

(DRAFT) AGENDA

Virtual Meeting – Bremerton Planning Commission
(Subject to PC approval)
June 21, 2021
5:30 P.M.

Join Zoom Meeting

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I. CALL TO ORDER

II. CLERK CONFIRMATION OF QUORUM

III. CHAIR CALL FOR MODIFICATIONS TO AGENDA

IV. APPROVAL OF MINUTES: April 19, 2021 meeting

V. PUBLIC MEETING

A. Call to the Public: Public comments on any item not on tonight's agenda

B. Public Hearing:

1. Amendment to the Zoning Code related to drive-thru facilities.

VI. BUSINESS MEETING

A. Chair Report: Nick Wofford

B. Director Report: Andrea Spencer

C. Old Business:

D. New Business:

VII. ADJOURNMENT: The next regular meeting of the Planning Commission is
Monday July 19, 2021

Planning Commission meeting packets are available on-line at
<http://www.BremertonWA.gov/AgendaCenter/Planning-Commission-4>

DRAFT

Subject June 21, 2021 Approval

CITY OF BREMERTON

PLANNING COMMISSION MINUTES OF VIRTUAL MEETING April 19, 2021

CALL TO ORDER:

Chair Wofford called the regular meeting of the Bremerton Planning Commission to order at 5:30 p.m.

ROLL CALL

Commissioners Present

Chair Wofford
Vice Chair Tift
Commissioner Flemister
Commissioner Coughlin
Commissioner Mosiman
Commissioner Pedersen

Staff Present

Andrea Spencer, Director, Department of Community Development
Allison Satter, Planning Manager, Department of Community Development
Kelli Lambert, Senior Planner, Department of Community Development
Sarah Lynam, Project Assistant, Department of Community Development

Commissioners Excused

Commissioner Rich

Quorum Certified

CHAIR CALL FOR MODIFICATIONS TO AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

**VICE CHAIR TIFT MOVED TO APPROVE THE MINUTES OF MARCH 15, 2021, AS SUBMITTED.
COMMISSIONER FLEMISTER SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

PUBLIC MEETING

Call to the Public (public comments on any item not on the agenda)

Chair Wofford invited comments from citizens. There were no public comments.

Public Hearing: Zoning Code Amendments Related to Lot Size Averaging (LSA)

Ms. Satter advised that the purpose of this hearing is for the Commission to receive public testimony and provide a recommendation to the City Council, who will make the final decision. She explained that the current code requires minimum lot sizes to ensure that the minimum density is met. For example, 10 dwelling units per acre are allowed in the R-10 zone, and the minimum lot size required is .1 acres or 4,300 square feet. The proposed amendment would allow a

subdivision to use the Lot Size Averaging (LSA) tool when subdividing in the low and medium-density zones (R-10 and R-18). As proposed, LSA would allow some lots to be below the minimum size provided the overall average of the proposed subdivision does not exceed the permissible maximum density allowed by the zone. She emphasized that the amendment would not change the overall density allowed in the R-10 and R-18 zones, and all of the lots would have to be code compliant (parking, setbacks, lot coverage and access).

Ms. Satter shared an example to illustrate how the current code would be applied to a 0.5-acre lot in the R-10 zone with two existing dwelling units. Although the density allows up to 5 lots, only four lots could be created because each lot must be a minimum of 4,300 square feet. The end result would be a maximum of 8 dwelling units per acre, which is less than the allowable density of the R-10 zone. If the proposed amendment is adopted, allowing a reduced lot size, the applicant could subdivide the property into five lots or 10 dwelling units per acre.

Again, **Ms. Satter** emphasized that the proposed amendment is not a way to undermine the density, as the underlying density of a subdivision overall must not exceed the zone's density. The overall goal is to allow small infill lots on existing lots without increasing the density. The amendment would allow unique and undeveloped properties to have more flexibility when subdividing and more opportunity for infill housing.

Ms. Satter shared an example of a 2-lot short plat on Marine Drive that was approved by the City in 2007. She noted the panhandle that was created as part of Lot A in order to meet the minimum lot size requirement. Staff discussed with the developer how the illogical boundary would make it hard for the property owner to provide maintenance, fencing, etc. on this 10-foot-wide strip of land. Due to setback requirements, nothing can be built within the panhandle, either. The proposed code revision would allow the subdivision to occur without the panhandle extension. Lot A would be 3,900 square feet, which is the minimum allowed per code.

Ms. Satter briefly reviewed that the proposed amendment would allow a reduction in the minimum lot size when subdividing, provided that the average of the proposed lots do not exceed the permissible underlying density of the zone, that all lots smaller than the minimum size must demonstrate that they are developable by showing code compliance, and that platting documents include documentation of allowed uses and language that ensures maximum density is not exceeded in the future. She summarized that the proposed amendment would allow more lots to be created and for property owners to better utilize their existing properties. It would also help avoid the creation of illogical boundaries that may be proposed in order to meet the minimum lot size requirement.

Ms. Satter advised that in the original draft amendment that was discussed at the Commission workshop, only 20% of the lots in a subdivision could utilize the lot size reduction, which means the provision would only be applicable to subdivisions of 5 or more lots. The original proposal also limited the amount of reduction to 10% of the minimum lot size. The Commission indicated support for eliminating these limitations, as long as the subdivided lots could still meet the code. The proposal before the Commission incorporates this latest direction.

Chair Wofford opened the hearing for public comments, but there were none. He closed the public portion of the hearing.

Commissioner Mosiman asked if BMC 20.60.065(e)(2)(iv) could be interpreted to mean that each phase of land division would be treated uniquely, without regard to what happened in the prior phases. **Ms. Satter** said it means that, as part of the subdivision process, the applicant would be required to acknowledge that the property, as a whole, would not ever be allowed to exceed the density per the current zoning.

Vice Chair Tift referred to the LSA examples provided by Ms. Satter and asked if lots could be combined at some point in the future. **Ms. Satter** answered affirmatively. **Ms. Lambert** added that property aggregation was not included in the proposed Boundary Line Adjustment (BLA) amendments that will be considered in the subsequent hearing. **Vice Chair Tift** asked if the smaller lots would still have to meet all of the code requirements for a developable lot, such as parking and setbacks. **Ms. Satter** answered affirmatively. **Director Spencer** referred to BMC 20.60.065(e)(2)(ii), which states that, "*All lots that are smaller than the minimum lot size shall demonstrate that they are developable by showing code compliance.*"

Vice Chair Tift asked if the smaller lots would become nonconforming in the event they are sold at some point in the future. **Director Spencer** answered that, once approved, the lot would be considered conforming. She noted there are a number of

lots in the City that do not meet the minimum lot size standards. The new code provision would make them sellable, conforming lots.

Vice Chair Tift commented that, although there were no public comments regarding the proposed amendments, the City has received some criticism in the local newspapers for some of its decisions associated with making lots smaller and allowing more options for infill development.

Commissioner Mosiman requested additional clarification about redevelopment on the smaller lots. **Director Spencer** explained that the way the LSA provision is currently written, some lots would be allowed to be smaller than the rest of the lots if the overall density of the subdivision would remain less than the density permitted per acre by the zoning code. Once subdivided, the smaller lots would be legal, conforming lots and could be developed and/or redeveloped at any point in the future.

COMMISSIONER PEDERSEN MOVED TO RECOMMEND THE CITY COUNCIL ADOPT TEXT AMENDMENTS TO TITLE 20 OF THE BREMERTON MUNICIPAL CODE (BMC) AS DETAILED IN ATTACHMENT 1, BASED ON THE STAFF REPORT AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT 2. COMMISSIONER COUGHLIN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Public Hearing: Zoning Code Amendments Related to Boundary Line Adjustments (BLA)

Ms. Lambert explained that a Boundary Line Adjustment (BLA) is a process for modifying the lot lines of existing parcels. No new lots are created with a BLA; that can only be done through the subdivision process. She shared examples of situations where a BLA might be used. She reviewed that the Planning Commission discussed the BLA concept at a workshop last July, and the Commission directed staff to prepare an ordinance for their consideration. Staff conducted environmental review on the draft code in March, and it was also sent to the Kitsap Building Association, Kitsap County Association of Realtor's and other agencies for feedback. It is now being presented to the Commission for a public hearing and recommendation to the City Council.

Ms. Lambert advised that State law allows for BLA, as long as no additional lots are created and as long as it doesn't create a condition where a lot is undevelopable. She explained that common reasons for BLAs include: to resolve boundary controversy between neighbors, to bring a lot into conformance with the zoning code, and to allow additional development that complies with the zoning code. She shared an example where a property owner turned in plans to construct a house but found that there wasn't enough space. The property owner ended up purchasing a sliver of land from the neighbor to make the lot conforming so he didn't have to redo his building plans.

Ms. Lambert emphasized that a BLA cannot create a new lot; a lot without vehicular access; a lot that is so constrained or encompassed by topography, critical areas, buffers, or shape, that it would require a variance or exemption in order for a building site to be allowed; or a lot that straddles multiple zones, multiple jurisdictions, or multiple overlay areas or subareas. In addition, BLAs cannot impact utilities.

Ms. Lambert explained that Kitsap County doesn't have a BLA ordinance, but it tends to become more important in developed, denser environments, and that is why all of the other cities in the County have BLA regulations. Currently, City staff requests an opportunity to review BLAs, but the reviews are done pro bono without any good process, and many are recorded with the County Assessor without City review. Staff is recommending that Bremerton adopt a BLA code that is similar to the other cities in Kitsap County.

Ms. Lambert said that, sometimes, BLAs that are recorded by the County Assessor create nonconforming situations or utility issues. Creating a BLA code will create a framework for the City to review and process all BLAs to ensure future development meets all zoning and public works requirements. It will also protect property values from the unintended consequences of a BLA that does not meet City codes.

Ms. Lambert advised that, as proposed, a property owner would submit a Type I application and pay the required fees and staff would conduct a technical review and issue a decision. The applicant would then be required to submit documents for recording within 180 days.

Chair Wofford opened the hearing for public comments, but there were none. He closed the public portion of the hearing.

COMMISSIONER COUGHLIN MOVED TO RECOMMEND THE CITY COUNCIL ADOPT TEXT AMENDMENTS TO TITLE 20 OF THE BREMERTON MUNICIPAL CODE (BMC) AS DETAILED IN ATTACHMENT 1, BASED ON THE STAFF REPORT AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT 2. COMMISSIONER PEDERSEN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

Re-Affirmation of the Zoning Code Amendment Related to Manufactured Homes (MFH) Regulations

Ms. Satter reviewed that, following a workshop discussion and public hearing in March and April of 2019, the Planning Commission forwarded a unanimous recommendation to the City Council on proposed amendments related to Manufactured Home (MFH) Regulations. However, the City Council did not take the recommendation to a public hearing. Staff is seeking reaffirmation from the Planning Commission as to whether its recommendation remains the same or if it should be modified and/or changed.

Ms. Satter explained that the current MHR regulations (BMC 20.46.040) allow one manufactured home per lot and they must be located on permanent foundations. The existing code has specific size requirements that would be changed by the proposed amendment. State Law indicates that manufactured housing cannot be regulated differently than a single-family home except they must have a 3:12 roof pitch or greater and they must use the same siding materials as a single-family home.

Ms. Satter reviewed that the current code only allows manufactured homes that are double wide, and each component must be at least 12' x 36'. While there is no proposal to change the length requirement, the proposed code would revise the allowed width from 24 feet to 19 feet. For a doublewide MFH, each section would have to be 9.5' instead of 12' feet. She pointed out that a typical residential lot in Bremerton has a minimum width of 30 feet. Taking into account the 5-foot side setbacks, the buildable area is just 20-feet wide so it isn't possible to place a 24-foot MFH on most 30-foot-wide lots in the City.

Ms. Satter explained that prefabricated homes are dwellings that are manufactured off-site, which includes both manufactured and modular homes. However, the proposed amendments would only apply to manufactured homes (MFHs), which typically come on a non-movable chassis. Manufactured homes are regulated by the Department of Housing and Urban Development and other federal regulations, and must be attached to a permanent foundation that meets City code. Modular homes must comply with the final location's code, and for the City of Bremerton, that is the Washington State and International Building Codes. The City's current code doesn't allow mobile homes to be placed except in mobile home parks.

Ms. Satter summarized that the proposed amendment would reduce the width requirement for double-wide MFHs from 12 feet to 9.5 feet. No other changes to the existing MFH regulations are proposed.

Chair Wofford opened the hearing for public comments, but there were none. He closed the public portion of the hearing.

Ms. Satter advised that one written comment was received, as noted in the Findings and Conclusions, from Mr. Rob Larsen. He supports the proposal, as he believes there are a lot of properties within the City where MFHs cannot be located based on the current code. Mr. Larsen provided illustrations of MFHs that are 19.5 feet wide.

Commissioner Flemister questioned why the City requires that MFHs be double wide rather than single wide. **Ms. Satter** said that is what the City's current code requires, and it is similar to codes adopted by many other cities. **Commissioner Flemister** asked if MFHs have to be connected to the City's sewer system. **Ms. Satter** answered yes, if they are located within the City limits and sewer service is available in the area. If sewer system is not available, a septic system is required.

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Commissioner Pedersen said he plans to support the proposed amendment, but he would be willing to consider allowing single-wide MFHs. He supports anything that increases the amount of safe and affordable housing in the City. He suggested that allowing single-wide MFHs could create options for safe places for someone to live, where the current proposal does not. **Ms. Satter** responded that she isn't sure if it is a state requirement or not, but she agreed to research and report back to the Commission.

Director Spencer noted that the State Environmental Policy Act (SEPA) review that the City Conducted only described the amendment to reduce the width requirement for the two halves of a double wide. The Commission could recommend approval of the proposed amendment as presented, but with a request that additional research be done to perhaps eliminate the size requirement altogether, which would require a separate process. This would allow the City to make immediate code revisions for the width and potentially do more work later to allow more manufactured housing options.

Chair Wofford asked staff to expand upon the design criteria that requires a MFH to have the same siding material as a single-family home. **Ms. Satter** said this is part of the model ordinance provided by the state, and she assumes it would exclude plastic and flammable materials.

Chair Wofford commented that it isn't likely that companies that do pre-manufactured homes would make single-wide units. Most of them are designed to be double wide. He asked if the City's current code allows single-wide mobile homes on foundations to be located on single-family lots. **Ms. Satter** answered no, and explained that the current code only allows new MFHs. **Vice Chair Tift** pointed out that there are also road-worthy requirements that limit the size of single-wide homes. As far as siding, he noted that some of the older mobile homes have metal siding like you would see on a shed.

Commissioner Coughlin asked if a MFH would meet the sizes requirements and be allowed as an Accessory Dwelling Unit (ADU). **Ms. Satter** answered that the current code allows MFHs as an ADU option, but it doesn't allow an exception to the size requirement. **Commissioner Mosiman** commented that if a MFH can be used as an ADU, it would seem that a single-wide would suffice under certain circumstances. He supports the earlier suggestion that the City consider amending the code further to eliminate the width requirement altogether. **Ms. Satter** clarified that, as per the ADU regulations, MFHs are allowed as ADUs, provided they comply with the design criteria of ADUs, excluding the size and roof pitch requirements.

Vice Chair Tift voiced opposition to directing staff to work on amendments to allow MFHs more broadly as a housing type by eliminating size requirements. He felt it would make the amendment more complicated and require more staff time.

VICE CHAIR TIFT MOVED TO RECOMMEND THE CITY COUNCIL ADOPT TEXT AMENDMENTS TO BREMERTON MUNICIPAL CODE (BMC) 20.46.040 AS DETAILED IN ATTACHMENT A, BASED UPON THE STAFF REPORT AND THE FINDINGS AND CONCLUSIONS PRESENTED IN ATTACHMENT B. COMMISSIONER MOSIMAN SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

COMMISSIONER PEDERSEN MOVED TO REQUEST THAT THE COMMUNITY DEVELOPMENT STAFF WORK ON AMENDMENTS TO THE MANUFACTURED HOME REQUIREMENTS TO ALLOW THEM MORE BROADLY AS A HOUSING TYPE BY ELIMINATING THE SIZE REQUIREMENTS. COMMISSIONER COUGHLIN SECONDED THE MOTION.

Commissioner Coughlin agreed with Commissioner Pedersen and said he would like to see the origin of why single-wide MFHs are not allowed per the City code. He agreed that single-wide MFHs could be a good solution to provide affordable, quality housing in the City. **Director Spencer** suggested staff could do some quick research of the model code and State law and provide more history about why the provision was included in the City's current code. She didn't think it would require a significant amount of staff time. If State law requires that MFHs must be double wide, then no further work would be needed.

THE MOTION CARRIED 5-1, WITH VICE CHAIR TIFT VOTING IN OPPOSITION.

BUSINESS MEETING

DRAFT

Chair Report

Chair Wofford did not have any items to report.

Director Report

Director Spencer announced that the City Council approved an additional building inspector/plans examiner for the Department of Community Development, as well as two additional staff people in the Development Engineering Group. She provided the following highlights from a presentation staff made to the City Council regarding the current activity level in the Department of Community Development:

- Permits have been on the upswing for years, and 2020 was a record-breaking year with about \$20 million over 2019. Through the first quarter of 2021, permit activity has reached about \$37 million. This is a big number, as more permits typically come in later in the year. They are already \$5 million ahead compared to the same time last year.
- Total permits for 2021 equaled \$143 million, and projects totaling \$153 million have already been submitted in the queue, and they anticipate more permits throughout the year.
- Between 2016 and 2020, the City permitted about 270,000 square feet of commercial activity, and there is approximately 350,000 square feet of construction in progress at this time.
- For the past five years, residential construction averaged about 225 units per year, and there are approximately 800 units currently under construction and 2,700 units in the pipeline over the next several years. This indicates that the City will continue to see an upward trend in development activity.
- The City's growth target is more than 500 units per year, so the City is and will continue to make up for lost time. It will be important for the Planning Commission to continue with its hard work of ensuring there are opportunities for more housing in Bremerton. All people deserve to have quality, affordable housing.

Ms. Satter reviewed that the Planning Commission recommended and the City Council recently approved amendments to the City's ADU provisions. She reported that, over the past 11 years, only about 10 ADUs were approved. Since the new provisions were adopted in December, the City has received applications for six more ADUs. Of the six proposals, at least five will be owner-occupied.

Chair Wofford asked if there is adequate water and sewer capacity to accommodate the anticipated new development, and **Director Spencer** answered affirmatively. **Vice Chair Tift** asked if there is adequate capacity on the existing roadways and if road improvements will be required as part of development. **Director Spencer** answered that developers are often required to pay SEPA mitigation fees for transportation impacts, and they are also required to put transportation improvements in as part of a project. The SEPA mitigation fees are used to do improvements to address impacts associated with development.

Old Business

There was no old business.

New Business

There was no new business.

ADJOURNMENT

The meeting was adjourned at 6:43 p.m.

Respectively Submitted by:

Andrea L Spencer, AICP
Executive Secretary

Nick Wofford, Chair
Planning Commission

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CITY OF BREMERTON, WASHINGTON PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE:	Public Hearing for Zoning Code Amendment: Drive-through Facilities (BMC 20.44.120)
DEPARTMENT:	Community Development
PRESENTED BY:	Garrett Jackson, Interim-Planning Manager (360) 473-5289 or Garrett.Jackson@ci.bremerton.wa.us

OVERVIEW SUMMARY

Staff is requesting that the Planning Commission conduct a public hearing on the proposed Zoning Code change, consider public testimony and formulate a recommendation for City Council decision. The proposed changes to the Zoning Code is to revise the Drive-through Facilities within the Bremerton Municipal Code (BMC) 20.44.120.

ATTACHMENTS:

- **Attachment A:** Proposed Amendments in legislative mark-up for Bremerton Municipal Code (BMC) 20.44.120 entitled Drive-through Facilities
- **Attachment B:** Planning Commission's Findings and Conclusions
- **Attachment C:** Planning Commission packet from 4/2013

STAFF ANALYSIS AND CONCLUSION:

Staff has reviewed the proposed amendment, and compliance with the City's Code requirements for Zoning Code Amendments as identified in BMC 20.18. The amendments meet the decision criteria set forth in the BMC, and therefore suggests that Planning Commission make a recommendation on the proposal. Please see **Attachment B** "Findings and Conclusions" for a detailed analysis of how the proposal is consistent with the BMC decision criteria for amendments.

OPTIONS FOR MOTION:

At this Public Hearing, the Commission has the following options.

1. Recommend that the City Council **adopt** the Zoning Code Amendment **as presented** in this staff report and attachments.
 - a. **Recommended Motion:** Move to recommend the City Council adopt the Zoning Code's text amendments to Title 20 of the BMC as shown in Attachment A, and based upon the Staff Report and the Findings and Conclusions presented in Attachment B.
2. Recommend the City Council **adopt** the Zoning Code changes as **modified** by the Commission.
3. Recommend **denial** of any part of the Zoning Code amendments.

STAFF ANALYSIS

The proposed Zoning Code amendment would expand the area currently permitting drive-throughs to all commercial, mixed-use, and industrial areas in the City unless specifically prohibited in specific zones. The proposed code emphasizes pedestrian safety, minimizing impacts to neighboring properties, and sets a more definite set of expectations than the existing code. The proposed code language for Drive-through Facilities is provided in **Attachment A**.

Currently the zoning code permits drive-throughs in the following zones: General Commercial (GC), Freeway Corridor (FC), Industrial (I), Puget Sound Industrial Center (PSIC), Eastside Village Subarea Plan (EVSAP), Commercial zones within the Bay Vista Subarea Plan (BVSAP), and the Downtown Subarea Plan (DSAP) with the exception of the Pedestrian Oriented Mixed-Use Zone (POMU) which is within the DSAP and prohibits drive-throughs. The code also permits drive-throughs in the District Center Core (DCC) zone and Neighborhood Business (NB) zone if the business fronts on Wheaton Way or Kitsap Way. A visual representation of effected zones, and potential effected properties, will be provided with the presentation.

The zoning code was updated in 2013, the staff report from that Planning Commission process is provided as **Attachment C**, prior to these updates drive-throughs were prohibited in the City. The report relays that many of the areas that were expected to experience development in the City were instead stagnant and that this was likely a response to regulations promoting a compact urban environment in areas that were currently constructed in a more auto-centric manner. The regulations put in place in 2013 permitted drive-throughs as an accessory use, and that is not proposed to change with the current amendments. An accessory use is only permitted in conjunction with a primary use, and is not allowed as a stand-alone use. For example, this means that a bank may have a drive-through ATM as an accessory use to the banking location, but you could not solely have only a drive-through ATM on a lot. This ensures that the buildings are designed for all users and not just auto-centric.

When the Planning Commission was initially approached with Drive-through Facility topic in February 2021, staff presented a number of ideal drive-through sites to the Commission. These sites demonstrated how a drive-through could be an accessory use that ensured that pedestrian traffic and other planning goals were maintained. In the adjacent image, previously provided to the Planning Commission in the February presentation, you can see that the structure is built up to the street frontage and pedestrian and vehicular traffic are likely not negatively impeded by the drive-through. The drive-through appears to be very much a *back-of-the-house* portion of the use, which the existing and proposed code support. This hierarchy of uses ensures that the Centers approach to development is maintained, as development design standards promote pedestrian traffic while permitting some accessory vehicular uses.



Public Perception

It may be a fair assumption that drive-throughs are most commonly linked with unhealthy foods available at fast-food franchises, and that this association may color the overall perception of the use. Nearly every member of the community partakes in fast-food from time to time, however, it can be more necessary for households where both parents are in the workforce or in single-parent households. Fast-food is quick, convenient, and cheap, for this reason it may often be associated with lower income communities. Per an April 2020 American Planning Association article, “*People frequent fast food restaurants not just to eat and go, but to hang out, especially marginalized groups. Seniors spend hours hanging out in the morning; teenagers who lack access to wi-fi for their homework make use of the abundant electrical outlets in the afternoons; homeless people, whether restaurant owners like it or not, look for access to bathrooms, a cheap bite to eat, and a warm, dry place to be.*” Concerns over community character may be partially responsible for a nationwide trend to ban Drive-through Facilities in some municipalities; this in turn may lead low income communities to eat at remaining options of gas stations and other convenience storesⁱ. Some jurisdictions also seek to ban drive-throughs in an effort to improve public health and combat national obesity trends, however, claims of improved public health have not been found to be definitive. Per an October 2019 National Public Radio (NPR) article, reporting on trends experienced in 27 Canadian cities, “. . . health promotion and chronic disease prevention are public health gains from the implementation of fast food drive-through service bylaws.” That same article later notes that a similar study of obesity rates in Southern Los Angeles found that three years after a drive-through ban took effect obesity rates continued to increase. The article goes on to recommend alternatives to drive-through bans that have more proven results, such as soda taxes or printed calorie menu-boards.ⁱⁱ Fast-food itself, while generally an unhealthy option, is likely where most Americans have been introduced to their first plant-based burger, and there are even expanding vegan options on the horizonⁱⁱⁱ. Drive-through Facilities also include many other uses like pharmacies, banks, and coffee shops. Drive-throughs can provide a flexible option to service community needs for those with limited time and mobility issues. When the City of Minneapolis banned drive-throughs in August of 2019, one of the staunchest opponents of the measure was the City’s Advisory Council on People with Disabilities. This group noted that persons with mobility deficiencies use drive-through facilities to access goods and services, as it can be difficult to get through some stores to get medicine or other needs.^{iv} While drive-throughs may not be for everyone, for some they can be a way to retain basic independence.

Emissions and Technological Advances

Especially at peak times of the day, Drive-through Facilities can contribute to additional vehicle emissions. Much like vehicles stopped at any given intersection throughout the City, or caregivers waiting in vehicles to pick up children from school, vehicles idling while waiting to exit drive-throughs emit greenhouse gases. This may, however, be less of an indictment on drive-through facilities as it is the current array of vehicles on the road today (see adjacent image). The U.S. Department of Energy notes that, while vehicle idling is a serious issue, technological advances are helping to mitigate ongoing idling emissions^v. Start-stop technology eliminates idling when a traditional gas-



powered vehicle is stopped, hybrid vehicles shut off the engine when the vehicle is not moving, and all-electric vehicles produce zero direct emissions^{vi}.

Technological advances in drive-throughs themselves will also lead to less idling, as there is a market-driven incentive to service as many customers in the shortest amount of time. If you have ordered from Dutch Bros Coffee, located at 3900 Wheaton Way, during a busy period, then you may have encountered what is referred to as “face-to-face ordering”^{vii}. This occurs when longer lines begin to form in a stacking lane, and a member of the store will walk up to individual vehicles with an electronic tablet. The employee will take the order, receive payment, and then this information is sent to other employees who complete the order in the store. Other innovations are also making their way into the industry in order to shorten waiting times like digital menu boards, self-ordering kiosks that read your voice, ordering online prior to arrival, and others; this all leads to increased efficiency. By utilizing mobile orders, Noodles & Company a drive-through venue located in Wisconsin, was able to lower their drive-through time to an average time of 62 seconds.^{viii} Drive-through innovation can lead to shorter waiting times for customers, more profits for business, and less green house gas emissions through idling.

Pandemic Response

As in-door dining restaurants were forced to shutter during the pandemic, drive-through restaurants boomed. Per QSR Magazine “*Drive-thrus make the accessibility for customers significantly more convenient, and in turn, increase sales as much as 70 percent for some national chains. Panera Bread claims that adding a drive-thru window to its existing stores instantly generates more sales. As it relates to COVID-19, having a drive-thru allows a restaurant to remain open to customers as it limits the physical contact between employees and guests. Furthermore, the CDC identified restaurants with drive-thrus as essential retailers, thus permitting them to remain open during the pandemic.*^{ix}”

This is not a trend that is expected to change. Landlords are able to charge 10-20% higher rents for properties with Drive-through Facilities^x, which makes installation of drive-throughs an attractive possibility to property owners. This is fueling an expansion of drive-throughs, for instance, Chipotle is expected to grow its drive-thru stores from 100 to 1,000 in the next five years.^{xi}

CONCLUSION

The proposed amendments will be limited to a relatively small geographical area, with a limited number of properties. While Drive-through Facilities may hold a public stigma, they also provide a valuable resource to individual community members. Technological advances in vehicles, Drive-through Facilities, and the limited area the proposed amendments would apply to, would likely result in lower idling times and emissions. The attached text amendments in Attachment A identifies changes to BMC 20.44.120 Drive-through Facilities. Staff recommends that the Planning Commission hold an open record public hearing, consider testimony, and formulate a recommendation for the City Council.

SOURCES

- ⁱ American Planning Association (April 2020), *Is Fast-Food Through With Drive-Thrus?*
<https://www.planning.org/planning/2020/apr/is-fast-food-through-with-drive-thrus/>
- ⁱⁱ National Public Radio (October 10, 2019), *Why Cities Are Banning New Fast-food Drive-throughs*
<https://www.npr.org/sections/thesalt/2019/10/10/765789694/why-u-s-cities-are-banning-new-fast-food-drive-throughs>
- ⁱⁱⁱ The Beet (June 1, 2021), *Vegan Drive-thrus Are Coming Soon to a City Near You*
<https://thebeet.com/vegan-drive-thrus-are-coming-soon-to-a-city-near-you/>
- ^{iv} Access Press (September 10, 2019), *New Drive-through Window Ban Raises Red Flags*
https://issuu.com/accesspress/docs/ap_september_2019_web
- ^v U.S. Department of Energy (May 2015), *Idling Reduction for Personal Vehicles*
https://afdc.energy.gov/files/u/publication/idling_personal_vehicles.pdf
- ^{vi} Office of Efficiency & Renewable Energy, *Reducing Pollution with Electric Vehicles*
<https://www.energy.gov/eere/electricvehicles/reducing-pollution-electric-vehicles>
- ^{vii} Chick-fil-A, *Behind-the-scenes of how we keep you moving, not waiting, at the drive-thru*
<https://thechickenwire.chick-fil-a.com/inside-chick-fil-a/how-does-chick-fil-as-drive-thru-move-so-fast>
- ^{viii} Restaurant Dive (November 19, 2020), *Pandemic Revs Up Drive-thru Design Innovations*
<https://www.restaurantdive.com/news/pandemic-revs-up-drive-thru-design-innovations/589367/>
- ^{ix} QSR Magazine (September 2020), *The Value of the Drive Thru During COVID-19*
<https://www.qsrmagazine.com/outside-insights/value-drive-thru-during-covid-19>
- ^x The Wall Street Journal (March 2, 2021) *Drive-Through Lanes Become Hotter Commodities in Pandemic*
<https://www.wsj.com/articles/drive-through-lanes-become-hotter-commodities-in-pandemic-11614681003>
- ^{xi} Eat This, Not That (October 22, 2020), *6 Fast-Food Drive-Thrus You'll Be Seeing Everywhere Soon*
<https://www.eatthis.com/fast-food-chains-expanding-drive-thru-locations/>

20.44.120 DRIVE-THROUGH FACILITIES.

(a) Intent. The standards of this section regulate the installation of drive-through facilities to ensure their design, operation, and associated impacts can effectively be mitigated. The purposes of this section is to permit a drive-through facilities only when they:

- (1) Provide safe and efficient and on-site vehicular and pedestrian circulation;
- (2) Minimize conflicts between queued vehicles and traffic on adjacent streets and sidewalks; and
- (3) Reduce impacts on abutting uses, such as noise, visual, and light, particularly to residential uses.

(b)(a) Applicability. Drive-through facility standards within this section apply to the construction of new or modified drive-through facilities. Drive-through facilities are an accessory to a principal use of a structure and therefore are only allowed when found in association with a permitted use in commercial, mixed-use, or industrial zones, unless drive-through facilities are expressly prohibited in the zoning districts regardless of the principal use.

- (1) ~~Exception. While generally prohibited within the neighborhood business (NB) and DCC zones, drive through facilities may be permitted provided the business has direct vehicular access from either Wheaton Way or Kitsap Way.~~
- (2) ~~Drive-through facilities standards within this section apply to the construction of new drive-through facilities, the addition of a drive-through facility to existing developments, and/or the relocation of an existing drive-through facility on site.~~

(c) Procedure. All new or altered drive-through facility shall be processed per the underlying permit type per BMC 20.02. Approval of a drive-through facility may be granted through either:

- (1) An administrative Type I Director's decision or concurrently with another permit as regulated by BMC 20.02, when the proposed facility meets all criteria established per BMC 20.44.120(e); or
- (2) A Type III Conditional Use Permit per BMC 20.58.020 is required when a proposal seeks alternatives to any of the criteria established per BMC 20.44.120(d). The Hearing Examiner may approve alternatives to criteria presented in this section when the following are met:
 - i. Any proposal to modify drive-through facility standards shall not undermine the intent of this section or that of the underlying zone.
 - ii. Proposals seeking a drive aisle between a primary frontage and the building shall demonstrate that all other site designs have been exhausted and found unworkable.
 - iii. The applicant shall demonstrate how the proposed alternative fully screens neighboring properties, and that the total amount of landscaping exceeds the total amount of that created by adherence to standard landscaping and buffer requirements.
 - iv. A public amenity shall be provided. Examples of public amenities include: outdoor eating area, outdoor artwork, street furniture, plantings in window boxes, public trash receptacles, or other alternative public amenity approved by the Hearings Examiner. Any proposed amenity shall be architecturally compatible with the principal structure and shall be maintained for the life of the project.
 - v. Conditions such as site orientation, fencing, buffering, parking location, lighting, access, hours of operation, and others may be imposed as a condition of approval if it is found they are necessary to mitigate identifiable adverse impacts and ensure compatibility with nearby uses.

(d) Submittals. Applications shall include the following components: the Director may modify these requirements based on the size, scope and complexity of the project:

- (1) Vicinity Map. Showing the subject property in relation to all other properties and major structures within a two hundred fifty (250) foot radius of the property;
- (2) Site Plan
 - i. All property lines, easements, fences, walls, signs, and other points of reference.
 - ii. Existing and proposed structures, pedestrian walkways, bikeways, parks, playgrounds, recreational areas, and other areas and facilities of a public or recreational nature.
 - iii. Existing and proposed utility systems, drainage structures, fire hydrants, and other infrastructure improvements.
 - iv. An environmental summary, including such features as shorelines, bulkheads, creeks, culverts, wetlands, steep slopes, and other "sensitive areas," etc.

ATTACHMENT A

- (3) Landscape Plan. A plan conforming to BMC 20.50 and other landscape requirements of this section. This information may be shown on the site plan or may be provided in a separate plan;
- (4) Parking Plan. A plan conforming to BMC 20.48 and other requirements of this section. This information may be shown on the site plan or may be provided in a separate plan;
- (5) All applications may require a traffic impact assessment prepared by a qualified professional for the drive-through facility installation. Reports shall demonstrate that stacked vehicles do not impede vehicular or pedestrian traffic on abutting right-of-way, or interfere with the circulation of pedestrians, traffic maneuvering, or other parking space area(s) located onsite.

(e)(b) Site Design Requirements. All drive-through facilities shall comply with the following requirements:

- (1) Location. All efforts should be taken to locate the drive-through facility towards the side and/or rear of buildings. Drive-through facilities shall not be located between the building and the street frontage, except in the following circumstances: When a site contains more than one (1) street frontage the drive-through facility may be located between the building and secondary frontage. Screening of secondary street frontages shall be a minimum of five (5) feet wide and at least four (4) feet in height.
 - (i) Primary Frontage. A drive-through facility may be placed between a building and the street frontage only when all other site designs have been exhausted and are deemed unworkable by the Director. The drive-through facility shall be fully screened from view of the fronting street through the use of features such as sight-obscuring fencing, walls, trellises, and landscaping.
 - (ii) Secondary Frontage. When a site contains more than one (1) street frontage the drive-through facility may be located between the building and secondary frontage only when all other site designs have been exhausted and found unworkable. Screening from the secondary frontage is encouraged, but not required.
- (2) Stacking. All drive-through facilities stacking lanes shall meet the following criteria: include a stacking lane that provides room for a minimum of four (4) cars to line up behind the drive-through window. For restaurant/food/drink uses the stacking lane shall provide room for a minimum of six (6) cars.
 - (i) Stacking lanes shall be a minimum of eighty (80) feet behind the ordering board/window, where the order is requested, except for facilities where vehicles do not routinely stack up while waiting for the services, such as ATM-only locations. For restaurant/food/drink uses the stacking lane shall provide room for a minimum of one-hundred-twenty (120) feet.
 - (ii) After permitting and during operation, if the drive-through facilities have negative traffic impacts on adjacent roads and/or businesses, the City may require additional traffic controls at the businesses' expense to alleviate the negative impacts. This could include temporary or permanent solutions.
- (3) Design. The drive-through lane(s) shall be designed as a dedicated lane, physically separated from parking areas and internal parking circulation aisles in order to enhance pedestrian safety and provide screening from adjacent properties and right-of-way. A combination of two (2) of the following shall be provided adjacent to the drive-through lane(s):
 - (i) Landscaped strips, islands, or berms that are a minimum of three (3) feet wide and fifty (50) square feet in size are required in addition to all other required landscaping areas. Said landscaped areas shall include a mix of ground covers and shrubs that act as a barrier between the drive-through lane and adjacent properties, right-of-way, and parking area;
 - (ii) Hedges, decorative walls, fencing, or trellises that act as a visual barrier between the drive-through lane(s) and adjacent properties, right-of-way and parking areas;
 - (iii) Decorative pavement, alternative materials (bricks, stamped concrete), or other durable ground treatment that clearly separates the drive-through lane(s) from other driving and parking areas on site that will withstand heavy traffic conditions found in association with drive-through lanes. Paint striping does not meet this requirement.
- (4) Signage.
 - (i) Each ordering location shall have a maximum of (1) one menu board. One (1) additional menu board may be placed adjacent to the stacking lane for patrons waiting behind the ordering station. Each menu board sign shall not exceed thirty (30) square feet and have a maximum height of seven (7) feet.

ATTACHMENT A

- (ii) Menu boards shall be located in a landscaped strip or island no smaller than three (3) feet wide and fifty (50) square feet in total size. This landscaping area shall be in addition to all other required landscaping. The menu board(s) shall be oriented away from public streets and be intended for viewing by drive-through patrons only. Screening of the menu board may be required when the board is located adjacent to the right-of-way or neighboring properties. Screening shall ensure the board is not readable from the surrounding properties or street.
- (5) Pedestrian Features. In order to enhance safe pedestrian access, designated walkways from all on-site parking areas and from the public sidewalk to a building entry shall be provided as follows:
 - (i) Walkways shall be a minimum five (5) feet in width, clearly marked and easily distinguished from driving surfaces by using a combination of landscaping strips or islands that delineate the pedestrian walkways; and
 - (ii) Walkways shall include at least one (1) of the following treatments: decorative paving, stamped/stained concrete or raised walkways with alternative materials (such as brick, cobblestone, and decorative pavers) to clearly indicate the safe walking route. Walkways through heavy traffic areas such as the drive-through must be made of durable materials able to withstand heavy traffic conditions. (Ord. 5301 §3 (Exh. B) (part), 2016: Ord. 5222 §4, 2013: Ord. 4950 §8 (Exh. A) (part), 2005)

**FINDINGS AND CONCLUSIONS
OF THE CITY OF BREMERTON PLANNING COMMISSION**

Summary:

Proposed amendments to the Bremerton Municipal Code related to Drive-through Facilities.

I. FINDINGS OF FACT

1. Project Description:

The proposed amendment includes revisions to Bremerton Municipal Code 20.44.120, Drive-through Facilities, as follows:

- A. Expands zones where Drive-through Facilities are permitted.
- B. Standardizes permitting procedures and submittal requirements.
- C. Revises site design requirements.

2. Procedural History:

- 2.1 Planning Commission Workshops: February 22, 2021
- 2.2 Washington State Department of Commerce Notice: May 17, 2021
- 2.3 SEPA Threshold Determination DNS: May 17, 2021
- 2.4 Notice of Public Hearing: June 11, 2021
- 2.5 Planning Commission Public Hearing: June 21, 2021

3. Public and Agency Comment:

- 3.1 At the workshop held on February 22, 2021, one public comment were received:
 - 3.1.01 Christopher Lux, expressed support.

4. SEPA Determination:

A Determination of Non-Significance (DNS) was issued on May 17, 2021, to date no comments or appeals have been filed.

5. Consistency:

Text amendments to Title 20 shall meet the decision criteria outlined in BMC 20.18.020(d). The Planning Commission may recommend, and the City Council may adopt or adopt with modifications, an amendment to Title 20 if the criteria outlined below are met.

- (1) It is consistent with the goals and policies of the comprehensive plan;

Analysis: The proposed amendments continue to uphold the objectives and goals of the Comprehensive Plan, and implement the following policies:

The amendment continues to uphold the objectives, goals and policies of the Comprehensive Plan such as:

- Policy LU1(B): Coordinate Bremerton's growth consistent with the Kitsap Countywide Planning Policies and the Puget Sound Regional Council's Vision 2040, and state requirements.
- Policy LU4(C): Provide land use regulations that give opportunities for the community to have fair access to livelihood, education, and resources.

ATTACHMENT B

- Policy LU4(D): On an annual basis review and provide amendments, if necessary, to the goals and policies and the Land Use Map to address changing circumstances and/or emergencies.
 - Policy LU1(A): Designate neighborhoods, communities, and centers throughout the City and encourage the implementation of design guidelines for new development and redevelopment that complement the designated purpose and scale.
 - LU1-Cen(A): Development regulations should encourage pedestrian oriented mixed-use design in Centers and address such issues as:
 - (1) Locating buildings or features in the core of the Center at sidewalk edge,
 - (2) Providing windows and other architectural features that foster pedestrian interest along street fronts,
 - (3) Adopting sign standards that reflect pedestrian scale,
 - (4) Encouraging and/or requiring architectural features that are of a scale and type appropriate for viewing by pedestrians at the building front and immediately nearby, and
 - (5) Development projects should be encouraged to provide amenities such as street furniture, street trees, small public spaces and plazas, etc.
 - LU1-Cen(E): Consider the existing built environment when creating development regulations
 - LU2-Cen(C): Provide incentives and flexibility that encourage and enable development in Centers, including alternative parking options like payment in lieu of parking spaces.
- (2) It does not conflict with other City, state and federal codes, regulations and ordinances.

Analysis: The proposed amendments do not conflict with any other regulations.

II. CONCLUSIONS & RECOMMENDATION

Based on the findings above, the Planning Commission concludes that the proposed amendments to the Bremerton Municipal Code Title 20 Land Use Chapter, meets the requirements in BMC 20.18.020(d) text amendments, and therefore recommends to the City Council, the adoption of amendments to Title 20.

Respectfully submitted by:

Andrea L. Spencer, Director of Community Development

Nick Wofford, Planning Commission Chair

(DRAFT) AGENDA
Regular Meeting – Bremerton Planning Commission
(Subject to PC approval)
April 16, 2013
5:30 P.M.
345 – 6th Street
Meeting Chamber – First Floor

-
- I. CALL TO ORDER**
 - II. ROLL CALL (quorum present)**
 - III. APPROVAL OF THE AGENDA**
 - IV APPROVAL OF MINUTES:**
 - February 19, 2013 Regular meeting.
-

V. PUBLIC MEETING

- A. Call to the Public:** Public comments on any item not on tonight's agenda
 - B. Workshop**
 - 1. 2016 Comprehensive Plan Update**
 - 1.a** Overview of State requirements for Comprehensive Plan updates
 - 1.b** Comprehensive Plan Update Guest Speaker: Scott Daniels, Kitsap Public Health District, on the importance of incorporating public health in a comprehensive plan.
 - 2. Zoning Code Amendments**
-

VI. BUSINESS MEETING

- A. Chair Report:**
 - B. Director Report:** Andrea Spencer.
 - C. Old Business:**
 - D. New Business**
-

VII. ADJOURNMENT: The next regular meeting of the Planning Commission is
May 21, 2013
Planning Commission meeting packets are available on-line at
www.ci.bremerton.wa.us

Commission Meeting Date: April 16, 2013Agenda Item: V.B.2

CITY OF BREMERTON, WASHINGTON PLANNING COMMISSION AGENDA ITEM

AGENDA TITLE:	<i>Workshop to Discuss Zoning Code amendments.</i>
DEPARTMENT:	<i>Community Development</i>
PRESENTED BY:	<i>Nicole Floyd, City Planner</i>

EXECUTIVE SUMMARY:

This Planning Commission Workshop will focus on three different potential Zoning Code Amendments: SEPA Exemptions, Drive-Through Lanes and Commercial Front-Yard Setbacks.

SEPA Changes

The Planning Commission held a Zoning Code amendment workshop on January 15, 2013, and directed Staff to focus on amendments that directly impact permit processing efficiency. The Commission also requested additional background data related to how the city currently processes SEPA reviews, this research is contained in **Attachment I**. At this workshop Staff is requesting the Commission to provide direction as to the appropriate SEPA exemption levels, and we will then prepare the amended code language for public hearing.

Drive-Through Lane Restrictions and Commercial Front-Yard Setbacks

The City Council held a goal-setting retreat on March 23, 2013. During this retreat the Council set goals for this year to develop policies and regulations that protect our neighborhoods, ensure quality housing stock, and they were brainstorming ways to ensure the economic viability and competitiveness of the City's commercial areas. The Council is concerned about vacancy within our commercial districts and believes that the Planning Commission can help by reviewing the city's Comprehensive Plan and zoning regulations and is requesting that the Commission and Staff prepare code amendments for the Council's consideration. The Council has requested that the Planning Commission study and make a recommendation on:

- Changes related to drive-through lanes along the Kitsap Way and Wheaton Way Corridors (this use is currently prohibited in many commercial districts) and
- Changes to commercial zoning districts front-yard setbacks (currently the code lists a maximum setback of 5' to 10').

These two code provisions are both based in planning principles rooted in the Comprehensive Plan's "Centers" growth approach, which seeks to limit auto oriented development and has key goals to create a long-term enhanced pedestrian environment with an urban form that requires buildings to be oriented towards the street (rather than set far back on a site with parking in front). Staff has prepared background information about what the goals and policies of the Comprehensive Plan say about the Centers growth plan (see **Attachment II**). The Council has asked for a determination if the Zoning Code can be amended to allow more development flexibility, while still meeting the original intention of the Comprehensive Plan goals. Staff has done some preliminary work and determined that there is potential to make code modifications for drive-throughs (see **Attachment III**) and setback requirements (see **Attachment IV**). Staff is requesting that the Commission provide feedback and give direction as to what additional research is necessary before a public hearing can be conducted on these code amendments.

**NOTE: SEPA PORTION OF STAFF REPORT HAS BEEN DELETED TO
AVOID POTENTIAL CONFUSION**

THE CENTERS CONCEPT:**HISTORY:**

The City's Comprehensive Plan was adopted in 2004, and the plan was intended to revitalize Bremerton by encouraging quality mixed use development in focused core areas called Centers. The planning process took over four years and included extensive public input. There was overwhelming support to create a 20 year growth strategy designed to tailor the expected growth into several dense, mixed use, mini-Cities or Centers identified throughout the larger umbrella of the Bremerton City limits. At the heart of the Centers concept is the idea that Centers should be places where residents can live, shop, and talk. To achieve this, the Comprehensive Plan focuses on the following:

- Identifying and categorize different Centers
 - Neighborhood Centers, such as Manette
 - District Centers, such as Downtown
 - Employment Centers, such as Harrison Hospital
- Within Centers, promote infill of both commercial residential uses. Encourage high density residential on top of ground floor retail uses.
- Improve transportation choices. Enhance bike lanes, walkability, plan for mass transit etc.

The Centers theme is woven into the fabric of both the Comprehensive Plan and Zoning code. Both codes have language that intends to move beyond the automobile and examine the transportation needs for a healthy vibrant community that includes pedestrians, bicycles, and linking walkable centers with appealing streetscapes. The Zoning Code is a primary tool used to achieve the goals and vision established in the Comprehensive Plan and therefore has several specific development standards aimed at achieving the Centers concept. While the focus of this Workshop is on two specific development standards (drive throughs and setbacks) it is important to remember the purpose of these standards and the goals they are intended to achieve.

EVALUATING SUCCESS:

Now, nearly nine years of after adoption of the Centers Concept, we can see where the Centers concept is working well: The Downtown Regional Center, Charleston District Center, and Manette Neighborhood Center. These areas are each "cities within" the City, they have good block structure and streetscapes, and were essentially built in a time that society was not as auto-centric as we are today. Interestingly these centers essentially complied with the Comprehensive Plan vision of having an attractive pedestrian oriented development pattern prior to the Comprehensive Plan adoption.

Where we have challenges implementing the full vision of the Centers Concept is where the centers concept was applied over the top of existing development that was designed with a focus around the automobile. In these areas the Centers concept is at odds with the existing development pattern. Shopping centers like Wheaton and Riddell (old Lowes and Kmart site and Goodwill) and QFC Center on Kitsap Way are designated as growth centers, and are expected to transition as they grow during the 20-year planning horizon. Contrary to the visions of the Comprehensive Plan, what we have seen in the

nine years since plan adoption is that they are becoming increasingly vacant and dilapidated rather than growing into thriving community centers.

In these areas the Zoning Code has requirements that prohibit automobile-centric uses (written into the code as a prohibition of drive-throughs) and buildings are supposed to be built very close to the street edge (this is written into the code as “maximum front yard setbacks”). Retrofitting existing development in these areas to look like a traditional downtown streetscape is a challenge, and the development regulations in these areas are nearly mandating it. The result is that development is going elsewhere, where the code restrictions are not as cumbersome.

These designated centers are at a disadvantage, they are competing against properties within the City limits (often right next door) and in the county that do not have the same code requirements. Developers are choosing to invest in properties that are less encumbered with regulations and therefore easier and cheaper to develop.

The City Council is increasingly concerned about the vacant and underutilized status of the commercial areas that are adjacent to Kitsap Way and Wheaton Way, and has asked the Commission to consider ways to amend the Zoning Code that allows development opportunity but doesn't prohibit implementation of the centers concept of the Comprehensive Plan.

Like Council, Staff is concerned that the current regulations are ensuring the vacant condition of these centers. Staff thinks that the Zoning Code could be revised to better reflect the desire for transitioning the non-conforming development pattern of our growth centers along Kitsap Way and Wheaton Way to the vision the community had when the Centers concept was created.

Staff believes that the Comprehensive Plan centers concept can be implemented within our development regulations along Kitsap Way and Wheaton Way corridors by:

1. Developing regulations to gently transition between the automobile focused environment to the pedestrian focused environment.
2. Creating more flexibility relating to unique site-specific constraints.
3. Calling for enhanced design features and landscaping could accommodate both automotive and pedestrian environments.

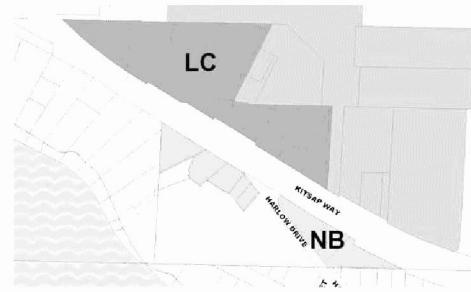
ZONING DISTRICTS:

The web of zoning districts that surround Kitsap Way and Wheaton Way are somewhat complex. In fact, there are more than nine commercial zones. Prior to making recommendations about how to provide better transitions within these zones, Staff recommends reviewing the intended future of these areas. Below are summaries of both the Comprehensive Plan and Zoning Code intent for areas of particular interest.

Kitsap Lake Neighborhood (Setbacks for LC & NB are 10' Drive throughs are prohibited in NB)

This small commercial area is located at the City limits boundary adjacent to Kitsap Lake. There are three zoning districts in this area. This area is predominately developed and includes drive through lanes in all zones, however the Neighborhood Business Zone prohibits new drive through lanes.

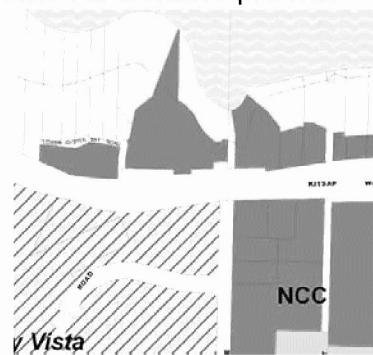
- Comprehensive Plan: Small scale commercial nodes with uses such as groceries in converted residential structures or purpose built structures that are sensitive to the residential context.
- Neighborhood Business Zone: The intent is to provide for small-scale business districts outside of centers and corridors that reflect the scale and character of surrounding neighborhoods. These NB locations support neighborhoods which generally lack walkable access to a designated center. (Drive throughs prohibited)



Neighborhood Center Core (Drive throughs prohibited - 10' max setback):

This designation is found along Kitsap Way between Oyster Bay Drive and Arsenal Way. Key components of this designation are identified as follows:

- Comprehensive Plan Guidance: To create a mixed use walkable environment with urban amenities serving the center and surrounding neighborhood. Centers provide living environments attractive to a growing segment of society that desires a more active, stimulating setting, offering an ability to access key amenities and conveniences without driving.
- Zoning Regulations: The intent is to establish base threshold standards for the central core of neighborhood centers that preserve future opportunity for full realization of the centers concept.



ATTACHMENT C

District Center Core (Drive throughs prohibited – 10' max setback):

This designation stretches along a significant portion of Wheaton Way and includes landmarks such as the old Bremerton High School and Albertsons. The Wheaton Riddell Sub-Area Plan also references this zoning chapter for allowed uses.

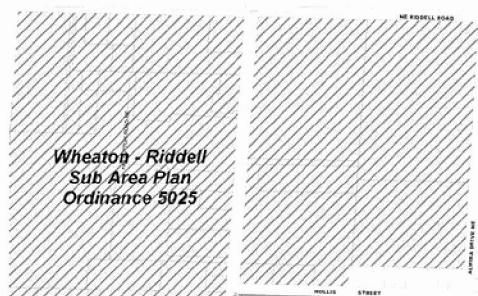
- Comprehensive Plan: The character is intended to be a mixed use walkable environment with urban amenities serving the center residents and several surrounding neighborhoods. The pedestrian design emphasis in District Centers is balanced with recognition that the wider market area that is served by the commercial uses will bring traffic and parking issues. Design standards are applied to assure quality development that meets the mixed-use nature of District Centers while accommodating somewhat larger scale commercial, office, and community uses than those found in a Neighborhood Center.
 - Zoning: The intent is to establish base threshold standards for district centers that preserve future opportunity for full realization of the concept.



Wheaton Riddell Sub-Area Plan (Drive throughs prohibited – 35' to 55' setback):

Land marks in this area include the abandoned Lowe's and Rite-Aid buildings, Goodwill, and Petsmart. This area has its own site specific plan that combines the Comprehensive and Zoning elements together, but uses the DCC Zoning for the allowed use list.

- **Comprehensive and Zoning:** The intent is to enhance the visual character and sense of place by focusing development to a neighborhood scale, including pedestrian scale lighting, minimizing curb cuts, enhanced vegetation and landscape buffering so that infill development will create a sense of pedestrian safety.



DRIVE THROUGH LANES

SUMMARY:

Drive through lanes are prohibited in many, but not all commercial zones along Wheaton Way and Kitsap Way. While appropriate in many parts of the City, like Charleston, Downtown, or the core of Manette, this prohibition has been difficult to justify along both Kitsap Way and Wheaton Way which are major arterials for the City and are both designated State Highways. For the most part, applicants are surprised to learn that drive throughs are prohibited in these areas because there are so many existing drive through lanes along both of these highways.

Additional confusion is caused by the inconsistency of the prohibition. Commonly there are neighboring properties with different standards. For example at the intersection of Kitsap Way and Arsenal Way there are two seemingly similar businesses: Rite Aid and Walgreens. Both have drive throughs, but they are in different zones and only one of the zones allows drive throughs (the Walgreens/Starbucks are permitted to have drive throughs). The Rite Aid was permitted under the old development regulations and if it were proposed today a drive through pharmacy window would not be permitted.

Zoning	Drive Through Allowed?
Commercial Corridor	Yes
Wheaton Way Redevelopment Corridor	Yes
Neighborhood Center	No
District Center	No
Neighborhood Business	No
Limited Commercial	No

DRIVE THROUGH DESIGN STANDARDS:

Not all drive throughs are the same; in fact there is amazing diversity when it comes to their design and layout. As shown in Attachment II, the Comprehensive Plan calls for a transitioning between the current automotive focus to a more pedestrian oriented focus. However, the development regulations have taken a hard-line approach, and as shown in the box above drive throughs are prohibited in much of the city. Staff believes that a transition from auto-oriented uses to pedestrianization could be achieved through good site design. However, what exactly makes good site design? The pictures on the following page attempt to capture the difference site design can make. Staff believes that codes can be written to capture the good elements of the drive through featured on the next page, into the code to provide flexibility in terms of uses, without detracting from the essence of the Comprehensive Plan.



As part of the discussion at the Planning Commission meeting Staff will be providing several images of drive through facilities to discuss what elements seem essential to creating a site design that enhances the pedestrian environment without prohibiting drive through lanes altogether.

QUESTIONS FOR COMMISSION:

1. Are there locations along Kitsap Way or Wheaton Way that drive through lanes seem inappropriate?
2. Should all the zoning districts have the same requirements for drive throughs, or should some have more relaxed requirements than others?
3. Are there features that you think would be essential prior to allowing drive through lanes?
4. Should drive through lanes be outrightly permitted or conditionally permitted?

MAXIMUM FRONT YARD SETBACKS

SUMMARY:

The Zoning Code is written to encourage new buildings to be built right along the street frontage. This is written as “maximum” setback, i.e. the building cannot be any farther away from the street than 10 feet. The intention of this standard is to create a nice streetscape and urban environment where pedestrians can walk along the street and interact with the building, and large parking areas are unseen. The codes were written to encourage the development pattern you see in the image below on the right, and discourage the kind of development you see in the left photograph. Most zoning districts along Kitsap Way and Wheaton Way have maximum setbacks in order to implement this change over time.



Elements in the Comprehensive Plan that address these requirements include the following:

- CCE3: Mitigate the effect of parking lots in centers and other pedestrian oriented environments. Non-associated surface parking lots within centers should be planned no larger than 25 spaces. Surface parking more than 100 spaces should be prohibited between the building and street. Surface parking for commercial uses should generally not be placed between the building façade and street curb.
- CC4E: ensure that buildings in designated centers are built to the property line to the greatest extent possible. Buildings in designated centers will enclose the street, creating an intimate urban character. Building facades that are parallel to the street create a type of building wall that can contribute to a room like feeling.

The primary issue with the maximum front yard setback is the need for more flexibility for site specific circumstances such as: utility easements, future road expansions, topography, intersection traffic visibility, etc. that prohibit the

maximum setback from being met. For these specific issues Staff recommends requirements that allow for alternative features that would achieve the desired pedestrian enhancements, while allowing for larger setback. Features such as larger sidewalks, trellis installation, landscaping, etc. could enhance the pedestrian environment while maintaining that no parking is allowed in the front of the building.

The secondary issue relates to the concept of a transition in terms of parking in the front. Developers argue that consumers desire to park directly in front of businesses. Over the last several years several projects have struggled with this requirement. Clearly a sea of parking is too much, but what about a single row of parking? Even the “desirable” photograph on the right on the previous page includes vehicles as part of the urban form. Studies have shown that pedestrians avoid sidewalks with vehicular dominance on both sides, such as what is found on large expanses of both Kitsap Way and Wheaton Way with large parking lots on one side and the highway on the other. Some flexibility must be established to encourage new development, but careful consideration of the pedestrian environment must be included.

The chart to the right identifies the setbacks for the primary zones along both Wheaton Way and Kitsap Way. Please note that the zoning districts not designated as a “Center” have more restrictive setbacks than the “Centers”.

Zoning	Maximum Setback
Commercial Corridor	5' Max
Wheaton Way Redevelopment Corridor	5' Max
Neighborhood Center	10' Max
District Center	10' Max
Neighborhood Business	10' Max
Limited Commercial	10' Max

SETBACK QUESTIONS:

1. Are there any circumstances when parking in the front of the building should be allowed?
2. Are there design standards that seem essential to allowing parking in the front?
3. Should additional permit process be required for the allowance of parking in the front?

MEMORANDUM

CITY OF BREMERTON, DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: Planning Commission
FROM: Andrea L. Spencer, AICP
SUBJECT: Comprehensive Plan Major Update
DATE: April 16, 2013

The city is required to have a Comprehensive Plan that is consistent with the Growth Management Act (GMA). The city's current comprehensive plan was adopted in 2004, and has been amended in the years since to incorporate sub-area plans and other minor modifications. State law (RCW36.70A.130(5)(b)) requires that the City of Bremerton to take action to review and, if needed, revise our comprehensive plan to ensure that it is consistent with the GMA by no later than June 30, 2016.

Since all of the Commissioners are new since the last major update of the Comprehensive Plan, I thought that this would be a good time to share with you some background of what the Growth Management Act is. Attached is a brochure that is an excellent overview of the GMA and its essential goals.

As we embark on the Comprehensive Plan update process, I thought that this would be a good time to bring in guest speakers so that you can receive relevant information that will give you context that will help you to guide the development of updated plan policies. The first speaker is Scott Daniels, Deputy Director of the Kitsap Health District. He will give us his perspective on the importance of incorporating public health policies in a comprehensive plan.

Throughout the next year I will be inviting various presenters to share information that will aid the Commission in understanding issues so that you can give us good policy direction. If you have ideas for future speakers or topics please call me at 360.473.5283 or email andrea.spencer@ci.bremerton.wa.us

Comprehensive plans and development regulations are considered valid upon adoption. (An exception is the Shorelines Element, which requires the approval of the state Department of Ecology.) The Growth Management Hearings Board can decide otherwise only if a petitioner shows that a county or city didn't correctly interpret or apply the GMA.

Sanctions can be required if the Growth Management Hearings Board makes a finding that a county, city or state agency has failed to comply with a board order and submits a recommendation to impose sanctions to the Governor. The Governor may, without prior hearings board review, impose sanctions for failure to meet a GMA deadline. Sanctions can be applied through state grants, loans and taxing authority or withholding state agency budget allotments.

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GMA OFFERS A FRAMEWORK FOR IMPROVING PERMIT SYSTEMS

The GMA is the basis for a law passed in 1995 to improve how permits for projects are issued in Washington. The regulatory reform law seeks to make three planning laws – the Growth Management Act (GMA), State Environmental Policy Act (SEPA) and Shoreline Management Act (SMA) – work together more smoothly. It requires all local governments to combine environmental review and permit review. The number of hearings and appeals are also limited for all local governments.

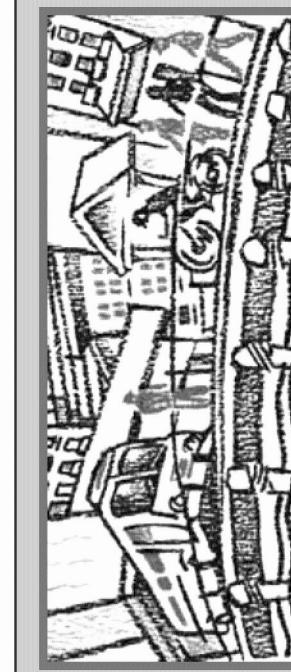
THE GMA PROVIDES ESSENTIAL TOOLS FOR MANAGING GROWTH

- Commerce has developed and adopted rules under the Washington Administration Code (WAC) to help local governments carry out the GMA. The rules establish minimum guidelines to help counties and cities to conserve resource lands and protect critical areas.



- An additional 0.25 percent real estate excise tax (paid by the home or building buyer at the time of the sale) is authorized (without voter approval) for cities and counties that are required to plan. Those choosing to plan under the GMA may levy a tax after voter approval. Money from the tax should be used only as a public contribution to the development of capital facilities, like roads and sewers, which are identified in the capital facilities plan.
- Six counties – King, Clark, Kitsap, Pierce, Snohomish and Thurston – and the cities within them fall under the Buildable Lands Program. This is a program to determine if enough land is being provided for future urban growth. They collect annual data one year prior to the scheduled periodic update to evaluate their growth management plans, including whether they are achieving targeted urban densities within adopted urban growth boundaries.

- Regional transportation planning organizations (RTPOs) are authorized as voluntary associations of local governments to conduct regional transportation planning. RTPO grants are available through the Washington State Department of Transportation.



HELP IS AVAILABLE TO CARRY OUT THE GMA

Technical assistance for carrying out the GMA is available to cities and counties from Commerce's Growth Management Services. For more information go to the Web site www.commerce.wa.gov/growth

You can also call 360.725.3066 or write to Growth Management Services, 1011 Plum Street

to plan under the GMA can impose impact fees.

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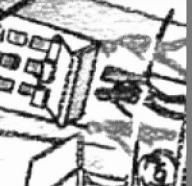
The guidelines also help counties and cities adopt comprehensive plans and development regulations. A project consistency rule provides guidance on how to analyze project proposals for consistency with GMA

together to develop population to state Office of each county. OFM is required to make projections w adoption. County and how project a projection w represents OFM population pro

RESPONSIBLE FOR IMPLEMENTING THE GMA

Through the GMA, local communities decide how and where they develop. For example:

- Cities and counties work together to decide where urban growth should go.
 - Cities and towns revitalize downtown areas with attractive, compact urban development.
 - Communities improve their economies by drawing new businesses without endangering the environment.
- Open space and recreational opportunities are expanded and improved.
- Transportation policies are reviewed to improve congestion and find alternatives to the single-occupancy vehicle.
- Farm and forest lands are kept in production.
- Communities preserve their historic buildings and districts.
- Local communities are using more efficient ways to plan for public services like sewer and water for growing populations.
- Citizens more fully participate in planning for the future of their communities.
- Environmental review and permitting processes are more efficient and predictable.



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The GMA outlines a set of rules for all counties and cities, including those that may not meet the population threshold and choose not to fully plan under the act:

- Resource lands (forest, agricultural and mineral lands) and critical areas (wetlands, geologically hazardous areas, fish and wildlife habitat conservation areas, aquifer recharge areas and frequently flooded areas) must be classified and designated. Designated critical areas need to be protected; resource lands must be conserved.
- Every eight years each county and city must review their work on resource lands and critical areas to make sure they comply with the GMA, including the requirement to apply the "best available science" when designating and protecting critical areas. The GMA provides a schedule for these periodic updates to be completed.
- All cities and counties with comprehensive plans must adopt development regulations (zoning, subdivision and other land use controls) consistent with these plans.
- Short plats and subdivisions may be approved only if written findings are made that adequate services are available, or that appropriate provisions are made for the public health, safety and welfare.
- Any building permit application needs to supply evidence of adequate water supply for the intended use.

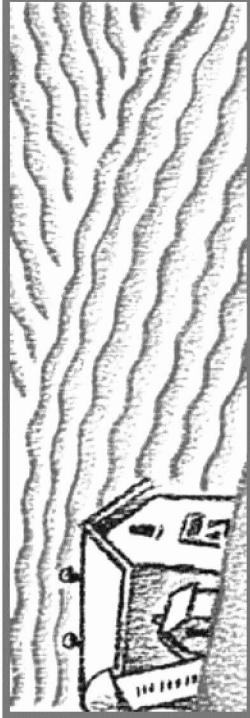
• Counties, in order to designate UG areas encouraged as minimum, incorporate projected population fully consistent with U.S. Census figures. Certain criteria every eight years contain the following:

- Land use
- Transportation
- Housing
- Capital facilities
- Utilities
- Shoreline
- Rural (for

ATTACHMENT Z
Elements addressed and recreation areas provided by county, including additional

ADDITIONAL RESPONSIBILITIES FOR FULLY PLANNING CITIES AND COUNTIES

1. Both a population of 50,000 or more and a population increase of more than 10 percent over the previous 10 years. (Beginning in 1995, the rate of population growth was changed to more than 17 percent; or,
- Counties, in combination with cities and towns located within the county boundaries, are required to develop county-wide planning policies. These policies provide a framework for
- A local government
- The county-wide



SOME COUNTIES ARE REQUIRED TO FULLY PLAN UNDER THE GMA; OTHERS CHOOSE TO MEET THE ACT'S GOALS

A county, and the cities within that county, must fully plan under the GMA if it meets one of the following requirements:

1. Both a population of 50,000 or more and a population increase of more than 10 percent over the previous 10 years. (Beginning in 1995, the rate of population growth was changed to more than 17 percent; or,
- Counties, in combination with cities and towns located within the county boundaries, are required to develop county-wide planning policies. These policies provide a framework for
- A local government
- The county-wide

Name:

Scott Daniels, M.S., R.S.

Biography:

Mr. Daniels is currently the Deputy Director of the Kitsap Public Health District in Bremerton, Washington. Mr. Daniels has 30+ years of public and private sector experience managing public health and environmental services programs and technical studies. A 22-year veteran of the Health District, he currently oversees the agency's Administrative Services Division (human resources, finance, information technology, contract management, and support services), and also serves as the agency's budget director, legislative liaison, and union relations negotiator. At the District, he previously served as Assistant Director of Environmental Health managing regulatory and education activities for the Solid and Hazardous Waste, Water Quality, and Food and Living Environment Programs.

Mr. Daniels is currently helping the District expand policy initiatives to reduce chronic (non-communicable) disease rates and address health disparities in the County, including work on land use and transportation, physical activity, and food policy issues.

In addition to his work with the District, Mr. Daniels is also a member of the Washington State Public Health Executive Leadership Forum and is the Health Representative on the Puget Sound Regional Council's Food Policy Council. He recently served as Chair of the Global Climate Change Workgroup for the National Association of County and City Health Officials, and as the Health Representative for the Puget Sound Clean Air Agency's Technical Advisory Committee.

He received both his Master of Science degree in Environmental Science in 1980 and his Bachelor of Arts degree in Geology in 1977 from Indiana University in Bloomington, Indiana (his home state), and has received additional graduate-level education in Public Administration from the University of Colorado-Denver. Mr. Daniels is also a 2006 graduate of Leadership Kitsap.