel or inn is permitted south of Winslow Way, with public access to exterior open space and limited parking.
- Government, educational, cultural and religious institutions are conditional uses south of Winslow Way.
- Developments south of Winslow Way shall include pedestrian walkways that connect to Winslow Way East and Olympic Drive Southeast, and/or that align with Cave Avenue and Ferncliff Avenue.

Section 4 Transportation policies regarding parking in the Ferry Terminal District, as shown on page 70 of Chapter 6 (*Transportation*) of the Winslow Master Plan, are amended as follows

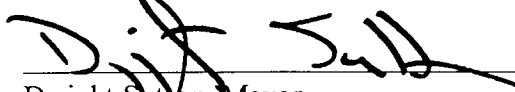
Parking — Commuter

In conjunction with future development of the Ferry Terminal District and in cooperation with private development interests and Washington State Ferries, structured parking would be developed to incorporate the number of existing spaces available during the a.m. peak hours (e.g., to 9:00 a.m.). An additional 353 spaces may be developed south of Winslow Way in the Ferry Terminal District for ferry users arriving after the a.m. peak hours. Development of these 353 spaces would be offered as an incentive to encourage locating the existing ferry parking within a parking structure. The structure would be suitable for air rights development consistent with underlying zoning (see also Ferry District discussion). At no time would a.m. peak supply in the Ferry Terminal District exceed 1,121 spaces (i.e., no more spaces can be built than are being replaced). (An additional 173 spaces are located in the Gateway District). See Figure 18 which delineates the location of existing ferry-related parking.

Section 5 This ordinance shall take effect on and be in force five days from and after its passage, approval and publication as required by law.

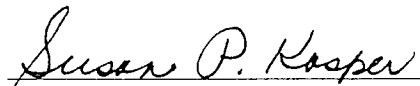
PASSED by the City Council this 27th day of October, 1999.

APPROVED by the Mayor this 2nd day of November, 1999.



Dwight Sutton, Mayor

ATTEST/AUTHENTICATE:



Sue Kasper, City Clerk

APPROVED AS TO FORM:

Rod P. Kaseguma, City Attorney

FILED WITH THE CITY CLERK:	July 19, 1999
PASSED BY THE CITY COUNCIL:	October 27, 1999
PUBLISHED:	November 3, 1999
EFFECTIVE DATE:	November 8, 1999
ORDINANCE NUMBER:	99-32A

Gilmore Way NE

Ferncliff Ave. NE

100 foot

Transition Area

100 foot
Transition Area

Only residential and daycare allowed.

Only residential and daycare allowed

Commuter oriented retail and personal
professional services shall
be located only along Winslow Way
within 100' north of Winslow Way.

E. Winslow Way

Cave Ave. NE

100 foot
Transition Area

200 Feet

100

0

100

ATTACHMENT 1

N

SR 305