

## Urban Stable/Mixed-Use Environment Response Paper

This document contains proposals presented to the Citizens Advisory Committee (CAC) members, a summary of the views expressed by CAC members, and DPD’s responses to these comments. The original proposals presented by DPD to the CAC can be found in the document entitled “Urban Stable/Mixed-Use Environment Policy Paper,” dated February 12, 2009.

Of the various proposals put forward by DPD in the US/UMx Environment policy paper and presentation, CAC comments focused on three topics: shoreline setback & buffer, public access, and land uses.

### 1. Shoreline Setback & Buffer

DPD proposed a buffer of 15’ in which no development would be allowed except as needed for access to the water, plus an addition 20’ setback, in which no buildings would be allowed. Reduction of the setback would be allowed outright on small lots and allowance would be available to allow a reasonable level development on lots with little or no dry land. The area of the setback could still accommodate low intensity uses such as public access and could be reduced on small lots.

|  | <b>Pros</b>   | <b>Cons</b>  | <b>General Comments</b>  |
|--|---|--|--|
|  | <ul style="list-style-type: none"> <li>• Environmental benefit</li> </ul> | <ul style="list-style-type: none"> <li>• Vegetated buffers can accumulate trash unless they are regularly maintained</li> <li>• New setback &amp; buffer will create non-conforming structures</li> <li>• Much of setback and buffer will still be paved for industrial uses</li> <li>• Protecting areas outside of city may provide greater benefit for same cost</li> <li>• Reduces ability of people to walk right on water’s edge</li> </ul> | <ul style="list-style-type: none"> <li>• Conflict between vegetated buffer and public access which needs to be addressed</li> <li>• Need to balance benefits with burden put on the property owner as they replace their existing buildings or property for a marginal gain</li> </ul> |

*DPD acknowledges that the original proposal cannot be accommodated on all parcels but it possible to achieve on a number of parcels. Therefore DPD is providing flexibility in the application of these standards to alleviate considerable hardship for parcels with little or no dry land. We are currently in the process of assessing different approaches for implementation. These include:*

1. *Dividing the UMx zone into separate subcategories (UMx1, UMx2, and perhaps an UMx3) that would allow different standards for parcels with different amounts of dry land. UMx1, for example, might include parcels with sufficient space to accommodate the setback and buffer, while UMx2 might include parcels with insufficient space*
2. *Varying the setback based on the average depth of the parcel*

3. *Writing an exemption that a limited amount of development potential shall always be allowed. The amount of development potential allowed could be based on a formula such as minimum area = 30 ft x width of parcel.*
4. *Allow existing overwater buildings in UMX outright (so it doesn't become non-conforming) provided it is not expanded.*

*DPD is also in the process analyzing potential incentives for encouraging reduction of overwater buildings. One option would be to develop a Transfer of Development Rights program that would allow additional development outside of setbacks for reducing the amount of development in setbacks or overwater.*

**2. Public Access**

DPD proposed to maintain existing public access requirements, but make changes to the public access requirements for office, residential, and non-water-dependent retail. These changes include:

1. Allow counting of vegetated buffer toward major public access requirement.

DPD is also evaluating the potential to allow contribution to the Cheshiahud Loop in lieu of onsite public access.

|  | <b>Pros</b>   | <b>Cons</b>  | <b>General Comments</b>  |
|--|---|--|--|
|  | <ul style="list-style-type: none"> <li>• Increased public access</li> <li>• Fee in lieu option provides more flexibility for property owners</li> </ul> | <ul style="list-style-type: none"> <li>▪ Allowing people to pay into a fund for a trails allows offsite mitigation which is not as favorable as onsite mitigation</li> <li>▪ Requiring public access for multi-family houses on the shoreline punishes density, which the City is trying to promote in other initiatives.</li> </ul> | <ul style="list-style-type: none"> <li>• DPD should write the code in such a way that owners of small lots in US/UMX do not have to request a variance in order to avoid the public access requirement.</li> </ul> |

*DPD continues to support our original proposal for public access. We will maintain an exemption from public access requirements for small lots to address concerns raised about these properties. Based on interest in the approach, we will continue to analyze the potential to allow contribution to the Cheshiahud Loop in lieu of onsite public access.*

**3. Land Uses**

DPD is currently undertaking an analysis of demand of water-dependent and water-related uses which inform our final recommendations. Prior to this data becoming available, DPD has presented the following framework for consideration by the committee:

- Continue to allow non-water-dependent marine retail sales and service and restaurants, but limit general sales and service, custom craft, and entertainment uses to water-related uses only.
- Allow residential, office, and non-water-dependent commercial outright on upland lots.

- Change major durable retail sales from a conditional use to a prohibited use on waterfront lots.
- Increase minimum percent water dependent to avoid public access requirements from 40% to 50%
- Provide an option to either provide public access or shoreline improvement when permitting a non-water dependent commercial use in either of the following ways:
  - A major open space including a waterfront walkway instead of other public access options, unless it is infeasible due to parcel size or incompatibility with water-dependent uses.
  - An environmental improvement project that substantially improves the shoreline condition – require a certain amount of habit units to be provided based on the size of the lot.
- Apply existing commercial use floor area ratio (FAR) & parking limits to residential uses as well.

|  | <b>Pros</b> | <b>Cons</b>  | <b>General Comments</b>   |
|--|-------------|--|---|
|  |             | <ul style="list-style-type: none"> <li>• Limitations on non-water-dependent uses has negative financial impact on shoreline property owners</li> </ul> | <ul style="list-style-type: none"> <li>• Consider adding lodging as an overwater conditional use</li> <li>• Consider making existing building except from limitations on office, residential, and non-WD retail</li> <li>• Proposals should not address short-term economics</li> <li>• More clarity is needed on definitions of water-dependent and water-related</li> </ul> |

*DPD is in the process of undertaking an analysis of demand for water-dependent and water related uses which we hope to have completed in August 2009. Final recommendations will be based on the outcome of this analysis as well as the input of the committee.*

*DPD will also investigate allowing certain uses, such as office or non-water-dependent retail, in overwater structures in exchange for restoration.*