

CITY OF MARYSVILLE

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: June 10, 2013

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| AGENDA ITEM: PA12035 – Multi-family and commercial site and building design and open space amendments | AGENDA SECTION: New business | |
| PREPARED BY: Angela Gemmer, Associate Planner | APPROVED BY: | |
| ATTACHMENTS: 1. PC Minutes, dated 2/26/13, 3/12/13, 3/26/13, & 4/23/13 2. Adopting Ordinance | MAYOR | CAO |
| | AMOUNT: | |
| BUDGET CODE: | AMOUNT: | |

DESCRIPTION:

The Planning Commission (PC) held a Public Hearing on April 23, 2013 to review proposed amendments to MMC Sections 22C.010.290, *Site and building design standards* (residential standards), 22C.020.240, *Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations*, 22C.020.250, *Site and building design standards* (commercial standards), 22C.010.320-360 (residential open and recreation space standards), and 22C.020.270-310 (commercial open and recreation space standards).

Amendments include, but are not limited to, architectural design of commercial and multi-family structures, site and lighting design, and open and recreation space standards. The proposed amendments are modeled after design standards adopted by the City of Everett and those contained in the Sunnyside-Whiskey Ridge Subarea Plan. The proposed amendments are intended to enhance architectural and site design while providing flexibility in implementation of the standards.

The PC held public workshops on February 26, March 12, and March 26, 2013 and a duly advertised public hearing on April 23, 2013 to review the proposal, and received testimony from staff. There was no public testimony at the public hearing. Following the public hearing, the PC made a motion to recommend the proposed amendments to Marysville City Council for adoption by ordinance.

RECOMMENDED ACTION:

Affirm the PC’s Recommendation and amendments to MMC Sections 22C.010.290, *Site and building design standards*, 22C.020.240, *Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations*, 22C.020.250, *Site and building design standards*, MMC Sections 22C.010.320-360 (residential standards) and 22C.020.270-310 (commercial standards), by Ordinance.

COUNCIL ACTION:



MARYSVILLE PLANNING COMMISSION

February 26, 2013

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the February 26, 2013 meeting to order at 7:02 p.m. noting the absence of Roger Hoen.

Chairman: Steve Leifer

Commissioners: Jerry Andes, Steve Lebo, Marvetta Toler, Kay Smith, Kelly Richards

Staff: Senior Planner Chris Holland, Associate Planner Angela Gemmer, and Recording Secretary Amy Hess

Absent: Roger Hoen

APPROVAL OF MINUTES:

February 12, 2013

Motion made by Commissioner Andes, seconded by Commissioner Lebo to approve the February 12, 2013 meeting minutes as presented. Motion carries, (5-0).

PUBLIC HEARING:

Smokey Point Master Plan Design Guidelines Amendments:

Mr. Holland discussed a letter submitted for the Public Hearing from Bill Binford, a representative of land owners in the Smokey Point area, and summarized the concerns Mr. Binford expressed in the letter. Ms. Gemmer began a summary of the proposed revisions to the Smokey Point Master Plan area. She described the goals of the proposed amendments, which included a cohesive and quality architectural design. Comparisons were done with the SW Everett/Paine Field Subarea and Bothell's Canyon Park. Ms. Gemmer then overviewed the details of each proposed amendment. She discussed the pre-fabricated building prohibition that was included.

Commissioner Toler questioned where "durable" was described in the code. Ms. Gemmer replied that it is a subjective word, but that a dictionary definition would be relied upon and ultimately it would be up to the director if it were to be questioned. There was discussion on how this term would affect the particular materials pointed out in the letter from Mr. Binford. Mr. Holland added that the intent is not to be cost prohibitive, but to provide for a quality and

aesthetically pleasing look and referred to SW Everett/Paine Field and Canyon Park examples. Commissioner Toler questioned if a field trip or photos could be provided to take a look at some examples of high quality industrial parks and give the Commission a better idea of what staff was looking for. Mr. Holland responded that a field trip was in the works.

Commissioner Andes questioned Mr. Binford's letter, and whether the guidelines in place and those proposed would make it cost prohibitive to develop in this area. Mr. Holland didn't feel that the changes being proposed would cause the area to be undesirable or too expensive to develop. He noted that other issues such as lack of fiber optic and storm water and drainage issues were probably more prohibitive at this point but that the city is working to address some of those issues.

Chair Leifer questioned if an outright exclusion of metal buildings was appropriate at this time. He felt that metal buildings could be very aesthetically pleasing, if done right, and wondered if outright excluding them was appropriate given their cost saving capability. Ms. Gemmer responded that metal buildings were not completely excluded, the prohibition was aimed at pre-fabricated metal buildings; adding that a variance could be allowed. Mr. Holland added that the corners, pedestrian access and the like would be subject to the guidelines, but that the entire building would not be subject to those guidelines. Chair Leifer replied that with Mr. Holland's explanation, this didn't appear to pose a problem. Commissioner Lebo questioned if these particulars would be discussed on a case by case basis once development began. Mr. Holland responded with an example of some acreage that had been developed in the area recently and outlined the process it followed. Commissioner Lebo felt that the proposed changes were very clean and well thought out.

Chair Leifer discussed space needed to maneuver big rigs and being mindful not to disallow certain types of accessibility which would create increased costs for the developer. He did not want loading requirements to end up costing a developer more in having to create larger parking areas because of restrictions in place based on design standards. He suggested adding language that would note where it would be appropriate on the smaller arterials for loading areas. Ms. Gemmer explained that the intent was to have parking for customers in front of the building and reserving the rear of the building for loading activities. Mr. Holland explained what portions of the code would allow for truck maneuverability.

Motion made by Commissioner Richards to recommend the proposed code amendments as written to Council for approval, seconded by Commissioner Toler. Motion carries, (6-0). Commissioner Lebo added that he really liked the proposed changes and was excited to see development in this area.

Seeing no one in the audience, Chair Leifer closed the public hearing.

OLD BUSINESS:

Chapter 22C.110 MMC Temporary Uses:

Mr. Holland described the concerns that the Commissioners had at the first workshop and discussed how he had addressed these; including the allowance of temporary real estate offices with no sunset clause. He then discussed the security provisions that would be

required for transitory accommodations and how it would be instituted; on an as needed basis. The issue of registering sex-offenders utilizing these types of accommodations lay with the offender individually, not with the City or the entity hosting the accommodation. Lastly, Mr. Holland explained that there would be no difference in how a religious organization would be treated in comparison to a private group when it came to hosting these types of accommodations. Chair Leifer wondered if it was appropriate for the city to be completely indemnified of any responsibility when it comes to housing the homeless as this is a very important issue. Mr. Holland responded that he didn't feel these requirements were intended for the City to "wash its hands" of transitory accommodations, but what it did was to put standards and protections in place in case these types accommodations were to show up. Mr. Holland also added that through the CDBG and other programs, the City was making attempts to aide these populations. Commissioner Lebo felt that these guidelines were enabling the city to keep order, not prohibit housing assistance or these types of accommodations. Mr. Holland stated that if Planning Commissioners approved of the proposal, a Public Hearing would be scheduled for March 12, 2013.

NEW BUSINESS:

Residential Site & Building Design Standards:

Ms. Gemmer discussed the proposed changes and noted that the existing standards had been in place for quite some time. She described the intent of each proposal and the details of each. The standards were not intended to be overly rigid. Chair Leifer was concerned about the language about entrances "facing the street". He questioned how entrances could meet these standards with interior streets. There was further discussion regarding the 50% restriction to street parking.

Commissioner Toler questioned the primary building entrance requirements and how it applied. Ms. Gemmer replied that it applies to multi-family developments. Commissioner Toler felt that having the primary entrance of a multi-family development facing the street was a good idea for emergency situations as well as for aesthetic and safety reasons.

Chair Leifer had concerns about the proposed lighting restrictions. He was concerned about the rigidity of the language regarding visible light and property lines. Ms. Gemmer responded that the intent was not to prohibit seeing the light, but to limit staring directly at the light source itself. Mr. Holland and Ms. Gemmer noted that they would adjust the language to be less prohibitive. Ms. Gemmer described that the intent of the lighting standards was to improve safety and security.

Chair Leifer requested clarification of the requirements of Item 6 (c). Ms. Gemmer responded that if a design meets requirements of one section, it could potentially satisfy another section of the standards.

Commissioner Richards questioned what the restrictions were on the use of chain-link fencing. Ms. Gemmer responded that the goal was to limit use of chain-link fencing, but not applicable in single family homes. Commissioner Richards pointed out that this type of fencing is very secure and also widely used.

Commissioner Andes questioned the requirement of landscape screening 60% of walls within 3 years and how this would be enforced. Ms. Gemmer described that there is an allowance for 2 growth seasons for this requirement to be met. Mr. Holland described some examples of how this standard would be enforced and gave examples of plans that had been approved; including plant size and density requirements. It was not a standard that is really enforceable, but a more of a goal.

Commercial Site & Building Design Standards:

Ms. Gemmer described the proposed changes and additions to this section of building standards. There was discussion regarding materials and colors. The intent was to have variation in materials and or color. Commissioner Andes questioned how restrictive these standards would be on a 40 foot wide lot in a downtown commercial zone. He was concerned with how forcing these standards might not fit with the surrounding buildings and neighborhood. He wondered if there could be language added regarding smaller Commercial lots. Ms. Gemmer responded that there was some language in section 3 about adjoining properties and neighborhood character. Any new development would be required to adhere to the existing design standards.

Chair Leifer felt that some sort of flexibility should be included in the code for smaller lots that don't really fit with the typical commercial site standards. Mr. Holland responded that many of these situations could be handled by an administrative variance or deviation. He noted that conditions could be added as well on a case by case basis.

Multi-Family Open Space Recreation Space:

Ms. Gemmer described the proposed changes and additions to this section of code. The open space requirement would allow for more flexibility. Mr. Holland explained that the goal was to allow for higher density in-fill in the downtown area. Chair Leifer noted that there was overlapping language in each of these sections. He thought that the real intent needed to be decided upon made clear. He gave some examples of how much room the open space requirements actually use in a real-life situation. Mr. Holland agreed that it would be good to look at the existing standards and the proposed and see really what was happening based on the requirements. Chair Leifer thought there was some confusion in the language on what standards applied to what type of development. Mr. Holland agreed that there was some confusion in the language and that it could be adjusted to be clearer.

Commissioner Andes questioned why rooftop open areas would not be included for open space requirements. He felt that there should be at least a partial allowance. Mr. Holland responded that he would go back and look at this. Chair Leifer thought Commissioner Andes made a good point.

There was further discussion regarding fencing requirements. Mr. Holland stated that he would take another look at fencing requirements.

Mr. Holland noted that there were two Public Hearings scheduled for the next meeting; the Temporary Use Code update and the Manufacturing Industrial Centers Comp Plan Amendment. He also noted that he would be bringing back information on some of the concerns that had been brought up tonight for a couple more workshops.

ADJOURNMENT:

Motion made by Commissioner Richards, seconded by Commissioner Lebo to adjourn the meeting at 8:51 p.m. Motion carries, (6-0).

NEXT MEETING:

March 12, 2013



*Chris Holland, Planning Manager, for
Amy Hess, Recording Secretary*

PLANNING
COMMISSION



MINUTES

March 12, 2013

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the March 12, 2013 meeting to order at 7:02 p.m. noting the absence of Marvetta Toler.

Chairman: Steve Leifer

Commissioners: Jerry Andes, Roger Hoen, Steve Lebo, Kelly Richards, Kay Smith, Marvetta Toler (arrived at 7:05 p.m.)

Staff: Senior Planner Chris Holland, Cheryl Dungan, Associate Planner Angela Gemmer,

Absent: None

APPROVAL OF MINUTES:

February 26, 2013

Motion made by Commissioner Richards, seconded by Commissioner Andes, to approve the minutes as presented. Motion passed unanimously (6-0).

AUDIENCE PARTICIPATION:

None

PUBLIC HEARINGS:

Chapter 22C.110 MMC Temporary Uses

The hearing was opened at 7:03 p.m. Mr. Holland reviewed the amendments to Chapter 22C.110-MMC, *Temporary Use Code*. He stated he put together a draft ordinance with three exhibits for the review of the Planning Commission. Exhibit A is the draft recommendation. Exhibit B is the proposed amendments. Exhibit C is the amendment regarding the fee structures. Mr. Holland summarized the proposed amendments regarding *Exempted Temporary Uses* and *Permitted Temporary Uses*. The new section

regarding *Transitory Accommodations* provides a process for the City to allow something like a tent city while providing for the safety and welfare of the citizens. He generally reviewed the site performance criteria including the longevity (90 days), setbacks, screening, parking, and safety provisions. He also reviewed changes discussed at the last meeting relating to security provisions in section 6(c) and section 7 regarding indemnification.

Discussion:

Chair Leifer referred to item 12 in 22C.110.030 *Exempted Temporary Uses* and stated that he thought that the manufactured home should be allowed to remain on the site for the full length of the construction project. Ms. Gemmer noted that you could apply for an extension if needed. Mr. Holland stated that changes had been proposed for item 9, but not 12. He commented that they could add something to number 12 if desired. Commissioner Toler recalled that she had brought up the issue of mobile homes being used as offices for new construction sites. She wondered if that would be addressed in this code. Mr. Holland explained that was under a different section. After some discussion, there was consensus to leave the language in item 12 as it is.

Commissioner Hoen referred to item 7(d)(i) of 22C.110.050 regarding accommodations and commented that he didn't think the burden should be on the childcare facilities and schools, but instead should be on the organization putting in the transitory accommodations. Senior Holland noted that per the WAC, transitory accommodations cannot be disallowed, but certain procedures can be included for review and to make sure citizens are protected.

Commissioner Hoen referred to the required minimum insurance amount of \$1 million per occurrence/aggregate for personal injury and property damage as stated in section 7(c) of 22C.110.050. He asked if staff has information about the cost of providing that level of insurance. Mr. Holland said he did not have that information available. Commissioner Hoen discussed a campground he ran at the Gorge amphitheater where he learned about the Connie Francis factor which switched the liability to the innkeeper from the individual and caused insurance rates to dramatically increase. Mr. Holland stated that this is standard contract language for the City. Commissioner Toler thought a \$1 million rider would cost approximately \$100 a day and is a typical requirement for a one-day event to cover the public. Ms. Dungan concurred that this is typical of what is required by the City. Commissioner Toler suggested they ask the City Attorney if this is sufficient for this type of situation where people would be sleeping over.

Chair Leifer remarked that with all these regulations, there is not a great amount of incentive for any benevolent citizen/organization to want to jump into this sort of thing. Unfortunately, as it becomes more and more technical and involved, it becomes less and less likely that people will become involved.

Motion made by Commissioner Toler, seconded by Commissioner Richards, to recommend the adoption of the amendments to Chapter 22C.110 MMC, *Temporary Uses* as presented. Motion passed unanimously (7-0)

The Commission requested that additional information about insurance requirements be brought back for information purposes only.

The public hearing was closed at 7:26 p.m.

Manufacturing Industrial Centers Comp Plan Amendment

The hearing was opened at 7:27 p.m. Cheryl Dungan pointed out that copies of presentations regarding the *Marysville Waterfront Workshop Development Program and Recommendations* and the *Arlington-Marysville Manufacturing/Industrial Center* had been distributed to the Planning Commission.

She explained that a hearing was held previously to discuss establishing a Manufacturing/Industrial Center (MIC). This is a proposal to amend the Comprehensive Plan text to designate a local MIC as well as to help qualify for a future regional MIC jointly with the City of Arlington. Currently the Comprehensive Plan has some existing policies in place for centers, but staff felt some additional supplemental policies and establishing an actual boundary would be beneficial. The proposed amendments update goals and policies and discuss support for the future regional Marysville-Arlington MIC designation.

Discussion:

Chair Leifer referred to section III(a)(i) *Criteria and Standards* under *Land Uses* and asked why bodywork was excluded from this industrial zone. Ms. Dungan did not know why this would not be included. She suggested that they check the permitted use matrix. Mr. Holland looked in the City's Zoning Code and stated that the permitted use matrix is very broad in nature. Primary metal industries are allowed in both the Light Industrial and General Industrial zones. Fabricated Metal Products are allowed in the Business Park, Light Industrial and General Industrial zones. Motor Vehicle and Bicycle Manufacturing is allowed in the Light Industrial and General Industrial Zones. He stated it appears that body shops would be allowed in the industrial zones. There was consensus to strike the language prohibiting bodywork. Mr. Holland suggested checking to make sure this doesn't affect the uses allowed in the Smokey Pt. Master Plan boundary. Chair Leifer proposed that if it is allowed in the Smokey Pt. Master Plan, the exclusion should be stricken here. Staff concurred.

Commissioner Toler asked about section III *Industrial* under *Single Site Industrial* where it discusses uses that *might* be permitted. Ms. Dungan explained that this is existing language in the Comprehensive Plan. She explained that the Comprehensive Plan is a general guide for staff to develop a zoning code so it contains only general recommendations. Specifics are then laid out in the zoning code. She thought that in the actual zoning code, these uses are allowed.

Commissioner Hoen asked what spot developing is. Ms. Dungan explained that it is when a piece of property is developed out of character with the rest of the area. Mr. Holland further explained that spot zoning is also not allowed.

Commissioner Hoen referred to LU 16 regarding protecting small farms and agricultural uses in rural area and noted that this does not seem to be consistent with this plan. Ms. Dungan explained that it actually is consistent. Because the City has done a lot of annexations over the years, a Small Farm zone was developed. People can apply for this overlay zoning which is designed to offer small farms some protection from development adjacent to them.

Commissioner Hoen asked if there is anything that keeps the reservation from being part of the MIC so their development could be included in the jobs numbers. Ms. Dungan stated that they are not within the proposed boundary. She did not know if being on the reservation had anything to do with whether or not the Tribes could participate, but she thought they would be more of a retail center rather than a Manufacturing/Industrial Center.

Commissioner Toler asked what types of planes can land at the Arlington airport. Ms. Dungan replied that it could handle Lear jets and also B52's for firefighting. She wasn't sure if larger planes could be accommodated.

Commissioner Andes asked if Arlington's codes are similar to Marysville's. Ms. Dungan thought that they are fairly similar, but not identical. She is aware of Mixed Use zoning that Arlington has adopted in that area recently. The cities will be working together for the transportation system to make sure roads align and things like that. She reviewed the status of this process. Staff is pretty confident they will get the regional MIC zoning, but one of the biggest hurdles is the jobs number requirement of 10,000 jobs. Together they have approximately 4400 jobs, but there is a huge amount of capacity. They have the ability to be the second largest center in Snohomish County just behind Paine Field.

Chair Leifer then referred to section III(a)(i) *Criteria and Standards, Development Criteria* under *Planned Industry* and wondered why there would need to be an increase in buffers and open space. Ms. Dungan explained that what Chair Leifer was looking at was existing language in the Comprehensive Code which is not being proposed for change. Basically this was to guide staff in what the Zoning code should be.

Chair Leifer expressed concern about language regarding a requirement for a minimum of 80% non-retail in the MIC. He thought that this would interfere with the overall plan they have established with retail on the 152nd/156th Corridor and the 500-foot overlay they have on the Urban Corridor of State Avenue. Ms. Dungan concurred, but explained that this is PSRC criteria for a regional designation. More detail will be brought back as they move on in this process. She noted that 80% has to be manufacturing. Retail, unless it is associated with the businesses that are there, wouldn't be allowed in the MIC per PSRC criteria. Chair Leifer felt that people need to be able to access retail in this corridor. Ms. Dungan did not think it would entirely preclude retail development as this could be interpreted rather broadly. Chair Leifer summarized that they would need to continue working on this in the future. Staff concurred.

Commissioner Richards asked if we should switch the boundary over to keep Smokey Point out of the MIC. Ms. Dungan explained that they had expanded the boundary for existing jobs. Commissioner Richards suggested updating the map to include the 156th Street overcrossing. Staff concurred.

Mr. Holland summarized that in order to adopt a zoning code, the policies need to be included in the Comprehensive Plan. That is the reason for the broad language in the Comprehensive Plan.

Commissioner Toler indicated she was excited to see the MIC happen.

Chair Leifer noted that there was no one in the audience for the public hearing.

Motion made by Commissioner Richards, seconded by Commissioner Toler, to accept this as proposed and forward it to Council.

The hearing was closed at 7:55 p.m.

PREVIOUS WORKSHOP ITEMS:

Residential Site and Building Design Standards – DRAFT 2

Ms. Gemmer stated that the first proposed change was to make the orientation of the buildings more flexible than was proposed last time. For example, the primary building entrances do not need to be oriented toward the street if not feasible due to site conditions. Similarly, ground floor entries should be oriented toward the street, but different configurations are possible. The language used is *should* so it is not mandatory on ground floor entries, but dependent on different criteria.

On p.2, language was added to clarify the restriction that no more than 50% of the parking should be located between the building and a *public* street. Also, if there are multiple frontages, the restriction only applies to the road from which the main access is obtained.

In response to a concern by Commissioner Andes at a previous meeting, Mr. Holland pointed out that the existing language on page 2, section 3(a), deals with visual continuity between the proposed and existing development with respect to building setbacks, placement of structures, location of pedestrian and vehicle facilities and spacing from adjoining buildings. This is included in the language to ensure that we are looking at the surrounding areas.

On page 4, there had been some questions about lighting. Ms. Gemmer discussed research she had done with the Dark Sky Society in order to incorporate certain standards in this section. The language used is *should* so it will not be mandatory. She discussed some of the methods for achieving light control.

Finally, some language was added to clarify that if chain link fencing is integrated into the design of the site, it can be utilized. Mr. Holland pointed out that the actual section is under *Building Materials* and has more to do with the design of a building.

Chair Leifer thanked staff for being responsive to the issues raised by the Planning Commission.

Commercial Site and Building Design Standards – DRAFT 2

Angela Gemmer reviewed a change on page 3 at the bottom which clarifies that this applies when you are adjacent to a public street and only applies to the frontage where access is obtained. On page 4, section 3, Ms. Gemmer reviewed a change regarding visual continuity of infill structure(s) with existing structures when existing structures are consistent with the comprehensive plan desired community character. On page 7, the same lighting standards that were incorporated into the residential lighting standards were incorporated here.

Commissioner Lebo asked how the City Hall complies with these standards. Commissioner Richards explained it was built under the older standards.

Commercial and Multi-Family Site and Open Space Standards Memo and Open Space Chart

Ms. Gemmer reviewed that Chair Leifer had expressed concern that 20% open space would be too much in addition to the other requirements. She reviewed a spreadsheet showing three projects (AHM Smokey Point Mixed Use, Villas at Lakewood, and Lakewood Station Phase 1) to compare current open space requirements and actual open space provided on recent projects. For these projects the developers actually provided an excess of open space to what was required by the current code. In addition they provided other amenities such as a rec room and pool. Another chart compared proposed open space requirements applied to recent projects and actual open space provided. Ms. Gemmer stated that the requirements are higher, but there is much more flexibility with credit being given for things such as patios, balconies, ponds, natural areas, and wetlands. In each of the three cases, the developers have provided in excess of what either code would require. Mr. Holland commended Angela for putting all this open space information together.

Commissioner Leifer asked if there is any overlap with landscaping and open area requirements. Ms. Gemmer thought it would depend on where that is located. She thought that it might apply for certain areas, but not in areas that are not usable for recreation space. There was discussion about trails through landscaping applying for the credit.

Multi-family Open Space and Recreation Space – DRAFT 2

Ms. Gemmer explained there had been concern expressed by the Commission about not allowing roofs or rooftops to be used for open space. Staff added language to clarify

that if you are going to have usable amenities that the residents can get to, then the rooftop can contribute to the open space requirements. Item j on page 2 clarifies that areas that are dedicated for parking shouldn't be used for open space. Item 2 clarifies the credits regarding balconies, stormwater facilities, and wetland facilities resulting in a 50% reduction of dedicated open space. The goal is to make things flexible, but still have space that can actually be usable to residents. On page 3, active recreation facilities were added back in as a possibility to contribute in lieu of open space. This would include amenities such as tennis courts and swimming pools. This was accidentally excluded previously.

Commissioner Toler asked what would prevent someone from doing the active recreation facilities instead of just open space. Mr. Holland noted that all the new developments are providing that amenity even though it isn't required in order to get the rents they want and the usability of their space. Providing common indoor areas also seems to be very popular.

Commissioner Hoen asked if it seems that developers are seeing something on the horizon with Marysville. Mr. Holland said there has been a flood of development applications now that the economy seems to be changing. Residential has been steady in Marysville even with the economic downturn. He commented that Lynnwood is starting a big mixed use development, but otherwise between Seattle and Marysville there is very little land available for multi-family developments.

Commissioner Lebo commented on the general trend toward multifamily housing especially in downtown Seattle where 9 of the 18 cranes are for multifamily buildings. Commissioner Toler commented that the fact a lot of people have lost their homes has contributed to that. Chair Leifer thought they were probably anticipating Amazon's growth of 3 million square feet in downtown Seattle. Mr. Holland noted that the younger generation likes the condos and multifamily-type developments.

Commercial Open Space and Recreation Space - DRAFT 2

Ms. Gemmer explained that the changes reviewed earlier for the residential open space standards are incorporated in the commercial open space standards as well. One key change states that vertical mixed use developments (where commercial and multi-family uses are contained in the same building) shall not be subject to the 20% open space requirement.

Commissioner Lebo asked if there is a minimum amount of retail required for the vertical mixed use standards to apply. Ms. Gemmer stated that there is a not a requirement, but the assumption is that the ground floor would be retail. Mr. Holland further elaborated on this. Commissioner Lebo commented that there is a six-story multifamily building going up in downtown Seattle with just one small portion of the first floor as retail. Mr. Holland noted that they could strengthen the language to state that the ground floor would be exclusively commercial uses or at least a high percentage. Mr. Holland indicated staff would look at some options to bring back to the Commission.

COMMENTS FROM COMMISSIONERS:

Commissioner Hoen asked if press releases are ever done for the hearings. Mr. Holland replied that the City is required to advertise in the paper, at the library, at city hall, at the Public Works building, on the website and other requirements.

Commissioner Lebo informed the Commission that he would be out of town the second Tuesday in April.

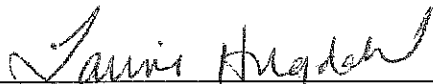
ADJOURNMENT:

Motion made by Commissioner Lebo, seconded by Commissioner Toler, to adjourn at 8:49 p.m.

NEXT MEETING:

March 26, 2013

- Manufactured Home Park Rezones (public hearing)
- Capital Facilities Plan (workshop)
- Multi-family/Commercial Design and Open Space Standards (workshop, if necessary)



Laurie Hugdahl, Recording Secretary

PLANNING
COMMISSION



MINUTES

March 26, 2013

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the March 26, 2013 meeting to order at 7:04 p.m.

Chairman: Steve Leifer

Commissioners: Jerry Andes, Roger Hoen, Steve Lebo, Kay Smith, Kelly Richards

Staff: Cheryl Dungan, Gloria Hirashima

Absent: None

APPROVAL OF MINUTES:

March 12, 2013

Motion made by Commissioner Richards, seconded by Commissioner Andes, to approve the minutes as presented. *Motion* passed unanimously (6-0).

AUDIENCE PARTICIPATION:

Peter Cowley, PO Box 191, Marysville, WA 98270, discussed issues surrounding the new Lakewood Station/White-Leasure Development. He distributed a photo of a project White-Leasure is developing and expressed concern about the placement of a mailbox receptacle on 27th going into Lakewood Commons Condominiums which he believes is inconsiderate and dangerous. There is one lane in on 27th and one lane out with no place for people to park while trying to access the mailbox. He asked the City to approach the post office about placing it somewhere else. He stated that there are now three roads that surround his home. He does not think there should be any access to the new development off 27th due to already problematic traffic backups. He recommended widening the road to three lanes in each direction with a nice median as well as undergrounding of utilities to beautify the area. He suggested that there needs to be more protection of single family residences from new development. At a minimum he recommended a decent sound wall when new projects go in next to residential areas. The code only requires a 6-foot high wooden fence separating the project, but he does not feel that even this is adequate. Next to Lakewood Commons, his development, Lakewood Station, is going to be building 396 apartments, and they are allowed to place

those apartments within twenty feet of the property line. Additionally the developer is raising the grade by three feet in order to have adequate drainage. In Mr. Cowley's opinion this affects the daylight plane, the amount of sunlight that comes in, and the amount of noise. He expressed concern about the proximity and the height of new development next to existing residences. He suggested that the apartments next to single family residences/condos be limited two stories. For future developments he requested stronger consideration of sound walls, the height of buildings, and setbacks based on adjacent building heights.

Commissioner Andes asked if the mailbox is for the new development. Mr. Cowley affirmed that it is.

Chair Leifer stated that all the issues brought up by Mr. Cowley, except for the sound wall, have been addressed by the code. Cheryl Dungan noted that noise issues are typically reviewed during the project review when the noise expert will make recommendations for sound walls where necessary. She stated that a noise study was done for Costco and Lakewood Point which resulted in a noise barrier being built for truck loading and unloading. She assumes this will be taken care of through SEPA with this project as well. Mr. Cowley pointed out that behind Costco on 27th there is a two-story home with a wooden fence where thousands of cars go past every day. He thinks that the developers should have paid for a sound wall next to that home because it negatively affected the residential property owner.

Commissioner Hoen brought up plans he had seen elsewhere for tripartite articulation on the façade and wondered if that was applied in Marysville. Ms. Dungan explained that tripartite articulation is part of the code for multifamily and commercial zones to break up the façade. Also within the Comprehensive Plan and Zoning Code is a provision to take a look at adjacent uses. Particularly with residential, you can limit the height of a multifamily structure because of an adjacent single family use. Typically this is used when there is a divide between zones such as single family and multi-family zones. In this case both properties are zoned multifamily, but she thinks it is still something that could be brought up with the Hearing Examiner for review.

Commissioner Toler concurred. Chair Leifer recalled that horizontal modulation was required on another development. Ms. Dungan stated that this is frequently done when the new development is adjacent to lower buildings or different uses. There are other methods used such as increased setbacks for height increases to reduce impacts from taller buildings.

Chair Leifer asked if the City has any impact with the postmaster regarding Mr. Cowley's concerns about the mailboxes. Ms. Dungan indicated they could bring this up with the postmaster to see if they would be willing to have it placed somewhere else. Commissioner Richards noted that the City could require the developer to make parking for the mailboxes. Ms. Dungan pointed out that this development is already constructed. Commissioner Hoen noted that this type of mail receptacle is built for the efficient distribution of mail by the postal carrier. He rarely sees any kind of provision for people to access the mailboxes from their car. In his neighborhood he only sees people walking

to the mailboxes. Mr. Cowley concurred and noted that the way the box is set up, it is necessary to stand in the street and open it with a key from there.

PUBLIC HEARINGS:

Manufactured Home Park Rezones

Chair Leifer opened the hearing at 7:25.

Staff Presentation:

Cheryl Dungan delivered a PowerPoint presentation (contained in the Planning Commission packet) which reviewed the background of the Residential Manufactured Home Park (R-MHP) zone and mobile home parks in Washington. Park closures and evictions result in serious hardship on tenants which is why the City adopted an R-MHP zone back in 2010. There are currently 13 manufactured home parks with approximately 1130 rental spaces. Six of those parks are currently in commercial zones, and those are not proposed for rezone tonight. It was decided in the Comprehensive Plan that MHPs in commercial zones should be allowed to redevelop when the owners are ready. MHPs under consideration tonight for rezone are: Crystal Tree Village, Emerald Hills Estates, Glenwood Mobile Estates, La Tierra, Cedar Lane Park, Kellogg Village, and Country Mobile Estates totaling approximately 740 homes.

Recommendations on individual parks:

- Glenwood Mobile Estates: Apply R-MHP zone designation. It complies with comprehensive plan goals and policies for MHP preservation.
- Emerald Hills Estates: Apply R-MHP zone designation. It complies with comprehensive plan goals and policies for MHP preservation.
- Crystal Tree Village: Apply R-MHP zone designation. It complies with comprehensive plan goals and policies for MHP preservation.
- La Tierra: Apply R-MHP zone designation. It complies with comprehensive plan goals and policies for MHP preservation.
- Cedar Lane Park: No action. The park is small. The majority of the homes are single wides and fairly close together. It is unlikely double wides would "fit" in resulting in a decrease in density.
- Kellogg Village: No action. This is already protected under Planned Residential Development approval under Snohomish County.
- Country Mobile Estates: No action. It was established in Snohomish County prior to annexation and is a legal non-conforming use.

Commissioner Hoen asked if the one-year notification requirement would still be required for those MHPs that are not rezoned. Ms. Dungan replied that the one-year notice is a state requirement and not one the City governs; whether the park is rezoned or not, that requirement would continue. The rezone simply adds a layer for public review for the city process.

Public Testimony:

Ishbel Dickens, 3306 E John Street, Seattle, WA 98112, Executive Director of the National Manufactured Home Owners Association, spoke in favor of the recommendations, but encouraged the City to go beyond staff recommendations. She believes all 13 manufactured housing communities in the City of Marysville deserve the same protection. She stressed that the homeowners that are located in commercial zones are probably the most vulnerable to lose their homes through redevelopment and the least likely to be able to protect themselves. As housing and development starts to pick up again, she believes the people in MHPs on commercial corridors will be the first ones to lose their homes. She stated that even with the one-year notice residents generally cannot afford to move their homes. She encouraged the City to consider expanding the zone to include those in commercial areas. Failing that, she would like to see that all MHPs with residential zoning of any type are covered by the zone. When the staff originally put together the zoning ordinance in 2010 and it was passed by the Planning Commission, she believes that Cedar Lane was recommended for inclusion. She is not sure why they took that one out of the zone this time since it has similar zoning to three of the communities that are included in the recommendation. Additionally, Country Mobile Estates should be protected since it is also a residential zone. Otherwise, she believes the City will open themselves up to potential questioning by community owners if they start doing a spot zone approach to the zoning. She reviewed the 9th Circuit Court of Appeals decision that said the City of Tumwater's ordinance is constitutional under both the federal constitution and the state constitution even though the community owners argued against it. She stated that the zoning also has an exemption clause whereby if the community owner at any time can show that their business is no longer economically viable, they have a right to come before the city to request a rezone. This is a protection for both the community owner and the homeowner to have longer term security of tenure. She spoke in support of preserving MHPs as they meet a lot of the state's Growth Management Goals. They preserve existing neighborhoods, provide for a density of housing, provide affordable housing, and provide a housing option for seniors or low income families. She believes protecting and preserving MHPs is a worthwhile goal for the City.

Commissioner Hoen asked if there is a restriction on how much landlords can increase the rent for MHP residents. Ms. Dickens stated that Washington does not have a rent fairness statute. Landlords in Washington State are entitled to raise the rents as much as they want once a year on the anniversary date of someone's tenancy provided they give them three months' notice in writing prior to the rent being raised. Commissioner Hoen noted that this appears to be a backdoor way to force residents out. Ms. Dickens concurred and noted that on some occasions, owners have been economically evicted. She reiterated that the MHP owners are very vulnerable. The zoning ordinance is not an ideal solution, but it is better than what currently exists.

Margaret Hopkins, 5900 - 64th Street NE #90, Marysville, WA, a resident of Glenwood Estates Mobile Home Park, noted that there was already a pre-scheduled outing with the Fire Department and Red Cross which is why many of the residents were not able to come. She thanked the City for creating the zone, but asked them to apply the zone to all parks so that all MHP residents have some security.

Rita Anderson, Cedar Lane Park owner, stated she has mixed feelings about this. She and her husband bought the park as a retirement investment with the option of doing what they felt was necessary when the time came. She stated that now her husband has dementia, and the cost of maintaining the park has increased dramatically. She doesn't think restricting the commercial parks is right since the owners have invested their hard-earned money and approached this as an investment.

Ms. Dungan pointed out that Planning Commission action was restricted on this item to considering the MHPs that are not in commercial zones. The way the zone was written and adopted it does not expand to commercial zones. Commissioner Richards asked if the Planning Commission could revisit the MHPs in commercial zones later if they wanted. Ms. Dungan responded that they could consider it, but those MHPs are in commercial zones and the intended use is to eventually convert to commercial uses. She pointed out that the City has been through much discussion of this topic, and she doesn't know if they would be up for bringing this back since it is against the City's Comprehensive Plan policies. She emphasized that the rezone doesn't offer full protection to parks; it just gives another layer of public review and an opportunity for the park residents to speak in a public format regarding the potential rezone of MHPs. The best way to protect a park is for someone to own it that wants to keep it a park forever, but this is not something that can be required under code. She noted that one solution would be for the residents or some another entity, such as Snohomish County Housing Authority, to purchase the park for long-term preservation.

Chair Leifer stated that the Commission has spent a lot of time and energy in the past reviewing this issue. He shed some light on the history of past Planning Commission discussions. He stated that, unfortunately, if people had realized where this was leading when they moved into an MHP they could have bargained for long-term lease agreements with the owner if possible. Had those long-term lease agreements been available, it would have resolved the issue. In the future, new parks could be required to be a park forever and they wouldn't have to be a MHP if they didn't want to. He doesn't have an issue doing something like that going forward even though he is a very strong property rights advocate. However, looking back to park owners that have had the expectation that they might someday change the use, it is difficult to impose a standard after the fact that disallows that. The Planning Commission and staff tried to come up with a solution that would protect both the park owners and the homeowners, and this is the best they could come up with at the time. He thinks staff has tried to diligently comply with the principles of zoning as well as the requirements of the Comprehensive Plan.

Commissioner Andes agreed that staff has done a good job of trying to resolve this issue to the best of their ability.

Motion made by Commissioner Andes, seconded by Commissioner Richards, to approve the recommendation as presented. **Motion** passed unanimously (6-0).

The public hearing was closed at 8:00 p.m.

PREVIOUS WORKSHOP ITEMS:

Multi-family/Commercial Design and Open Space Standards

Peter Cowley, PO Box 191, Marysville, WA 98270, reiterated his previous concerns. He is very concerned with Lakewood Station. His home will be right next to the new commercial section of the development. He expressed concern about the architectural relief going down the sides, the commercial access for delivery trucks, and the aesthetics of the building. He referred to a Fred Meyer in Lake Oswego/Tigard, Oregon that has a very nice design. He hopes the City will have a higher standard of design with the new developments.

Chair Leifer stated that the Commission has been working on the Smokey Point Master Plan with an emphasis on design quality and street appeal. He stated that Mr. Cowley's concern is well taken.

Mr. Cowley asked about trying to get a median in the middle of the roadway with some vegetation on it and three lanes going in each direction. Ms. Dungan replied that WSDOT would be responsible for that road as it is a state highway. Mr. Cowley stated he thinks this would be very important.

Chair Leifer referred to a memo from Angela Gemmer in response to a concern raised previously by Commissioner Lebo with two possible alternatives. Commissioner Toler spoke in support of Alternative 1. Chair Leifer asked about consideration for housing for handicapped. Other commissioners thought that elevator access would be sufficient. Commissioner Lebo was comfortable with either alternative presented in the memo as long as it is clear. There was consensus to take action on this at the hearing on April 23.

NEW BUSINESS:

Capital Facilities Plan – DRAFT 1

Ms. Dungan reviewed the Draft Capital Facilities Plan (CFP) for years 2013-2018 which communicates the City's plan for capital construction and purchases for a six-year period as required by the Growth Management Act. While the CFP does not cover routine maintenance, it does include construction, engineering, administration, permitting taxes and interest. Capital improvements that are included in the CFP are generally defined as any structures, improvements, equipment, or other major assets, including land that have a useful life of at least ten years. She stated that she was available to answer questions and hopefully set a date for a public hearing. She added that a lot of time and effort is involved with putting the CFP together as it requires coordination between departments and multiple discussions. She also noted that while a lot of the projects are in the unfunded category, in order to qualify for funding they need to be listed in the CFP as an improvement project.

Chair Leifer asked for an update on grants. CAO Hirashima replied that staff has been stepping up efforts citywide to apply for grants and has been pretty successful even

though it is very competitive. Staff received grant funding to do improvements on State Avenue around 88th Street this year and next year. Generally, they have been the most successful with grants for transportation projects. There is rarely grant funding available for parks grants, although they have obtained some minor funds for things like community center improvements. The City makes the most they can out of the locally available funds such as the Hotel Motel Fund and the Community Development Block Grant (CDBG) program through the City. Some seed money was obtained through the CDBG for a spray park because this was located in a lower income area of the downtown area. There is also some funding available for stormwater grants. The City received about \$8,000 for a decant facility for the stormwater program over the past year. She commended staff for their hard work applying for the funds they can. The Capital Facilities Plan update was a grant that Cheryl Dungan applied for in order to fund the update. In terms of capital facilities, transportation is the area staff will continue to focus on.

Chair Leifer asked how the City might receive funds through the offsetting mitigation due to the coal trains. CAO Hirashima stated that the City is very actively applying for this, but BNSF frequently says they are *limited by federal law* to only provide up to 5% of a project's funding through mitigation. As a result, the City has made the appeal to the federal delegation because if BNSF is limited to 5%, then the other mitigation would have to come from city, state, and federal sources. Since the federal law is what regulates much of the railroads, it would seem like a viable option to appeal to the federal government to see if they can supplement the 5% that the railroads can provide. Some of the feedback received from the federal representatives indicates that money is provided to the state for transportation, and that might be something to pursue. The state could identify coal and rail impacts as one of the criteria for allocating the state funds that are received from the federal government. The City will continue to raise this issue.

Commissioner Toler asked what was being done for private investment. CAO Hirashima said the City has looked at doing public-private partnerships on some road/facility projects. They have also looked at doing a Request for Proposal on city-owned property to see if they can attract a developer to that site.

Commissioner Hoen pointed out that the coal companies are the main ones who are benefiting from the transport of the coal. CAO Hirashima concurred and noted the federal government could look at the proponents for the coal companies as a potential source of revenue for transportation projects.

Ms. Dungan noted that there is another phase to the grant. Besides the adoption of the CFP, there will be some Comprehensive Plan amendments for the downtown area coming forward and perhaps a revised park plan within the next few months.

Commissioner Hoen referred to page 12-5: *Funds Available for Capital Projects* and asked why the funding sources go into zeroes for a few years. Ms. Dungan replied that some of the money has already been committed for debt for previous years. CAO Hirashima explained that when they financed some projects loans were taken out with

interest only initially and then the principal kicks in in later years. This schedule on page 12-5 integrates the debt schedule. Also, with regard to the General Fund, the City budgets year-to-year so as you go further out it is difficult to make projections. The Finance department, especially, is reluctant to make a lot of projections for the purpose of spending future money. On the other hand, the numbers projected by Public Works for grants tend to be more optimistic. Commissioner Hoen thought that some of the funding sources disallowed the use of funds for paying debt. CAO Hirashima explained they are allowed to use it for debt directly related a specific road improvement.

Cheryl Dungan noted that staff would like to set a hearing date for April 23. There was consensus to move forward with this date.

Commissioner Hoen asked about the \$10 million city campus listed in the CFP. CAO Hirashima pointed out that this has been under discussion for many years. She reviewed the history of it and suggested that now they are gravitating toward the site next to Public Works building and an effort to consolidate facilities. Chair Leifer noted that this could kick start the waterfront development. CAO Hirashima concurred and stated that this is what they are thinking.

COMMENTS FROM COMMISSIONERS:

CAO Hirashima solicited agenda topics for the upcoming joint meeting with Lake Stevens. Staff is considering sharing plans for Smokey Point, the waterfront plan recommendations, and possibly the Whiskey Ridge/Sunnyside area plans.

- Chair Leifer indicated he would be curious what competing interests Lake Stevens might have that Marysville should consider for future development near 92 and Highway 9.
- Commissioner Hoen asked if Lake Stevens is looking at light industry plans like Marysville is. CAO Hirashima did not think they were.
- Commissioner Lebo suggested discussion surrounding Marysville's waterfront plans.
- Chair Leifer thought that transportation plans would be a good subject for discussion.

CAO Hirashima noted that the topic of medicinal marijuana dispensaries would need to be addressed soon. She gave an update on the handling of this issue by local cities.

ADJOURNMENT:

Motion made by Commissioner Andes, seconded by Commissioner Richards, to adjourn at 8:43 p.m. **Motion** passed unanimously.

NEXT MEETING:

April 9, 2013 - Joint meeting with Lake Stevens Planning Commission at Marysville City Hall



Laurie Hugdahl, Recording Secretary

PLANNING COMMISSION



MINUTES

April 23, 2013

7:00 p.m.

City Hall

CALL TO ORDER

Chair Leifer called the April 23, 2013 meeting to order at 7:02 p.m. noting the absence of Marvetta Toler.

ATTENDANCE

Chairman: Steve Leifer

Commissioners: Roger Hoen, Jerry Andes, Kelly Richards, Kay Smith, Steven Lebo

Staff: Senior Planner Cheryl Dungan, Associate Planner Angela Gemmer

Absent: Marvetta Toler

APPROVAL OF MINUTES

April 9, 2013 Meeting Minutes

Motion made by Commissioner Smith, seconded by Commissioner Richards, to approve the minutes as presented. **Motion** passed unanimously (6-0).

AUDIENCE PARTICIPATION - None

PUBLIC HEARINGS

Capital Facilities Plan

Chair Leifer noted that there was no one present in the audience. The hearing was opened at 7:03 p.m.

Senior Planner Cheryl Dungan noted that the Capital Facilities Plan is a six-year plan that communicates the City's plans for capital construction and purchases as required by the Growth Management Act. Things that are generally included in the CFP are structures, improvements, pieces of equipment, or other major assets including land which have a useful life of at least ten years. The City has received one comment from WSDOT who stated that they are basically in agreement the Capital Facilities Plan, but indicated that the City needs to help lobby the legislature for additional funding for the ramps at SR 529 and the 1st Street bypass area. An Interchange Justification Report would also be required before the interchange at 156th could be approved by WSDOT.

Chair Leifer said he noticed that according to the CFP the 116th to 136th project appears to have funding available to it for 2013 with completion in 2014. He wondered if that was accurate. Ms. Dungan stated that it has gone through several reviews through the Public Works Department and through the City Engineer, so it should be accurate.

Commissioner Hoen said he read in the paper that there are three Snohomish County projects in the current state budget including 116th. Senior Planner Dungan noted that the projects were in one of the drafts, but she hadn't heard that they had been approved.

Commissioner Lebo asked for an explanation of the score. Ms. Dungan discussed how the ranking system works. There is a database used to update the CFP each year with certain criteria based on policy decisions. The number indicates the number of policy decisions that were supported for that project; the higher the score the better. Cheryl Dungan noted that this was prepared as a result of the City receiving a grant from the Department of Commerce for \$45,000 to update the Capital Facilities Plan. There were some ranking criteria that were required as part of the grant. The City is still in the process of refining the ranking system.

Commissioner Andes referred to page 27 where it talks about 152nd Street NE between Smokey Point and 43rd Ave NE and noted that the description refers to 88th Street. Cheryl Dungan indicated she would make that correction.

Chair Leifer asked if the regional pond referred to in the document is adjacent to the one that the City already has up there. Ms. Dungan affirmed that it is. Chair Leifer asked for an update on the one that is projected just east of 51st and south of 152nd. Senior Planner Dungan explained that one is part of the Edgecomb/Lakewood/Smokey Point Master Plan. The City currently has an application in with the Army Corps of Engineers for the north end and is still working on that process. The submittal was finally accepted as complete last year. One of the issues is that because of the decline in the economy, property ownership has changed and now a lot of the property out there is owned by banks or has reverted back to previous owners. The City is informing the new property

owners about the project and garnering their support for it before it goes further. She commented on the importance of property owner support. Chair Leifer asked if there is much interest right now. Ms. Dungan replied that there is some interest, but mostly questions about how this would benefit them in the long run. She discussed details of the project and summarized that the City is working toward obtaining a Corps permit right now and talking to property owners in the area. With Pond 2 they are further along. They also have an application in with the Corps and are supposed to be getting a Wetland Determination from the Army Corps of Engineers by the end of April for that.

Chair Leifer asked if there has been any grant money earmarked for the 156th interchange. Senior Planner Dungan stated that she is not aware of any. This is one of the City's higher priorities, but they recognize that it will take a lot of money. They also need to have an interchange justification report written to convince WSDOT that the interchange can be constructed at 156th and not negatively impact 172nd or 116th. This will be completed when the City has the funding to do it.

Commissioner Richards asked if there is a priority given to either 156th or the 529 interchange. Senior Planner Dungan replied that they are both desirable, but 156th is key for the industrial development in that area. It is critical for attracting the big companies the City would like to see out there.

Chair Leifer wondered if there are any funds available through any of the various agencies related to the MIC designation. Ms. Dungan stated that just by designating the local MIC, it opened up some county and local money to help with infrastructure. Once they get the rezone designation from PSRC she thinks it will open up even more opportunities for more funding. She added that Arlington has received their local designation as well so it is basically a joint MIC boundary now.

Commissioner Andes asked if Arlington has submitted anything to the state about what they want to do as far as an interchange north of the rest areas. Cheryl Dungan stated that she had no knowledge about that.

Commissioner Lebo referred to page 9 relating to the Doleshel Tree Farm which states that it will be starting this year and ending next year. He noted that they actually started renovating this several years ago, and he thought that the park would open this year. Cheryl Dungan stated that in 2013 there is \$15,000 scheduled for improvements. In 2014, there is an additional \$30,000 scheduled so it looks like it won't be completely done until 2014. Commissioner Smith stated that she sits on the Parks and Recreation Advisory Board, and they haven't talked about this yet. There isn't a name yet, but the public is submitting suggestions. The board will be voting on May 8. She will know more about this after May 8 and will bring back information to the Planning Commission. Commissioner Lebo commented that he has been involved in service projects out there

for the last three years and was told it would be opening this year. Commissioner Smith gave an update on the naming process and noted that they probably couldn't dedicate it until they had a name.

Commissioner Lebo referred to the Trunk "G" Rehabilitation - Cedar to Columbia project on page 18 and asked if the new line would be put in parallel to the existing one. Cheryl Dungan replied that they would be replacing approximately 450 feet and would probably do a temporary bypass while they are replacing it.

Motion made by Commissioner Richards, seconded by Commissioner Andes, to approve the Capital Facilities Plan with the minor correction on page 27 as discussed above and forward to the Council with a recommendation for approval. **Motion** passed unanimously (6-0).

The hearing was closed at 7:24 p.m.

Multi-family/Commercial Design and Open Space Standards

The hearing was opened at 7:24 p.m.

Associate Planner Angela Gemmer stated that the goal of the Multi-family/Commercial Site and Building Design Standards is to strengthen the existing architectural design standards. There are also some additional standards that pertain to lighting and orientation of the site. On the Open Space Standards, the primary change is to shift from having a square footage requirement based on unit type to a requirement that 20% of the gross floor area of the building be provided as open space. To afford some relief from that there is the option to use open space areas, balconies, and other amenities as a means of reducing the total dedicated open space area. One concern that was raised was with respect to Mixed Use zoning which had a multifamily building with minimal ground floor commercial. The memo from staff dated March 20, 2013 has two different alternatives to strengthen that language. The first alternative would require the entire ground floor of the building to be devoted to commercial use in order for the open space provisions to not be required. The second alternative would require that the equivalent of 75% of the ground floor space be devoted to commercial use and that the street wall is maintained with a commercial use. Staff's recommendation is Alternative 2, which they feel is more concrete and offers more flexibility.

Commissioner Richards thought that the requirement should be higher than 75%, but it doesn't need to be all of it. He suggested that 80% of the ground floor space should be required to be commercial on the ground floor.

Chair Leifer asked for the justification for disallowing a residential use that would have a view of the main street or main corridor. Associate Planner Gemmer stated that the goal is to have retail and service type uses on the pedestrian corridor. The higher floors would still be able to have the street orientation. Senior Planner Dungan added that multifamily is already permitted outright in the Mixed Use zone, and there are opportunities to have ground floor level apartments outright in this zone. What is being discussed here relates to the reduction in recreation space.

Commissioner Andes asked where the open space would typically be located, for example, on the Jubie property. Ms. Gemmer replied that on the Jubie building the entire ground floor is commercial with some apartments upstairs. In that case they wouldn't have to provide the open space. The Open Space provisions only apply in the Mixed Use zone, and generally they try to get the open space toward the center of the site unless it isn't feasible. Senior Planner Dungan stated that staff's intent is to make the Mixed Use zone more consistent with the other commercial zones.

Commissioner Andes asked about the location of Mixed Use zones in the City. Ms. Gemmer replied that in addition to the downtown area, there are several strips such as Grove Street, around 116th, and 172nd Street. Primarily it's in the downtown area and the Lakewood area.

Commissioner Richards solicited comments on the percentage requirement for ground level commercial in order to be exempt from the open space requirements. Chair Leifer stated that he was in favor of leaving this up to the developer who would have to worry about the market factors. Commissioner Lebo said he didn't care what the number was he just wanted to have a concrete number. Commissioner Hoen asked if someone could seek a variance from this number. Ms. Gemmer explained that the Director is allowed latitude, and variances can be applied for.

Motion made by Commissioner Richards, seconded by Commissioner Andes, to change the amount to 80%. **Motion** passed unanimously (6-0).

Motion made by Commissioner Richards, seconded by Commissioner Andes, to accept the Multifamily/Commercial Design and Open Space Standards with the change to 80% as discussed above and forward to the Council with a recommendation for their approval. **Motion** passed unanimously (6-0).

The hearing was closed at 7:49

COMMENTS FROM COMMISSIONERS - None

ADJOURNMENT

Motion made by Commissioner Smith, seconded by Commissioner Richards, to adjourn at 7:49 p.m. **Motion** passed unanimously (6-0).

NEXT PLANNING COMMISSION MEETING:

May 14, 2013



Angela Gemmer, Associate Planner for
Laurie Hugdahl, Recording Secretary

Marysville, Washington
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING MARYSVILLE MUNICIPAL CODE SECTIONS 22C.010.290; 22C.010.320; 22C.010.330; 22C.010.340; 22C.010.350 RELATING TO DEVELOPMENT REGULATIONS; MMC 22C.010.360 RELATING TO RESIDENTIAL ZONES; MMC 22C.020.240; 22C.020.250; 22C.020.270; 22C.020.280; 22C.020.290; 22C.020.300; AND 22C.020.310 RELATING TO COMMERCIAL, INDUSTRIAL, RECREATION AND PUBLIC INSTITUTIONAL ZONES; MMC 22A.010.160 RELATING TO GENERAL ADMINISTRATION AND TRACKING AMENDMENTS TO THE CITY'S UNIFORM DEVELOPMENT CODE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the State Growth Management Act, RCW Chapter 36.70A mandates that cities periodically review and amend development regulations which include but are not limited to zoning ordinances and official controls; and

WHEREAS, RCW 36.70A.106 requires the processing of amendments to the City's development regulations in the same manner as the original adoption of the City's comprehensive plan and development regulations; and

WHEREAS, the State Growth Management Act requires notice and broad public participation when adopting or amending the City's comprehensive plan and development regulations; and

WHEREAS, the City, in reviewing and amending its development regulations has complied with the notice, public participation and processing requirements established by the Growth Management Act, as more fully described below; and

WHEREAS, the City Council of the City of Marysville finds that from time to time it is necessary and appropriate to review and revise provisions of the City's municipal code and development code (MMC Title 22); and

WHEREAS, during public meetings on February 26, 2013, March 12, 2013, March 26, 2013, and April 23, 2013, the Planning Commission discussed proposed amendments to MMC Sections 22C.010.290; 22C.010.320; 22C.010.330; 22C.010.340; 22C.010.350; 22C.010.360; 22C.020.240; 22C.020.250; 22C.020.270; 22C.020.280; 22C.020.290; 22C.020.300; and 22C.020.310; and

WHEREAS, after providing notice to the public as required by law, on April 23, 2013, the Marysville Planning Commission held a Public Hearing on the proposed amendments to the City's development regulations; and

WHEREAS, on April 23, 2013 the Planning Commission adopted written Findings and Conclusions and made a Recommendation to the City Council for the adoption of the proposed amendments to MMC Sections 22C.010.290; 22C.010.320; 22C.010.330; 22C.010.340; 22C.010.350; 22C.010.360; 22C.020.240; 22C.020.250; 22C.020.270; 22C.020.280; 22C.020.290; 22C.020.300; and 22C.020.310; and

WHEREAS, at a public meeting on _____, 2013, the Marysville City Council reviewed and considered the Planning Commission's Recommendation and proposed amendments to the development regulations; and

WHEREAS, the City of Marysville has submitted the proposed development regulation revisions to the Washington State Department of Commerce on April 2, 2013, as required by RCW 36.70A.106;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Approval of Planning Commission's Recommendation and Adoption of Findings and Conclusions. The Planning Commission's April 23, 2013 Recommendation regarding the proposed development regulation revisions, including the Findings and Conclusions contained therein, as set forth in the attached **Exhibit "A"**, is hereby adopted and incorporated herein by this reference.

Section 2. Required Findings. In accordance with MMC 22G.010.500, the following findings are made regarding the development regulation amendments set forth in this ordinance:

- (1) The amendments are consistent with the purposes of the Marysville comprehensive plan;
- (2) The amendments are consistent with the purpose of Title 22 MMC;
- (3) There have been significant changes in the circumstances to warrant a change;
- (4) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action.

Section 3. MMC Section 22C.010.290, entitled "Site and building design standards" is hereby amended to read as follows:

22C.010.290 Site and building design standards.

(1) Applicability.

(a) Prior to submitting a building permit application, all development to which these standards apply shall be required to submit a site plan and elevations addressing the standards in this section for administrative review and approval by the community development director.

(b) The site and building design standards of this section apply to ~~institutional, commercial, and multiple-family~~ multifamily developments, whereas only subsections (2) and ~~(3)~~(4) of this section apply to single-family and condominium developments.

(c) The crime prevention through environmental design (CPTED) provisions of this section apply to all new commercial developments of over 12,000 square feet in building area, multifamily developments of 10 or more units, and planned residential developments.

(2) Relationship of Building(s) to Site and Street Front.

(a) The site shall be ~~planned to~~ oriented and designed to create an attractive street edge and accommodate pedestrian access. ~~Examples of ways that a development meets the requirements of this provision are to:~~ The following provisions apply:

(i) ~~Define the~~ The street edge shall be defined with buildings, landscaping or other features.

~~(ii) Provide for building entrances that are visible from the street.~~

(ii) Primary building entrance(s) shall face the street unless it is not feasible due to parcel size, topography, environmental conditions, or other factors as determined by the director, and alternate design elements are incorporated into the façade which enliven the streetscape. Alternatively, for multi-family projects, building entries that face onto a courtyard which is oriented towards the street are acceptable.

(iii) Buildings with individual ground floor entries should face the street to the extent possible. Alternatively, for multi-family projects, configurations where entries face onto a courtyard or open space that is oriented to the street are acceptable.

(iv) Buildings shall provide windows that face the street to provide "eyes on the street" for safety. To meet this requirement, at least 15 percent of the façade facing the street shall be occupied by transparent windows or doors.

~~(v)(iii)~~ Provide for a sidewalk at least five feet wide if there is not space in the public ROW right-of-way.

~~(vi)(iv)~~ Provide building entries that are accessed from the sidewalk; preferably these access ways should be separated from the parking and drive aisles. If access traverses the parking lot, then it should be raised and clearly marked.

~~(v)~~ Provide for businesses that require outdoor display oriented to the street, such as nurseries and auto sales, to have such display be raised and clearly marked.

~~(b)(e)~~ The development shall provide site development features that are visible and pedestrian-accessible from the street. These features could include plazas, open space areas, employee lunch and recreational areas, architectural focal points, and access lighting.

~~(c)(b)~~ The development shall create a well-defined streetscape to allow for the safe movement of pedestrians. Whenever possible, building setbacks shall be minimized and parking and drive-through passageways shall be relegated to the side and rear of buildings.

(d) For multi-family residences, no more than 50 percent of the total parking spaces may be located between the building and the primary public street (street from which primary access is obtained) unless it is not feasible due to parcel size, topography, environmental conditions, or other facts as determined by the director. Where the property fronts on more than one public street, this provision applies to only one street frontage.

(e) For multi-family residences, parking lots shall not be located at the intersection of public streets unless no feasible alternative location exists.

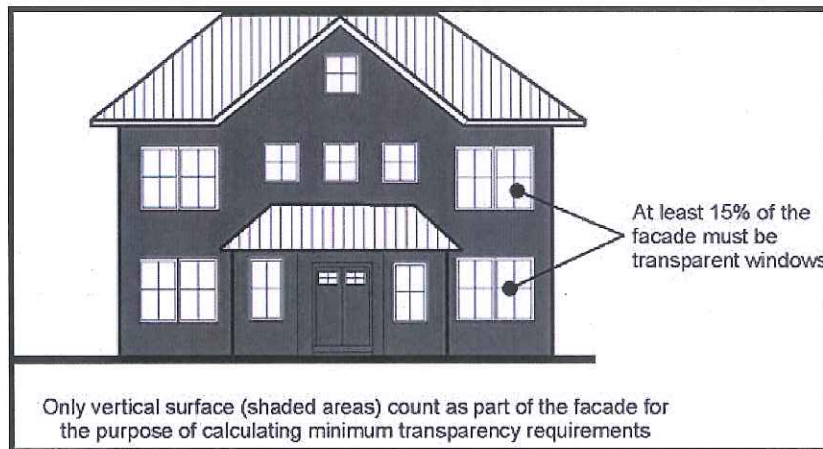


Figure 1 – Illustration of façade transparency requirements which enhance safety and the relationship to the street front.

(3) Relationship of Buildings(s) and Site to Adjoining Area.

(a) Where adjacent buildings and neighborhoods are consistent with the comprehensive plan and desired community character, new buildings and structures should consider the visual continuity between the proposed and existing development with respect to building setbacks, placement of structures, location of pedestrian/vehicular facilities and spacing from adjoining buildings. Solar access of the subject and adjacent properties should be considered in building design and location.

(b) Harmony in texture, lines and masses is encouraged.

(c) Attractive landscape transition to adjoining properties shall be provided.

(d) Public and quasi-public buildings and structures shall be consistent with the established neighborhood character.

(4) Landscape and Site Treatment.

(a) Parking lot screening and interior landscaping shall be provided consistent with Chapter 22C.130 MMC. The following criteria shall guide review of plans and administration of the landscaping standards in ~~this title~~ the zoning code:

(i) The landscape plan shall demonstrate visual relief from large expanses of parking areas.

(ii) The landscape plan shall provide some physical separation between vehicular and pedestrian traffic.

(iii) The landscape plan shall provide decorative landscaping as a focal setting for signs, special site elements, and/or pedestrian areas.

(iv) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.

(v) Where building sites limit planting, the placement of trees or shrubs in parkways or paved areas is encouraged.

(vi) Screening of outdoor service yards and other places which tend to be unsightly shall be accomplished by use of walls, fencing, planting, berms or combinations of these.

(vii) Landscaping should be designed to create definition between public and private spaces.

(viii) Where feasible, the landscape plan shall coordinate the selection of plant material to provide a succession of blooms, seasonal color, and a variety of textures.

(ix) The landscape plan shall provide a transition in landscaping design between adjacent sites, within a site, and from native vegetation areas in order to achieve greater continuity.

(x) The landscape plan shall use plantings to highlight significant site features and to define the function of the site, including parking, circulation, entries, and open spaces.

(xi) Where feasible, the landscape plan shall integrate natural approaches to storm water management, including featured low impact development techniques.

(b) Street Landscaping. Where the site plan includes streetscape plantings, the following guidelines apply:

(i) Sidewalks and pathways should be separated from the roadway by planting strips with street trees wherever possible.

(ii) Planting strips should generally be at least five feet in width. They should include evergreen shrubs no more than four feet in height and/or ground cover in accordance with the city of Marysville landscape standards (Chapter 22C.120 MMC) and Marysville administrative landscaping guidelines.

(iii) Street trees placed in tree grates may be more desirable than planting strips in key pedestrian areas.

(iv) Use of trees and other plantings with special qualities (e.g., spring flowers and/or good fall color) are strongly encouraged to unify development.

~~(c) Plaza/Pedestrian Area Landscaping Within Shopping Centers and Mixed Use Site Plans:~~

~~(i) A range of landscape materials—trees, evergreen shrubs, ground covers, and seasonal flowers—shall be provided for color and visual interest.~~

~~(ii) Planters or large pots with small shrubs and seasonal flowers may be used to create protected areas within the plaza for sitting and people watching.~~

~~(iii) Creative use of plant materials, such as climbing vines or trellises, and use of sculpture groupings or similar treatments are encouraged.~~

~~(iv) All landscaping plans shall be submitted during site plan review for approval.~~

~~(c)(d) Exterior lighting, when used, shall be part of the architectural concept. Lighting shall enhance the building design and adjoining landscaping. It should provide adequate lighting. Appropriate lighting levels shall be provided in all areas used by pedestrians or automobiles, including building entries, walkways, parking areas, circulation areas, and other open space are in order to ensure safety and security; enhance and encourage evening~~

activities; and, when warranted by the adjoining streetscape theme, provide a distinctive character to the area. In addition, the following shall be addressed: New developments shall provide a lighting site plan which identifies lighting equipment, locations and standards, and implements the following design standards:

(i) All public areas shall be lighted with average minimum and maximum levels as follows:

- (A) Minimum (for low or non-pedestrian and vehicular traffic areas) of 0.5 foot candles;
- (B) Moderate (for moderate or high volume pedestrian areas) of 1 to 2 foot candles; and
- (C) Maximum (for high volume pedestrian areas and building entries) of 4 foot candles.

(ii) Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.

(iii) Parking lot lighting shall be subject to the provisions set forth in MMC Section 22C.130.050(3)(d).

(iv) Pedestrian-scale lighting (light fixtures no taller than 15 feet) is encouraged in areas with high anticipated pedestrian activity. All fixtures over 15 feet in height shall be fitted with a full cut-off shield, be dark sky rated, and mounted no more than 25 feet above the ground with lower fixtures preferable so as to maintain a human scale. Lighting shall enable pedestrians to identify a face 45 feet away in order to promote safety.

(v) Light levels at the property line should not exceed 0.1 footcandles (fc) adjacent to business properties, and 0.05 footcandles adjacent to residential properties. All building lights shall be directed onto the building itself and/or the ground immediately adjacent to it. The light emissions should not be visible above the roofline of the building. Light fixtures other than traditional cobra heads are encouraged.

(vi)(i) The site plan shall identify lighting equipment and standards. Uplighting on trees and provisions for seasonal lighting are encouraged.

(vii)(ii) Accent lighting on architectural and landscape features is encouraged to add interest and focal points.

(iii) Parking area lighting shall not exceed 25 feet in height and shall be shielded to minimize glare and spillage into the surrounding community.

(5) Building Scale Standards. All elements of building design should form an integrated development, harmonious in scale, line, and mass to ensure that buildings are based on human scale (i.e., the relationship of the size of the building's features to the people that use the building). Design elements should also ensure that large buildings reduce their apparent mass and bulk on elevations visible from streets or pedestrian routes through such methods as facade modulation and architectural detailing, roof treatment, colors, materials, and other special features:

(a) Integration. Large buildings should integrate features along their facades visible from the public right of way and pedestrian routes and entries to reduce the apparent building mass and achieve an architectural scale consistent with other nearby structures.

(b) Facade Modulation. Building facades visible from public streets and public spaces should be stepped back or projected forward at intervals to provide a minimum of 40 percent facade modulation. The minimum depth of modulation should be one foot, and the minimum width should be five feet.

(c) Articulation. Buildings should be articulated to reduce the apparent scale of buildings. Architectural details that are used to articulate the structure may include color, arrangement of facade elements, or change in building materials.

(i) Tripartite Articulation. Buildings should provide tripartite building articulation

(building top, middle, and base) to provide pedestrian scale and architectural interest.

(d) Window Treatments. Buildings should provide ample articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale.

Windows should be articulated with mullions, recesses, awnings, etc., as well as applying complementary articulation around doorways and balconies.

(e) Architectural Elements. The mass of long or large scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, and/or columns.

(f) Rooflines. A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building.

(i) Rooflines with alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval are encouraged.

(ii) Roofs that incorporate a variety of vertical dimensions such as multi-planed and intersecting rooflines are encouraged.

(iii) Flat-roofed designs should include architectural details such as cornices and decorative facings to provide interest to the roofline.

(g) When there is a change in the building plane, a change in the building materials, colors or patterns should also be considered.

(h) Landscaping. The landscape plan should provide a trellis, tree or other landscape feature within each interval.

(i) Upper Story Setback. Setting back upper stories helps to reduce the apparent bulk of a building and promotes human scale.

(j) Small Scale Additions. In retail areas, small scale additions to a structure can reduce the apparent bulk by articulating the overall form. Clustering smaller uses and activities around entrances on street facing facades also allows for small retail or display spaces that are inviting and add activity to the streetscape.

(5)(8) Site Design Utilizing Crime Prevention through Environmental Design (CPTED) Principles.

Development that is subject to this section shall incorporate the following CPTED strategies into building design and site layout:

(a) Access Control. Guidance of people coming and going from a building or site by placement of real and perceived barriers. Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas that are not readily observable.

(b) Surveillance. Placement of features, uses, activities, and people to maximize visibility. Provision of natural surveillance helps to create environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them.

(c) Territoriality/Ownership. Delineation of private space from semi-public and public spaces that creates a sense of ownership. Techniques that reduce the perception of areas as "ownerless" and, therefore, available for undesirable uses.

Examples of ways in which a proposal can comply with CPTED principles are outlined in the CPTED Guidelines for Project Design and Review, prepared by the city.

(6) Building Details, Materials, and Colors.

(a) The building should provide visual interest and distinct design qualities, and promote compatibility and improvement within surrounding neighborhoods and community development through effective architectural detailing and the use of traditional building techniques and materials.

(b) Design Criteria:

(i) Building materials and building techniques should be of high durability and high quality. For commercial and residential uses, the use of brick is encouraged on walls or as accents on walls. Large areas of rough-cut wood, wide rough-cut lap siding, or large areas of T-111, plywood, or similar materials are prohibited. Vinyl siding is prohibited on the ground floor of commercial buildings.

(ii) Buildings should be enhanced with appropriate details. The following elements are examples of techniques used on buildings to provide detail:

(A) Ornate rooflines, including use of ornamental molding, entablature, frieze, or other roofline devices.

(B) Overhead weather protection along sidewalks.

(C) Detailed treatment of windows and doors, including use of decorative lintels, sills, glazing, door design, molding or framing details around all windows and doors located on facades facing or adjacent to public streets or parks. Window treatment should be sized as follows:

1. Windows should not have individual glass panes with dimensions greater than five feet by seven feet.
2. Windows should be surrounded by trim, molding and/or sill at least four inches wide. Commercial buildings with no trim or molding should have window frames at least two inches wide.
3. Individual window units should be separated from adjacent window units by at least six inches of the building's exterior finish material.

(6) Building Design – Human-Scale Standards.

The human-scale standards are intended to encourage the use of building components that relate to the size of the human body, and to add visual interest to buildings. "Human-scale" addresses the relationship between a building and the human body. Generally, buildings attain a good human-scale when they feature elements or characteristics that are sized to fit human activities, such as doors, porches, and balconies. A minimum of three of the following human-scale building elements shall be incorporated into the new development:

(a) Balconies or decks in upper stories, at least one balcony or deck per upper floor on the façades facing streets, provided they are integrated into the architecture of the building;

(b) Bay windows or other window treatments that extend out from the building face;

(c) At least 150 square feet of pedestrian-oriented space for each 100 lineal feet of building façade;

(d) First floor individual windows, generally less than 32 square feet per pane and separated from the windows by at least a 6" molding;

(e) A porch or covered entry;

(f) Spatially defining building elements, such as a trellis, overhang, canopy, or other element, that defines space that can be occupied by people;

(g) Upper story setbacks, provided one or more of the upper stories are set back from the face of the building at least 6 feet;

(h) Composing smaller building elements near the entry of pedestrian-oriented street fronts of large buildings;

(i) Landscaping components that meet the intent of these standards; and/or

(j) The director may consider other methods to provide human-scale elements not specifically listed here. The proposed methods must satisfy the intent of these standards.



Figure 2– An example of balconies that have been integrated into the architecture of the building.

~~(7) Public or Private Open Space. Where feasible and appropriate, larger (over 10 acres) commercial and residential developments should incorporate open spaces into the site design to provide community gathering space and neighborhood meeting areas. These areas should provide outdoor spaces for relaxing, eating, socializing, and recreating. The following standards apply to these outdoor areas:~~

~~(a) Plazas and Gathering Places:~~

~~(i) Areas should be sized between 5,000 and 10,000 square feet.~~

~~(ii) Plazas and gathering places should be able to serve as a center for daily activities.~~

~~(iii) Paving should be unit pavers or concrete with special texture, pattern, and/or decorative features.~~

~~(iv) Pedestrian amenities should be provided, including features such as seating, plants, drinking fountains, artwork, and such focal points as sculptures or water features.~~

~~(v) Lighting fixtures should be approximately 10 to 15 feet above the surface. The overall lighting in the plaza should average at least two foot-candles.~~

~~(b) Open Spaces and Project Details. The listed literature resources in MMC~~

~~22C.010.260(2)(a) provide smaller scale concepts for integrating public gathering places and open spaces into the project design.~~

(7) Building Design – Architectural Scale

The architectural scale standards are intended to encourage compatibility of structures with nearby structures, to help the building fit in with its context, and to add visual interest to buildings.

(a) Vertical Façade Modulation. All new residential buildings shall provide modulation (measured and proportioned inflexion or setback in a building's façade) on facades facing a street, common open space, public area, or common parking area as follows:

(i) Buildings with facades that are 30 feet or longer shall provide vertical modulation of the exterior wall that extends through all floors; provided, that where horizontal modulation is used different stories may be modulated at different depths;

(ii) The minimum modulation depth shall be five feet and the minimum modulation width for each modulation shall be 10 feet. On façades that are 100 feet or longer, the minimum depth of modulation shall be 10 feet and the minimum width for each modulation shall be 20 feet.

(iii) The minimum modulation depth identified in subsection (ii) above may be reduced to 2 feet if tied to a change in color or building materials, and/or roofline modulation as defined in Section (c) below.

(iv) The director may consider departures from these standards, provided the proposed treatment meets or exceeds the intent of these standards.

(b) Façade Articulation. All new residential buildings shall include two of the following articulation features at intervals of no more than 30 feet along all façade facing a street, common open space, public area, and common parking areas:

(i) Repeating distinctive window patterns at intervals of no more than 30 feet (see Figure 3 below for an example);

(ii) Horizontal modulation (upper level step-backs) (see Figure 4). To qualify for this measure, the minimum horizontal modulation shall be five feet.

(iii) Balconies that are recessed or projected from the facade at least 18 inches and integrated with the building's architecture as determined by the director.

(iv) Change of building materials.

(v) Articulation of the building's top, middle, and bottom. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline (see Figure 3 and 4.)

(c) Roofline Modulation. Roofline modulation can be used in order to articulate the structure:

(i) In order to qualify as an articulation element in Section (b) above or in this section, the roofline shall meet the following modulation requirement (see Figure 5):

(A) For flat roofs or façades with horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of 2 feet or 0.1 multiplied by the wall height (finish grade to top of the wall) when combined with vertical building modulation techniques described in section (a) above. Otherwise, the minimum vertical dimension of roofline modulation is the greater of 4 feet or 0.2 multiplied by the wall height.

(B) Buildings with pitched roofs must include a minimum slope of 5:12 and feature modulated roofline components at the interval required per the applicable standard above.

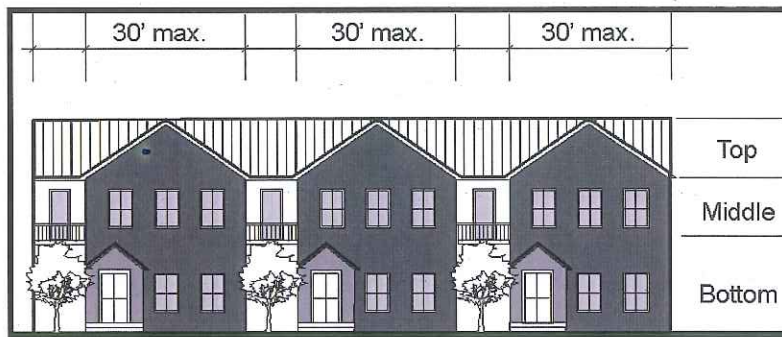


Figure 3 – Note the repeating distinctive window patterns and the articulation of the buildings top, middle, and bottom.



Figure 4 – An example of articulating a building's top, middle, and bottom by utilizing brick on the ground floor, defined window patterns and articulation treatments on upper floors, and a distinctive roofline.

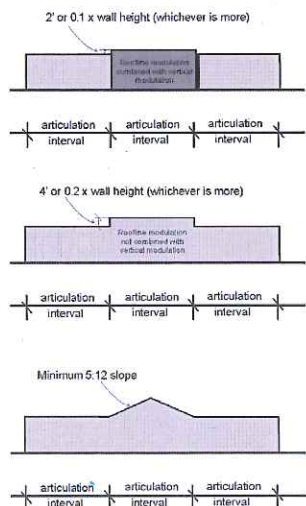


Figure 5 – Roofline modulation standards.

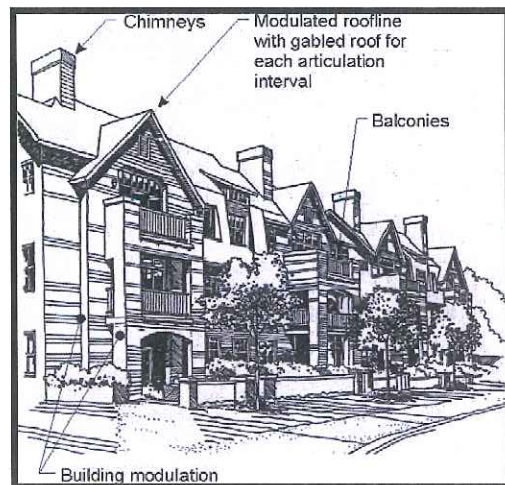


Figure 6 - Example of good articulation for a multifamily building.

(8) Building Design – Entrances

The intent of the building entrances standards is to ensure that buildings are inviting and accessible, and to encourage pedestrian activity. The principal building entrances of all buildings shall feature the following improvements, unless the director determines an alternate technique better addresses the intent of these standards:

(a) A distinct entry feature that provides weather cover that is at least 3 feet deep, must be provided for the primary entrance(s) to residential units. Figures 7 and 8 demonstrate this requirement.

(b) Access to Residential Units. Ground floor residential units facing a street or common open space shall be directly accessible from the applicable street or open space.

(c) Townhouse Entrances. Townhomes and all other multifamily dwelling units with private exterior ground-floor entries shall provide at least 20 square feet of landscaping adjacent to the entry. This is particularly important for units where the primary entrance is next to private garages off an interior access road. Such landscaping areas soften the appearance of the building and highlight individual entries. See Figures 8 for an example of what is desired and Figure 9 for an example of what is unacceptable.



Figure 7 – Weather protection that articulates the front façade is provided.



Figure 8 – Ground floor residential units directly accessible to the street with landscaping defining the entry.



Figure 9 – An example of unacceptable townhouse design where there is no landscaping adjacent to the entries.

(9) Building Design – Details

The building design details standards are intended to ensure that buildings have design interest at all observable distances and to enhance the architecture of multi-family buildings. At closer distances, the most important aspects of a building are its design details, texture of materials, quality of its finishes, and small, decorative elements. Multi-family building façades shall incorporate four architectural details, except that if option e below is used, only three architectural details must be used. Chosen details shall be compatible with the chosen architectural character of the building. Detail options include:

- (a) Decorative porch design with distinct design and use of materials.
- (b) Decorative treatment of windows and doors such as decorative molding/framing details around all ground floor windows and doors, bay windows, decorative glazing, or door designs and/or unique window designs.
- (c) Landscaped trellises or other decorative element that incorporates landscaping near the building entry or entries.
- (d) Decorative light fixtures with a diffuse visible light source, such as a globe or “acorn” that is non-glaring or a decorative shade or mounting for each building entry on the façade.
- (e) Brick or stonework covering more than 10 percent of the façade.
- (f) Decorative building materials that add visual interest, including:
 - (i) Individualized patterns or continuous wood details.
 - (ii) Decorative moldings, brackets, wave trim or lattice work.
 - (iii) Decorative brick or stonework (may be in addition to the brick or stonework credits noted above if they are arranged in a decorative manner that add visual interest to the façade).
 - (iv) Other materials with decorative or textural qualities as approved by the director. The applicant must submit architectural drawings and material samples for approval.
- (g) Decorative roofline design, including multiple gables and/or dormers or other design that adds distinct visual interest.
- (h) Decorative railings, grill work, or terraced landscape beds integrated along the façade of the building.
- (i) Decorative balcony design, such as distinctive railings.
- (j) Other details that meet the intent of the standards as approved by the director.



Figure 10 – This building uses brick for more than 10% of the facade, a decorative mix of materials and colors, decorative entries, and decorative windows to add visual interest.

(10) Window Design for Residential Uses.

Building facades shall employ techniques to recess or project individual windows above the ground floor at least two inches from the façade, or incorporate window trim at least four inches in width that features color that contrasts with the base building color. Exceptions will be considered by the director where buildings employ other distinctive windows or façade treatments that add visual interest to the building.



ACCEPTABLE
Recessed window treatment.

UNACCEPTABLE
No distinctive window treatment.

ACCEPTABLE
Window treatment incorporates trim and grids on panes.

Figure 11 – Acceptable and unacceptable window treatments.

(11) Building Materials.

The building materials standards are intended to encourage the use of a variety of high-quality, durable materials that will enhance the visual image of the city; provide visual interest and distinct design qualities; and promote compatibility and improvement within surrounding neighborhoods through effective architectural detailing and the use of traditional building techniques and materials. The following standards apply:

(a) Building exteriors shall be constructed from high quality, durable materials. Building materials such as masonry, stone, lap-siding, and wood are encouraged.

(b) The following materials are prohibited in visible locations unless an exception is granted by the director based on the integration of the material into the overall design of the structure.

(i) Plywood siding (including T-111 or similar plywood). Board and batten is an exception.

(ii) Corrugated fiberglass.

(iii) Non-corrugated and highly reflective sheet metal.

(iv) Chain link fencing provided that the director may approve chain link fencing when it is integrated into the overall site design (chain link fencing is also allowed for temporary purposes such as a construction site, or as a gate for a refuse enclosure).

(12) Blank Walls.

The blank wall standards are intended to: reduce the visual impact of large, undifferentiated walls; reduce the apparent size of large walls through the use of various architectural and landscaping treatments; enhance the character and identity of the city; and ensure that all visible sides of buildings provide visual interest. Blank walls visible from a public street, sidewalk, trail, interior pathway, or parking lot are prohibited.

(a) A wall (including building facades and other exterior building walls, retaining walls, and fences are defined as a blank wall if:

(i) A ground floor wall or portion of a ground floor wall over 4 feet in height has a horizontal length greater than 15 feet and does not include a transparent window or door; or

(ii) Any portion of a ground floor wall having a surface area of 400 square feet or greater does not include a transparent window or door.

(b) All blank walls visible from a public street, sidewalk, trail, interior pathway, or parking lot, shall be treated in one or more of the following measures:

(i) Incorporate transparent windows or doors;

(ii) Install a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years. For large blank wall areas, the trellis must be used in conjunction with other treatments described below;

(iii) Provide a landscaped planting bed at least 5 feet wide, or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Plant materials must be able to obscure or screen at least 60 percent of the wall's surface within 3 years;

(iv) Provide artwork (mosaic, mural, sculpture, relief, etc.) over at least 50 percent of the blank wall surface; and/or

(v) Other method as approved by the director. For example, landscaping or other treatments may not be necessary on a wall that employs high quality building materials (such as brick) and provides desirable visual interest.

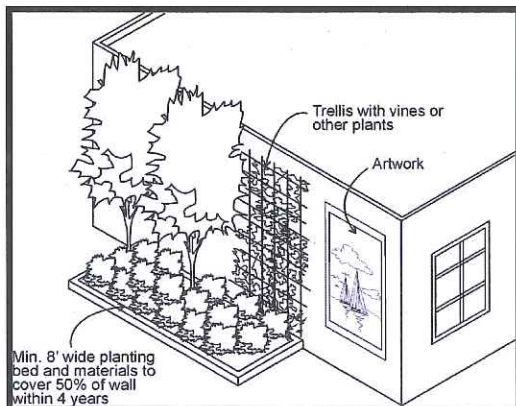


Figure 12 – Blank wall treatments.



Figure 13 – Terraced planting beds effectively screen a large blank wall.

Section 4. MMC Section 22C.010.320, entitled "On-site recreation – Space required", is hereby amended to be entitled "Open Space and Recreation Space Required," and shall read as follows:

~~22C.010.320 On-site recreation – Space required.~~

~~(1) Except when fees in lieu of commonly owned recreation space are provided pursuant to MMC 22C.010.350 and 22C.010.360, multiple-family developments in the R-12 through R-28, P/I, or mixed use zones shall provide outdoor or active recreation space, or a combination thereof, in accordance with the following chart:~~

| Type of Dwelling Unit | Outdoor Open Space | Active Recreation Facility |
|---------------------------------------|-------------------------------------|------------------------------------|
| (a) Studio and one bedroom | 90 square feet per unit | 45 square feet per unit |
| (b) Two bedroom | 130 square feet per unit | 65 square feet per unit |
| (c) Three or more bedroom | 170 square feet per unit | 85 square feet per unit |

~~(2) Any recreation space located outdoors shall:~~

- ~~(a) Be of a grade and surface suitable for recreation;~~
- ~~(b) Be on the site of the proposed development;~~
- ~~(c) Be one continuous parcel if less than 3,000 square feet in size, not to be located in the front yard setback;~~
- ~~(d) Have no dimensions less than 30 feet (except trail segments);~~
- ~~(e) In an apartment or townhome development, have a street, roadway or parking area frontage along 10 to 50 percent of the recreation space perimeter (except trail segments); and~~
- ~~(f) Be centrally located and accessible and convenient to all residents within the development.~~

~~(3) Indoor recreation areas may be credited towards the total recreation space requirement, when the city determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.~~

~~(4) Active recreation facilities may include, but are not limited to, exercise rooms, sport courts, swimming pools, tennis courts, game rooms, or community centers. Outdoor open space shall not include areas devoted to parking or vehicular access, and should be one continuous tract.~~

22C.010.320 Open Space and Recreation Space Required.

The on-site open space and recreation space standards are intended to provide usable, accessible, and inviting open space for residents that enhance residential areas. Multifamily residential uses shall provide open space equivalent to at least 20 percent of the building's gross floor area. The required area may be satisfied with one or more of the elements listed below:

- (1) Common open space accessible to all residents shall count for up to 100 percent of the required open space. This includes landscaped courtyards or decks, gardens with pathways, children's play areas, or other multi-purpose recreational and/or green

spaces. Special requirements and recommendations for common spaces include the following:

- (a) Space shall be large enough to provide functional leisure or recreational activity area per the director. For example, long narrow spaces less than 20 feet wide rarely, if ever, can function as usable common open space.
- (b) Consider space as a focal point of development.
- (c) Open space, particularly children's play areas, shall be visible from dwelling units and positioned near pedestrian activity.
- (d) Space shall feature paths, plantings, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.
- (e) Individual entries shall be provided onto common open space from adjacent ground floor residential units. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space.
- (f) Separate common space from ground floor windows, streets, service areas and parking lots with landscaping and/or low-level fencing, where desirable.
- (g) Space shall be oriented to receive sunlight, facing east, west, or (preferably) south, when possible.
- (h) Required setbacks, landscaping, driveways, parking, or other vehicular use areas shall not be counted toward the common open space requirement.
- (i) Rooftops or rooftop decks shall not be considered as common open space for the purpose of calculating minimum open space area; provided, that the director may consider rooftops or rooftop decks as common open space where usable open space amenities are provided and available to all residents.
- (j) Outdoor open space shall not include areas devoted to parking or vehicular access.

(2) The following amenities may be used to satisfy up to 50 percent of the open space requirement. A combination of these amenities may be provided in different ratios provided that (i) the total credit for any combination of the following amenities may not exceed 50 percent of the open space requirement, and (ii) the amount of the amenity provided is sufficient to achieve the purpose of the amenity as determined by the director:

- (a) Individual balconies that provide a space usable for human activity. To qualify, the balconies shall be at least 35 square feet and have no dimension less than 4 feet.
- (b) Natural areas that function as an amenity to the development, subject to the following requirements and recommendations:
 - (i) The natural area shall be accessible to all residents. For example, safe and attractive trails provided along or through the natural area where they could serve as a major amenity to the development.
 - (ii) Steep slopes, wetlands, or similar unbuildable areas shall not be counted in the calculations for required open space unless they provide a visual amenity for all units, as determined by the director.
- (c) Stormwater retention areas if the facility has natural looking edges, natural vegetation, and no fencing except along the property line. The design of such areas shall go well beyond functional stormwater requirements per the director in terms of the area involved and the quality of landscaping and resident amenities. The side slope of the stormwater facilities shall not exceed a grade of 1:3 (one vertical to three horizontal) unless slopes are existing, natural, and covered with vegetation.

(3) Children's play equipment and recreational activity space for children and/or teens that include parent seating areas are required in residential complexes with 20 or more units. Exceptions: Age-restricted senior citizen housing; mixed-use developments; developments reserved for student housing; infill lots within the Downtown Master Plan area; and developments located within a ¼ mile of safe walking distance to a public park that features a play area.

(4) Active recreation facilities may be provided instead of common open space, subject to the following:

(a) Active recreation facilities may include, but are not limited to, exercise rooms, sports courts, swimming pools, tennis courts, game rooms, or community centers; and

(b) Indoor recreation areas may be credited towards the total recreation space requirement, when the director determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.



Figure 14 - Balconies provide private, usable open space for residents.



Figure 15 - A residential courtyard providing semi-private patio spaces adjacent to individual units.



Figure 16 - Children's play area incorporated into a multifamily development.

Section 5. MMC 22C.010.330, entitled "On-site recreation – Play areas required", is hereby amended to be entitled "Townhouse Open Space", and shall read as follows:

~~22C.010.330 On-site recreation – Play areas required.~~

~~(1) All apartment and townhome development, excluding senior citizen apartments, shall provide tot/children play areas within the recreation space on-site, except when facilities are available within one-quarter mile that are developed as public parks or playgrounds and are accessible without the crossing of arterial streets.~~

~~(2) If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that:~~

~~(a) Is at least 400 square feet in size with no dimension less than 20 feet;~~

~~(b) Is adjacent to main pedestrian paths or near building entrances; and~~

~~(c) Provides visual access from adjacent residential structures.~~

22C.010.330 Townhouse Open Space. Townhouses and other ground based multi-family residential units with individual exterior entries must provide at least 200 square feet of private open space per dwelling unit adjacent to, and directly accessible from each dwelling unit. This may include private balconies, individual rear yards, landscaped front yards, and covered front porch areas. Exception: Common open space designed in accordance with Section 22C.010.320(a) may substitute for up to 50% of each unit's required private or semi-private open space on a square foot per square foot basis.



Figure 17 - Common open space for a townhouse development.



Figure 18 - These townhouses provide balconies and semi-private yard space.

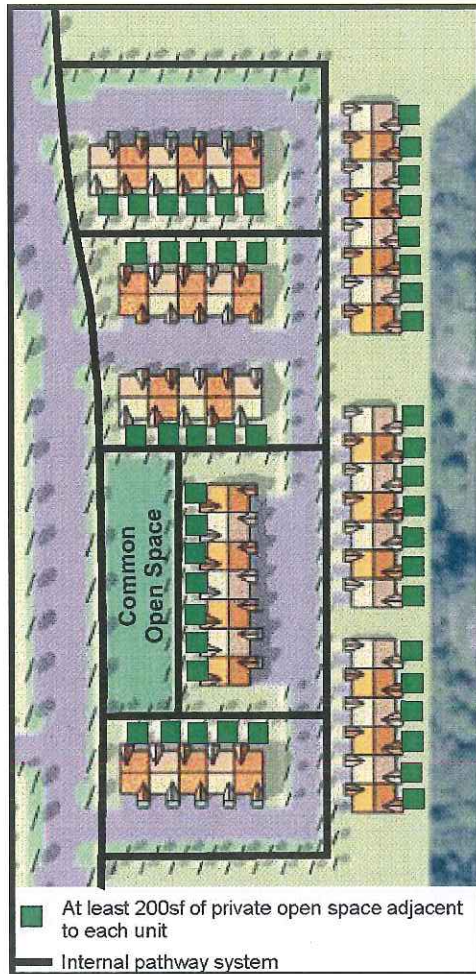


Figure 19 - Example townhouse configuration with a combination of private open spaces adjacent to units and larger common open space accessible to all units.

Section 6. Section 22C.010.340, entitled "Maintenance or dedication of recreation space", of MMC Chapter 22C.010, Residential Zones, is hereby amended to be entitled "Maintenance or dedication of open space and recreation space", and shall read as follows:

22C.010.340 Maintenance or dedication of open space and recreation space.

(1) Unless the open space or recreation space is dedicated to the city pursuant to subsection (2) of this section, maintenance of any open space or recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the city.

(2) Open space or recreation space may be dedicated as a public park when the following criteria are met:

- (a) The dedicated area is at least one and one-half acres in size, except when adjacent to an existing or planned public park;
- (b) The dedicated land provides one or more of the following:
 - (i) Shoreline access;
 - (ii) Regional trail linkages;
 - (iii) Habitat linkages;
 - (iv) Recreation facilities; or
 - (v) Heritage sites;
- (c) The entire dedicated area is located less than one mile from the project site.

Section 7. MMC 22C.010.350, entitled "On-site recreation – Fee in lieu of recreation space", is hereby amended to be entitled "On-site recreation – Fee in lieu of open space or recreation space", and shall read as follows:

22C.010.350 On-site recreation – Fee in lieu of open space or recreation space.

Nothing herein shall prohibit voluntary agreements with the city that allow a payment in lieu of providing on-site open space or recreation space when a proposed development is located within ~~1,000 feet~~ ¼ mile of an existing or proposed recreational facility.

Section 8. MMC 22C.010.360 entitled "On-site recreation – Acceptance criteria for fee in lieu of recreation space", is hereby amended to read as follows:

22C.010.360 On-site recreation – Acceptance criteria for fee in lieu of recreation space.

~~The city of Marysville City~~ acceptance of this payment is discretionary, and may be permitted if:

- (1) The proposed on-site recreation space does not meet the criteria of MMC 22C.010.340(2); or
- (2) The recreation space provided within a public park in the vicinity will be of greater benefit to the prospective residents of the development.

Section 9. Section 22C.020.240, "Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations", of MMC Chapter 22C.020, "Commercial, Industrial, Recreation and Public Institutional Zones", is hereby amended to read as follows:

22C.020.240 Commercial, industrial, recreation and public institutional zones design requirements – Applicability and interpretations.

(1) The intent of these design standards is to:

- (a) Provide building design that has a high level of design quality and creates comfortable human environments;
- (b) Incorporate design treatments that add interest and reduce the scale of buildings;
- (c) Encourage building design that is authentic and responsive to site conditions; and
- (d) Encourage functional, durable, and environmentally responsible buildings.

~~(2)~~(1) Applicability.

(a) These design standards apply to all new ~~multifamily structures in any zone, and commercial and residential~~ development within the following zones: general commercial (GC), community business (CB), neighborhood business (NB), downtown commercial (DC), mixed use (MU).

(b) The following activities shall be exempt from these standards:

- (i) Construction activities which do not require a building permit;
- (ii) Interior remodels of existing structures;
- (iii) Modifications or additions to existing multifamily, commercial, industrial, office and public properties when the modification or addition:

(A) Constitutes less than 10 percent of the existing horizontal square footage of the use or structure; and

(B) Constitutes less than 10 percent of the existing building's exterior facade.

(c) These standards are intended to supplement the zoning standards in the Marysville Municipal Code. Where these standards and the zoning ordinance standards conflict, the city shall determine which regulation applies based on which is more in the public interest and more consistent with the comprehensive plan.

~~(3)~~(2) Interpreting and Applying the Design Standards.

(a) These standards capture the community visions and values as reflected in the comprehensive plan's neighborhood planning areas. The city's community development

director (hereinafter referred to as "director") retains full authority to determine whether a proposal meets these standards. The director is authorized to promulgate guidelines, graphic representations, and examples of designs and methods of construction that do or do not satisfy the intent of these standards. The following resources can be used in interpreting the guidelines: Residential Development Handbook for Snohomish County Communities (prepared for Snohomish County Tomorrow by Makers, Inc.); Site Planning and Community Design for Great Neighborhoods (Frederick D. Jarvis, 1993) and City Comforts (David Sucher, 1996).

(b) Many of these site and building design standards call for a building or site to feature one or more elements from a menu of items. In these cases, a single element, feature, or detail may satisfy multiple objectives. For example, a specially designed or fabricated covered entry with attractive detailing might be counted toward requirements for human-scale, building corners, and building details.

(c)(b) Within these standards, certain words are used to indicate the relative importance and priority the city places upon a particular standard.

(i) The words "shall," "must," and "is/are required" mean that the development proposal must comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance; or

(B) The development proposal meets the intent of the standards in

some other manner.

(ii) The word "should" means that the development proposal will comply with the standard unless the director finds that:

(A) The standard is not applicable in the particular instance;

(B) The development proposal meets the intent of the standards in

some other manner; or

(C) There is convincing evidence that applying the standard would not be in the public interest.

(iii) The words "is/are encouraged," "can," "consider," "help," and "allow" mean that the action or characteristic is allowed and will usually be viewed as a positive element in the city's review.

(c) The project proponent may submit proposals that he/she feels meet the intent of the standards but not necessarily the specifics of one or more standards. In this case, the director will determine if the intent of the standard has been met.

Section 10. MMC 22C.020.250, entitled "Site and building design standards", is hereby amended to read as follows:

22C.020.250 Site and building design standards.

(1) Applicability.

(a) Prior to submitting a building permit application, all development to which these standards apply shall be required to submit a site plan and elevations addressing the standards in this section for administrative review and approval by the community development director.

(b) The site and building design standards of this section apply to institutional, and commercial and multiple-family developments.

(c) The crime prevention through environmental design (CPTED) provisions of this section apply to all new commercial developments of over 12,000 square feet in building area and multifamily developments of 10 or more units.

(2) Relationship and Orientation of Buildings(s) to Site and Street Front.

(a) The site shall be planned to create an attractive street edge and accommodate pedestrian access. Examples of ways that a development meets the requirements of this provision are to:

(i) Define the street edge with buildings, landscaping or other features (see Figures 1).

(ii) Provide for building entrances that are visible from the street.

(iii) Provide for a sidewalk at least five feet wide if there is not space in the public right-of-way ROW.

(iv) Provide building entries that are accessed from the sidewalk; preferably these access ways should be separated from the parking and drive aisles. If access traverses the parking lot, then it should be raised and clearly marked.

~~(v) Provide for businesses that require outdoor display oriented to the street, such as nurseries and auto sales, to have such display be raised and clearly marked.~~

(b)(e) The development shall provide site development features that are visible and pedestrian-accessible from the street. These features could include plazas, open space areas, employee lunch and recreational areas, architectural focal points, and access lighting.

(c)(b) The development shall create a well-defined streetscape to allow for the safe movement of pedestrians. ~~Whenever possible, building setbacks shall be minimized and drive-through passageways shall be relegated to the side or rear of buildings.~~

(d) Commercial and mixed use buildings must be oriented towards at least one street. For sites that front multiple streets, commercial and mixed use buildings are encouraged to orient towards both streets; provided, that priority shall be given to streets that are more visible and/or provide a better opportunity for increased pedestrian activity.

(e) Commercial and mixed use building facades facing the street must have transparent windows or door covering at least 25 percent of the ground floor façade between 4 to 8 feet above the level of the sidewalk. Departures will be considered by the director provided that the proposed building configuration and design enhances the pedestrian environment.

(f) No more than 50 percent of total project parking spaces may be located between the building's façade and the primary public street (street from which primary access is obtained) unless it is not feasible due to parcel size, topography, environmental conditions, or other factors as determined by the director. Where the property fronts on more than one public street, this provision applies to only one street frontage.

(g) Parking lots may not be located on corner locations adjacent to public streets unless no feasible on-site alternative exists.

(h) For large commercial and mixed use sites (over 2 acres) that feature multiple buildings, developments shall configure buildings to create focal points for pedestrian activity on the site. However, no more than 50 percent of the street frontage may be occupied by vehicular access or parking. Exceptions: An increased percentage of parking or vehicular access along the street-front may be allowed where the configuration allows the development to better meet the intent of these standards. For example, if the configuration allows for a centralized plaza surrounded by a concentration of retail uses, an increase in the percentage of parking along the street-front would be allowed.



Figures 1 – Examples of buildings that provide a well-defined streetscape.

(3) Relationship of Buildings(s) and Site to Adjoining Area

(a) Where adjacent buildings and neighborhoods are consistent with the comprehensive plan and desired community character, new buildings and structures should consider the visual continuity between the proposed and existing development with respect to building setbacks, placement of structures, location of pedestrian/vehicular facilities and spacing from adjoining buildings. Solar access of the subject and adjacent properties should be considered in building design and location.

(b) Harmony in texture, lines and masses is encouraged.

(c) Attractive landscape transition to adjoining properties shall be provided.

(d) Public and quasi-public buildings and structures shall be consistent with the established neighborhood character.

(4) Landscape and Site Treatment.

(a) Parking lot screening and interior landscaping shall be provided consistent with Chapter [22C.120](#) MMC. The following criteria shall guide review of plans and administration of the landscaping standards in the zoning code:

(i) The landscape plan shall demonstrate visual relief from large expanses of parking areas.

(ii) The landscape plan shall provide some physical separation between vehicular and pedestrian traffic.

(iii) The landscape plan shall provide decorative landscaping as a focal setting for signs, special site elements, and/or pedestrian areas.

(iv) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards or other devices.

(v) Where building sites limit planting, the placement of trees or shrubs in parkways or paved areas is encouraged.

(vi) Screening of outdoor service yards and other places which tend to be unsightly shall be accomplished by use of walls, fencing, planting, berms or combinations of these.

(vii) Landscaping should be designed to create definition between public and private spaces.

(viii) Where feasible, the landscape plan shall coordinate the selection of plant material to provide a succession of blooms, seasonal color, and a variety of textures.

(ix) The landscape plan shall provide a transition in landscaping design between adjacent sites, within a site, and from native vegetation areas in order to achieve greater continuity.

(x) The landscape plan shall use plantings to highlight significant site features and to define the function of the site, including parking, circulation, entries, and open spaces.

(xi) Where feasible, the landscape plan shall integrate natural approaches to storm water management, including featured low impact development techniques.

(b) Street Landscaping. Where the site plan includes streetscape plantings, the following guidelines apply:

(i) Sidewalks and pathways should be separated from the roadway by planting strips with street trees wherever possible.

(ii) Planting strips should generally be at least five feet in width. They should include evergreen shrubs no more than four feet in height and/or ground cover in accordance with the city of Marysville landscape standards (Chapter [22C.120](#) MMC) and Marysville administrative landscaping guidelines.

(iii) Street trees placed in tree grates may be more desirable than planting strips in key pedestrian areas.

(iv) Use of trees and other plantings with special qualities (e.g., spring flowers and/or good fall color) are strongly encouraged to unify development.

(c) Plaza/Pedestrian Area Landscaping Within Shopping Centers and Mixed Use Site Plans.

(i) A range of landscape materials – trees, evergreen shrubs, ground covers, and seasonal flowers – shall be provided for color and visual interest.

(ii) Planters or large pots with small shrubs and seasonal flowers may be used to create protected areas within the plaza for sitting and people watching.

(iii) Creative use of plant materials, such as climbing vines or trellises, and use of sculpture groupings or similar treatments are encouraged.

(iv) All landscaping plans shall be submitted during site plan review for approval.

(d) Exterior lighting, ~~when used,~~ shall be part of the architectural concept. Lighting shall enhance the building design and adjoining landscaping. ~~It should provide adequate lighting.~~ Appropriate lighting levels shall be provided in all areas used by pedestrians or automobiles, including building entries, walkways, parking areas, circulation areas, and other open space areas in order to ensure safety and security; enhance and encourage evening activities; and, when warranted by the adjoining streetscape theme, provide a distinctive character to the area. In addition, the following shall be addressed: New developments shall provide a lighting site plan which identifies lighting equipment, locations and standards, and implements the following design standards:

(i) All public areas shall be lighted with average minimum and maximum levels as follows:

- (A) Minimum (for low or non-pedestrian and vehicular traffic areas) of 0.5 foot candles;
- (B) Moderate (for moderate or high volume pedestrian areas) of 1 to 2 foot candles; and
- (C) Maximum (for high volume pedestrian areas and building entries) of 4 foot candles.

(ii) Lighting shall be provided at consistent levels, with gradual transitions between maximum and minimum levels of lighting and between lit areas and unlit areas. Highly contrasting pools of light and dark areas shall be avoided.

(iii) Parking lot lighting shall be subject to the provisions set forth in MMC Section 22C.130.050(3)(d).

(iv) Pedestrian-scale lighting (light fixtures no taller than 15 feet) is encouraged in areas with high anticipated pedestrian activity. All fixtures over 15 feet in height shall be fitted with a full cut-off shield, be dark sky rated, and mounted no more than 25 feet above the ground with lower fixtures preferable so as to maintain a human scale. Lighting shall enable pedestrians to identify a face 45 feet away in order to promote safety.

(v) Light levels at the property line should not exceed 0.1 footcandles (fc) adjacent to business properties, and 0.05 footcandles adjacent to residential properties.

All building lights shall be directed onto the building itself and/or the ground immediately adjacent to it. The light emissions should not be visible above the roofline of the building. Light fixtures other than traditional cobra heads are encouraged.

(vi)(i) ~~The site plan shall identify lighting equipment and standards.~~ Uplighting on trees and provisions for seasonal lighting are encouraged.

(vii)(ii) Accent lighting on architectural and landscape features is encouraged to add interest and focal points.

(iii) Parking area lighting shall not exceed 25 feet in height and shall be shielded to minimize glare and spillage into the surrounding community.

(5) ~~Building Scale Standards.~~ All elements of building design should form an integrated development, harmonious in scale, line, and mass to ensure that buildings are based on human scale (i.e., the relationship of the size of the building's features to the people that use the building). Design elements should also ensure that large buildings reduce their apparent mass and bulk on elevations visible from streets or pedestrian routes through such methods as facade modulation and architectural detailing, roof treatment, colors, materials, and other special features.

- (a) Integration. Large buildings should integrate features along their facades visible from the public right-of-way and pedestrian routes and entries to reduce the apparent building mass and achieve an architectural scale consistent with other nearby structures.
- (b) Facade Modulation. Building facades visible from public streets and public spaces should be stepped back or projected forward at intervals to provide a minimum of 40 percent facade modulation. The minimum depth of modulation should be one foot, and the minimum width should be five feet.
- (c) Articulation. Buildings should be articulated to reduce the apparent scale of buildings. Architectural details that are used to articulate the structure may include color, arrangement of facade elements, or change in building materials.
 - (i) Tripartite Articulation. Buildings should provide tripartite building articulation (building top, middle, and base) to provide pedestrian scale and architectural interest.
- (d) Window Treatments. Buildings should provide ample articulated window treatments in facades visible from streets and public spaces for architectural interest and human scale. Windows should be articulated with mullions, recesses, awnings, etc., as well as applying complementary articulation around doorways and balconies.
- (e) Architectural Elements. The mass of long or large scale buildings can be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, and/or columns.
- (f) Rooflines. A distinctive roofline can reduce perceived building height and mass, increase compatibility with smaller scale and/or residential development, and add interest to the overall design of the building.
 - (i) Rooflines with alternating dormers, stepped roofs, gables, or other roof elements to reinforce the modulation or articulation interval are encouraged.
 - (ii) Roofs that incorporate a variety of vertical dimensions such as multi-planed and intersecting rooflines are encouraged.
 - (iii) Flat-roofed designs should include architectural details such as cornices and decorative facings to provide interest to the roofline.
- (g) When there is a change in the building plane, a change in the building materials, colors or patterns should also be considered.
- (h) Landscaping. The landscape plan should provide a trellis, tree or other landscape feature within each interval.
- (i) Upper Story Setback. Setting back upper stories helps to reduce the apparent bulk of a building and promotes human scale.
- (j) Small Scale Additions. In retail areas, small scale additions to a structure can reduce the apparent bulk by articulating the overall form. Clustering smaller uses and activities around entrances on street-facing facades also allows for small retail or display spaces that are inviting and add activity to the streetscape.

(5)(8) Site Design Utilizing Crime Prevention through Environmental Design (CPTED) Principles.

Development that is subject to this section shall incorporate the following CPTED strategies into building design and site layout:

- (a) Access Control. Guidance of people coming and going from a building or site by placement of real and perceived barriers. Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas that are not readily observable.
- (b) Surveillance. Placement of features, uses, activities, and people to maximize visibility. Provision of natural surveillance helps to create environments where there is plenty of opportunity for people engaged in their normal behavior to observe the space around them.
- (c) Territoriality/Ownership. Delineation of private space from semi-public and public spaces that creates a sense of ownership. Techniques that reduce the perception of areas as "ownerless" and, therefore, available for undesirable uses.

Examples of ways in which a proposal can comply with CPTED principles are outlined in the CPTED Guidelines for Project Design and Review, prepared by the city.

~~(6) Building Details, Materials, and Colors.~~

~~(a) The building should provide visual interest and distinct design qualities, and promote compatibility and improvement within surrounding neighborhoods and community development through effective architectural detailing and the use of traditional building techniques and materials.~~

~~(b) Design Criteria:~~

~~(i) Building materials and building techniques should be of high durability and high quality. For commercial and residential uses, the use of brick is encouraged on walls or as accents on walls. Large areas of rough-cut wood, wide rough-cut lap siding, or large areas of T-111, plywood, or similar materials are prohibited. Vinyl siding is prohibited on the ground floor of commercial buildings.~~

~~(ii) Buildings should be enhanced with appropriate details. The following elements are examples of techniques used on buildings to provide detail:~~

~~(A) Ornate rooflines, including use of ornamental molding, entablature, frieze, or other roofline devices.~~

~~(B) Overhead weather protection along sidewalks.~~

~~(C) Detailed treatment of windows and doors, including use of decorative lintels, sills, glazing, door design, molding or framing details around all windows and doors located on facades facing or adjacent to public streets or parks. Window treatment should be sized as follows:~~

~~1. Windows should not have individual glass panes with dimensions greater than five feet by seven feet.~~

~~2. Windows should be surrounded by trim, molding and/or sill at least four inches wide. Commercial buildings with no trim or molding should have window frames at least two inches wide.~~

~~3. Individual window units should be separated from adjacent window units by at least six inches of the building's exterior finish material.~~

(6) Building Design – Human-Scale Standards

The human-scale standards are intended to encourage the use of building components that relate to the size of the human body and to add visual interest to buildings. "Human-scale" addresses the relationship between a building and the human body. Generally, buildings attain a good human-scale when they feature elements or characteristics that are sized to fit human activities, such as doors, porches, and balconies. A minimum of three of the following human-scale building elements shall be incorporated into the new development:

(a) Balconies in upper stories, at least one balcony per upper floor on the façades facing streets, provided they are integrated into the architecture of the building;

(b) Bay windows or other window treatments that extend out from the building face;

(c) At least 150 square feet of pedestrian-oriented space for each 100 lineal feet of building façade;

(d) First floor individual windows, generally less than 32 square feet per pane and separated from the windows by at least a 6" molding;

(e) Spatially defining building elements, such as a trellis, overhang, canopy, or other element, that defines space that can be occupied by people;

(f) Upper story setbacks, provided one or more of the upper stories are set back from the face of the building at least 6 feet;

(g) Composing smaller building elements near the entry of pedestrian-oriented street fronts of large buildings (see Figure 4);

(h) The director may consider other methods to provide human-scale elements not specifically listed here. The proposed methods must satisfy the intent of these standards.

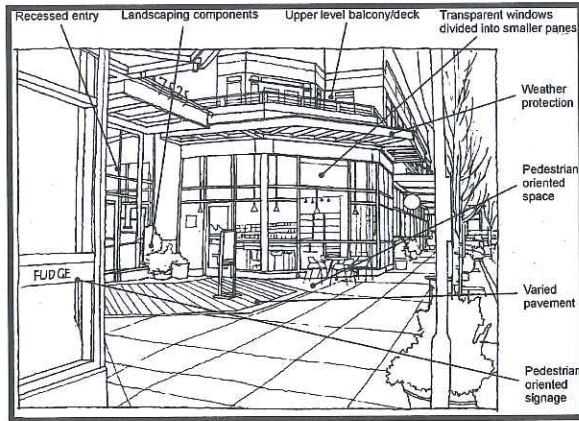


Figure 2 – Illustrating a variety of human-scale components on a building.



Figure 3 – This mixed-use building incorporates decks, upper level setbacks, trellises, and landscaping to meet human-scale guidelines.

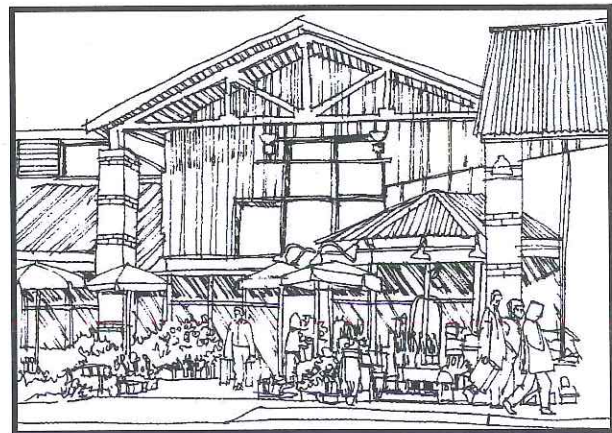


Figure 4 – Example of composing smaller building elements near the entry of large buildings.

(7) Public or Private Open Space. Where feasible and appropriate, larger (over 10 acres) commercial and residential developments should incorporate open spaces into the site design to provide community gathering space and neighborhood meeting areas. These areas should provide outdoor spaces for relaxing, eating, socializing, and recreating. The following standards apply to these outdoor areas:

(a) Plazas and Gathering Places.

(i) Areas should be sized between 5,000 and 10,000 square feet.

(ii) Plazas and gathering places should be able to serve as a center for daily activities.

(iii) Paving should be unit pavers or concrete with special texture, pattern, and/or decorative features.

(iv) Pedestrian amenities should be provided, including features such as seating, plants, drinking fountains, artwork, and such focal points as sculptures or water features.

(v) Lighting fixtures should be approximately 10 to 15 feet above the surface. The overall lighting in the plaza should average at least two foot-candles.

(b) Open Spaces and Project Details. The listed literature resources in MMC

[22C.020.240\(2\)\(a\)](#) provide smaller scale concepts for integrating public gathering places and open spaces into the project design.

(7) Building Design – Architectural Scale

The architectural scale standards are intended to encourage compatibility of structures with nearby commercial areas, to help the building fit in with its context, and to add visual interest to buildings. All façades shall be given equal design consideration. Some flexibility may be given by the director for alley or other façades that are not visible from streets, parks, parking lots, or other uses.

(a) Façade Modulation. All new buildings shall provide modulation (measured and proportioned inflexion or setback in a building’s façade) on façades facing a street, common open space, public area, or common parking area as follows:

(i) Buildings with façades that are 30 feet or longer shall provide modulation of the exterior wall that extends through all floors;

(ii) The minimum modulation depth shall be five feet and the minimum modulation width for each modulation shall be 10 feet. On façades that are 100 feet or longer, the minimum depth of modulation shall be 10 feet and the minimum width for each modulation shall be 20 feet.

(iii) The minimum modulation depth detailed in subsection (ii) above may be reduced to 2 feet if tied to a change in color or building materials, and/or roofline modulation as defined in Section (d) below.

(iv) The director may consider departures from these standards, provided the proposed treatment meets or exceeds the intent of these standards.

(b) Streetfront Articulation. All building façades fronting directly on a street must include at least two of the following articulation features at intervals no greater than 30 feet (see figure 5 below).

(i) Use of window and/or entries that reinforce the pattern of small storefront spaces.

(ii) Use of weather protection features that reinforce the pattern of small storefronts. For example, for a business that occupies three lots, use three separate awnings to break down the scale of the storefronts. Alternating colors of the awnings may be useful as well.

(iii) Change of roofline.

(iv) Articulation of the building’s top, middle, and bottom for multi-story buildings. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.

(v) Change in building material or siding style.

(vi) Other methods that meet the intent of these standards.

(c) Articulation for Façades not Fronting Directly on a Street.

All façades fronting on a street, or containing a pedestrian entrance, that are not subject to section (a) above must include at least three of the following articulation features at intervals no greater than 70 feet.

(i) Use of window and/or entries that reinforce the pattern of small storefront spaces.

(ii) Vertical building modulation. The minimum depth and width of modulation shall be 2 and 4 feet, respectively (preferably tied to a change in roofline, building material or siding style).

(iii) Use of weather protection features that reinforce the pattern of small storefronts.

(iv) Change of roofline.

(v) Change in building material or siding style.

(vi) Providing lighting fixtures, trellis, tree, or other landscape feature within each interval.

(vii) Articulation of the building’s top, middle, and bottom for multi-story buildings. This typically includes a distinctive ground floor or lower floor design, consistent articulation of middle floors, and a distinctive roofline.

(viii) Other methods that meet the intent of these standards.

Exception: Alternative articulation methods will be considered by the director provided such treatment meets the intent of the standards and guidelines. For example, use

of high quality building materials (such as brick or stone) with attractive detailing may allow a building to meet the intent of the standards using greater articulation intervals. Also, where the articulated features are more substantial in terms of effectively breaking up the facade into smaller components, then a greater distance between architectural intervals may be acceptable.

(d) Roofline Modulation.

(i) In order to qualify as an articulation element in Section (a) and (b) above or in this section, the roofline shall meet the following modulation requirement (see Figure 8:

(A) For flat roofs or façades with horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of 2 feet or 0.1 multiplied by the wall height (finish grade to top of the wall) when combined with vertical building modulation techniques described in section (b) above. Otherwise, the minimum vertical dimension of roofline modulation is the greater of 4 feet or 0.2 multiplied by the wall height.

(B) Buildings with pitched roofs must include a minimum slope of 5:12 and feature modulated roofline components at the interval required per the applicable standard above.

(ii) For large scale retail uses (with at least 50,000 square feet of floor area and façades greater than 150 feet in width), the storefront shall integrate a prominent entry feature combining substantial roofline modulation with vertical building modulation and a distinctive change in materials and/or colors (see Figure 10). The minimum vertical dimension of roofline modulation is the greater of 6 feet or 0.3 multiplied by the wall height (finished grade to top of the wall). The director will consider alternative treatments provided they meet the intent of these standards.



Figure 5 – For commercial buildings built up to the sidewalk, provide facade articulation features at no more than 30-foot intervals.

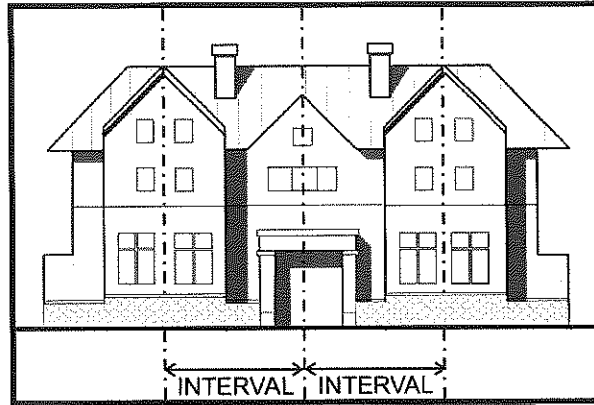


Figure 6 – Building articulation.

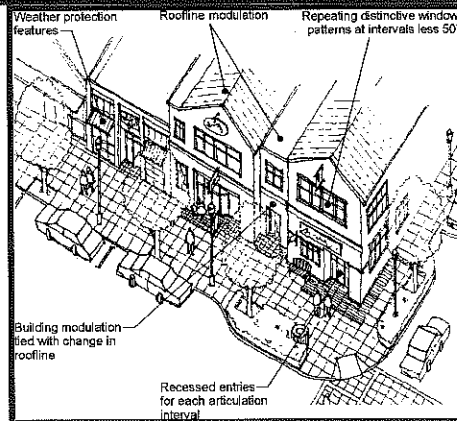


Figure 7 – These buildings illustrate a combination of horizontal building modulation, roofline modulation, and building articulation to reduce the architectural scale and provide visual interest.

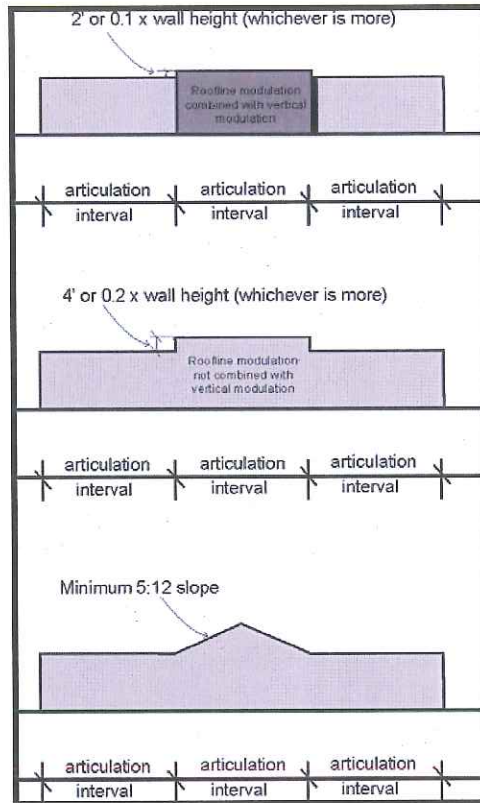


Figure 8 – Roofline modulation standards.



Figure 9 – This development uses a variety of roof forms and heights, different weather protection features, changing building materials and colors, and a modest amount of horizontal building modulation to reduce the overall architectural scale into smaller “storefront” components.



Figure 10 – Good examples of prominent pedestrian entries for large-scale retail uses. Note height change, vertical modulation, use of building materials, colors, and detailing to add interest and emphasis.

(8) Building Corners

The building corners standards are intended to architecturally accentuate building corners at street intersections, to create visual interest, and to increase activity, where appropriate. All new buildings located within 15 feet of a property line at the intersection of streets are required to employ one or more of the following design elements or treatments to the building corner facing the intersection:

(a) Provide at least 100 square feet of pedestrian-oriented space between the street corner and the building(s). To qualify for this option, the building(s) must have direct access to the space;

(b) Provide a corner entrance to courtyard, building lobby, atrium, or pedestrian pathway;

(c) Include a corner architectural element such as:

(i) Bay window or turret.

(ii) Roof deck or balconies on upper stories.

(iii) Building core setback "notch" or curved façade surfaces.

(iv) Sculpture or artwork, either bas-relief, figurative, or distinctive use of

materials.

(v) Change of materials

(vi) Corner windows.

(vii) Special lighting.

(d) Special treatment of the pedestrian weather protection canopy at the corner of the building; and/or

(e) Other similar treatment or element approved by the director.

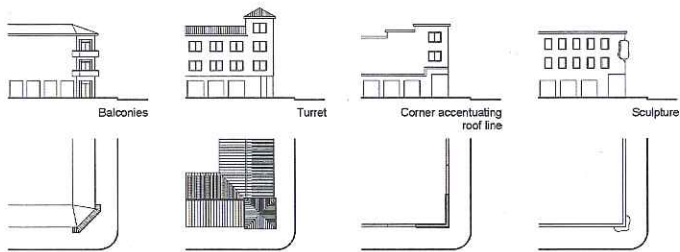


Figure 11 – Corner building treatments.

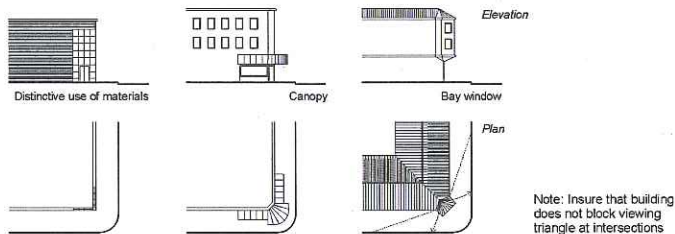


Figure 12 – Decorative use of windows, change of materials, and special lighting creates a statement at this corner location.

(9) Building Design Details

The building design details standards are intended to ensure that buildings have design interest at all observable distances; to enhance the character and identity of the city; and to encourage creative design. At closer distances, the most important aspects of a building are its design details, texture of materials, quality of its finishes, and small, decorative elements. All new commercial buildings and individual storefronts shall include at least one detail element from each of the three categories below. Other mixtures of detail elements will be considered provided they meet the intent of these standards. The applicant must demonstrate how the amount, type, and mix of details meet the intent of these standards. For example, a large building with multiple storefronts will likely need more than one decorative sign, transom window, and decorative kickplate to meet the intent of these standards.

(a) Window and/or entry treatment:

Special treatment of windows and doors, other than standard metal molding/framing details, around all ground floor windows and doors, decorative glazing, or door designs.

(i) Display windows divided into a grid of multiple panes.

(ii) Transom windows.

(iii) Roll-up windows/doors.

(iv) Other distinctive window treatment that meets the intent of the standards and guidelines.

- (v) Recessed entry.
- (vi) Decorative door.
- (vii) Arcade.
- (viii) Landscaped trellises or other decorative element that incorporates landscaping near the building entry.
- (ix) Other decorative entry treatment that meets the intent of these standards.

(b) Decorative facade attachments:

(i) Decorative weather protections element such as a steel canopy, decorative cloth awning, or retractable awning.

(ii) Decorative, custom hanging, sculptural, or hand-crafted sign(s).

(iii) Decorative building-mounted light fixtures with a diffuse visible light source or unusual fixture.

(iv) Decorative or special railings, grill work, or landscape guards.

(c) Building materials and other facade elements:

(i) Decorative building materials/use of building materials such as decorative masonry, shingle, tile, brick, or stone.

(ii) Individualized patterns or continuous wood details, such as fancy butt shingles (a shingle with the butt end machined in some pattern, typically to form geometric designs), decorative moldings, brackets, trim or lattice work, ceramic tile, stone, glass block, carrera glass, or similar materials. The applicant must submit architectural drawings and material samples for approval.

(iii) Distinctive rooflines, such as an ornamental molding, entablature, frieze, or other roofline device visible from the ground level. If the roofline decoration is in the form of a linear molding or board, then the molding or board must be at least 8" wide.

(iv) Decorative artwork on the building such as a mosaic mural, bas-relief sculpture, light sculpture, water sculpture, or other similar artwork. Painted murals or graphics on signs or awnings do not qualify.

(v) Decorative kick-plate, pier, belt course, or other similar facade element.

(vi) Special building elements, such as pilasters, entablatures, wainscots, canopies, or marquees, that exhibit nonstandard designs.

(vii) Other details that meet the intent of the standards and guidelines as determined by the Director.

(viii) Decorative elements referenced above must be distinct "one-of-a-kind" elements or unusual designs that require a high level of craftsmanship as determined by the director.

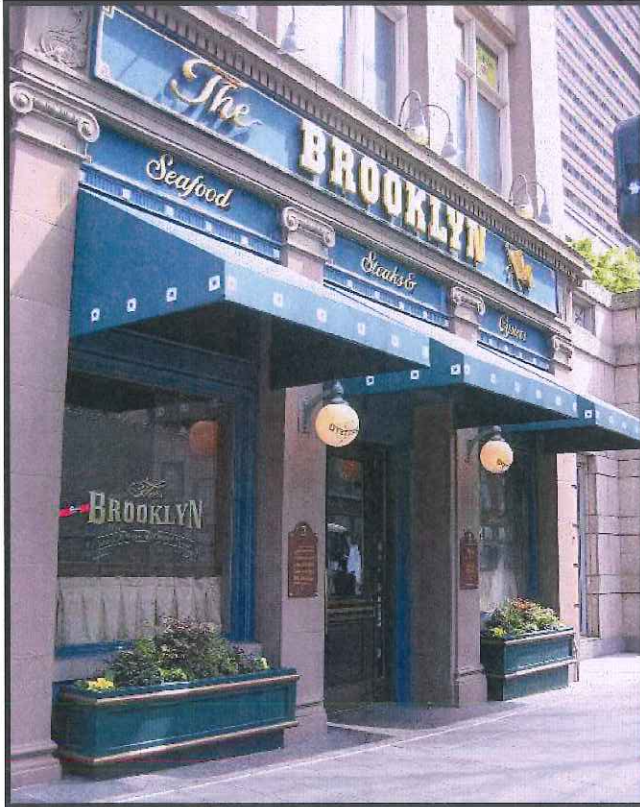


Figure 13 – The building provides a number of details that enhance the pedestrian environment, including decorative lighting, planter boxes, decorative awnings, historical plaques, and decorative façade elements.

(10) Building Materials.

The building materials standards are intended to encourage the use of a variety of high-quality, durable materials that will enhance the visual image of the city; provide visual interest and distinct design qualities; and promote compatibility and improvement within surrounding neighborhoods through effective architectural detailing and the use of traditional building techniques and materials. The following standards apply:

(a) Building exteriors shall be constructed from high quality, durable materials. Building materials such as concrete, masonry, tile, stone and wood are encouraged;

(b) Metal siding, when used for walls that are visible from a public street, public park or open space, pathway, or pedestrian route must:

(i) Have visible corner moldings and trim and incorporate masonry, stone, or other durable permanent materials within two feet of the ground level;

(ii) Incorporate multiple colors or siding materials when the façade is wider than 40 feet;

(iii) Alternative standards may be approved by the director, provided that the design quality and permanence meets the intent of this section.

(c) Concrete masonry units (CMU) or cinder block walls, when used for walls that are visible from a street, public park or open space, or pedestrian route, shall be architecturally treated in one or more of the following ways:

(i) Use in conjunction with other permitted exterior materials.

(ii) Use of a combination of textured surfaces such as split face or grooved to create distinct banding or other design.

(iii) Use of other masonry types, such as brick, glass block, or tile in conjunction with concrete blocks.

(iv) Use of decorative coursing to break up blank wall areas.

(v) Use of matching colored mortar where color is an element of architectural treatment for any of the options above.

(vi) Other treatment approved by the director.

- (d) Exterior Insulation and Finish System (EIFS) and similar troweled finishes must:
- (i) Be trimmed in wood or masonry, and should be sheltered from extreme weather by roof overhangs or other methods in order to avoid deterioration. Weather-exposed horizontal surfaces must be avoided.
 - (ii) Be limited to no more than 50 percent of the façade area.
 - (iii) Incorporate masonry, stone, or other durable material for the first two feet above ground level.
- (e) Prohibited materials in visible locations unless an exception is granted by the director based on the integration of the material into the overall design of the structure:
- (i) Highly tinted or mirrored glass (except stained glass) covering more than 10 percent of the exterior of any building, or located at the ground level along the street.
 - (ii) Corrugated fiberglass.
 - (iii) Plywood siding, including T-111 and similar siding. Board and batten is an exception.
 - (iv) Non-corrugated and highly reflective sheet metal.
 - (v) Any sheet materials, such as wood or metal siding, with exposed edges or unfinished edges, or made of nondurable materials as determined by the director.

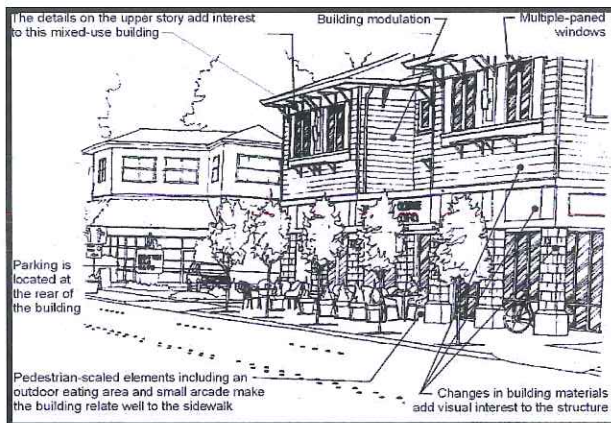


Figure 14 – The use of different building materials, window treatments, and roofline brackets add to the visual interest of this building.



Figure 15 – This storefront effectively combines EIFS and concrete block with wood trim and metal detailing.

(11) Blank Walls.

(a) The blank wall standards are intended to: reduce the visual impact of large, undifferentiated walls; reduce the apparent size of large walls through the use of various architectural and landscaping treatments; enhance the character and identity of the city; and ensure that all visible sides of buildings provide visual interest. Blank walls visible from a public street, sidewalk, trail, interior pathway, or parking lot are prohibited. A wall (including

building façades and other exterior building walls, retaining walls, and fences are defined as a blank wall if:

(i) A ground floor wall or portion of a ground floor wall over 4 feet in height has a horizontal length greater than 15 feet and does not include a transparent window or door; or

(ii) Any portion of a ground floor wall having a surface area of 400 square feet or greater does not include a transparent window or door.

(b) All blank walls visible from a public street, sidewalk, trail, interior pathway, or parking lot, shall be treated in one or more of the following measures:

(i) Incorporate transparent windows or doors and/or display windows;

(ii) Install a vertical trellis in front of the wall with climbing vines or plant materials sufficient to obscure or screen at least 60 percent of the wall's surface within 3 years. For large blank wall areas, the trellis must be used in conjunction with other treatments described below;

(iii) Provide a landscaped planting bed at least 5 feet wide, or a raised planter bed at least 2 feet high and 3 feet wide in front of the wall. Plant materials must be able to obscure or screen at least 60 percent of the wall's surface within 3 years;

(iv) Provide artwork (mosaic, mural, sculpture, relief, etc.) over at least 50 percent of the blank wall surface; and/or

(v) Other method as approved by the director. For example, landscaping or other treatments may not be necessary on a wall that employs high quality building materials (such as brick) and provides desirable visual interest.

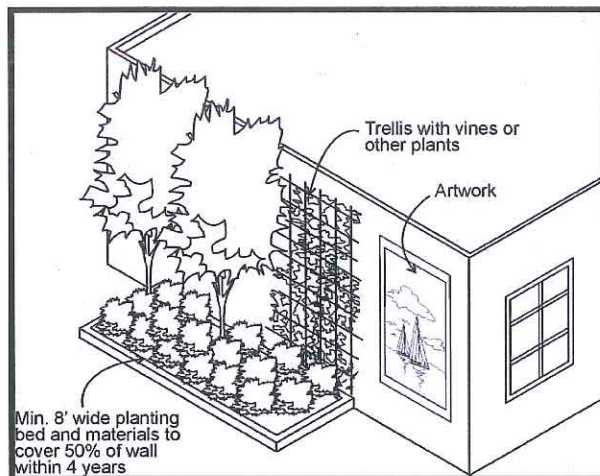


Figure 16 - Blank wall treatments.



Figure 17 - Terraced planting beds effectively screen a large blank wall.

(12) Building Entrances.

The intent of the building entrances standards is to ensure that buildings are inviting and accessible, that entrances are easy to locate, and that pedestrian activity is encouraged.

(a) Primary Building Entrances. The principal building entrances of all buildings shall feature the following improvements, unless the director determines an alternate solution better addresses the guideline's intent:

(i) Weather protection. Weather protection at least 5 feet deep and at least 8 feet above ground level is required over the primary entrance to all commercial buildings. Entries may satisfy this requirement by being set back into the building façade.

(ii) Lighting. Pedestrian entrances must be lit to at least four foot-candles as measured on the ground plane for commercial buildings.

(iii) Visibility and Accessibility. Building entrances must be prominent and visible from the surrounding streets and must be connected by a walkway to the public sidewalk. Pedestrian pathways from public sidewalks to primary entrances or from parking

lots to primary entrances, shall be accessible, conforming to federal and state Americans with Disabilities Act requirements, and shall be clearly delineated.

(iv) Transparency. Entries must feature glass doors, windows, or glazing (window area) near the door so that the visitor and occupant can view people opening the door from the other side.



Figure 18 – A distinct, weather-protected primary building entrance.

(b) Secondary Public Access for Commercial Buildings. Buildings with “secondary” entrances off of a parking lot shall comply with the following measures to enhance secondary public access (applies only to entries used by the public):

(i) Weather protection at least 3 feet deep and at least 8 feet above the ground is required over each secondary entry.

(ii) Two or more of the design elements must be incorporated within or adjacent to the secondary entry:

(A) A transparent window or door to allow visibility into the building;
(B) A landscape bed, trellis, or other permanent landscape element adjacent to the entry;

(C) Decorative architectural treatments that add visual interest to the entry;

(D) Outdoor dining or pedestrian-oriented space;

(E) Decorative lighting; or

(F) Other design elements that meet the intent of these standards as determined by the director.



Figures 19 – Examples of secondary public access. Note the planters, window signs, and awnings.

Section 11. MMC 22C.020.270, entitled "On-site recreation - Space Required", is hereby amended to be entitled "Open Space and Recreation Space Required", and shall read as follows:

~~22C.020.270 On-site recreation - Space required.~~

~~(1) Except when fees in lieu of commonly owned recreation space are provided pursuant to MMC 22C.020.300 and 22C.020.310, multiple family developments in the mixed use zones shall provide outdoor or active recreation space, or a combination thereof, in accordance with the following chart:~~

| Type of Dwelling Unit | Outdoor Open Space | Active Recreation Facility |
|------------------------------|---------------------------|-----------------------------------|
| (a) Studio and one bedroom | 90 square feet per unit | 45 square feet per unit |
| (b) Two bedroom | 130 square feet per unit | 65 square feet per unit |
| (c) Three or more bedroom | 170 square feet per unit | 85 square feet per unit |

~~(2) Any recreation space located outdoors shall:~~

- ~~(a) Be of a grade and surface suitable for recreation;~~
- ~~(b) Be on the site of the proposed development;~~
- ~~(c) Be one continuous parcel if less than 3,000 square feet in size, not to be located in the front yard setback;~~
- ~~(d) Have no dimensions less than 30 feet (except trail segments);~~
- ~~(e) In an apartment or townhome development, have a street, roadway or parking area frontage along 10 to 50 percent of the recreation space perimeter (except trail segments); and~~
- ~~(f) Be centrally located and accessible and convenient to all residents within the development.~~

~~(3) Indoor recreation areas may be credited towards the total recreation space requirement, when the city determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.~~

~~(4) Active recreation facilities may include, but are not limited to, exercise rooms, sport courts, swimming pools, tennis courts, game rooms, or community centers. Outdoor open space shall not include areas devoted to parking or vehicular access, and should be one continuous tract.~~

22C.020.270 Open Space and Recreation Space Required.

The on-site open space and recreation space standards are intended to provide usable, accessible, and inviting open space for residents that enhance residential areas. Multifamily residential uses in the Mixed Use zone shall provide open space equivalent to at least 20 percent of the building's gross floor area; vertical mixed use developments (where commercial and multi-family uses are contained in the same building) shall not be subject to this requirement provided that at least 80 percent of the ground floor is exclusively dedicated

to commercial uses and residential uses shall be limited to walls not oriented or located along the street. The required area may be satisfied with one or more of the elements listed below:

(1) Common open space accessible to all residents shall count for up to 100 percent of the required open space. This includes landscaped courtyards or decks, gardens with pathways, children's play areas, or other multi-purpose recreational and/or green spaces. Special requirements and recommendations for common spaces include the following:

(a) Space shall be large enough to provide functional leisure or recreational activity area per the director. For example, long narrow spaces less than 20 feet wide rarely, if ever, can function as usable common open space.

(b) Consider space as a focal point of development.

(c) Open space, particularly children's play areas, shall be visible from dwelling units and positioned near pedestrian activity.

(d) Space shall feature paths, plantings, seating, lighting and other pedestrian amenities to make the area more functional and enjoyable.

(e) Individual entries shall be provided onto common open space from adjacent ground floor residential units. Small, semi-private open spaces for adjacent ground floor units that maintain visual access to the common area are strongly encouraged to enliven the space.

(f) Separate common space from ground floor windows, streets, service areas and parking lots with landscaping and/or low-level fencing, where desirable.

(g) Space shall be oriented to receive sunlight, facing east, west, or (preferably) south, when possible.

(h) Required setbacks, landscaping, driveways, parking, or other vehicular use areas shall not be counted toward the common open space requirement.

(i) Rooftops or rooftop decks shall not be considered as common open space for the purpose of calculating minimum open space area; provided, that the director may consider rooftops or rooftop decks as common open space where usable open space amenities are provided and available to all residents.

(j) Outdoor open space shall not include areas devoted to parking or vehicular access.

(2) The following amenities may be used to satisfy up to 50 percent of the open space requirement. A combination of these amenities may be provided in different ratios provided that (i) the total credit for any combination of the following amenities may not exceed 50 percent of the open space requirement, and (ii) the amount of the amenity provided is sufficient to achieve the purpose of the amenity as determined by the director:

(a) Individual balconies that provide a space usable for human activity. To qualify, the balconies shall be at least 35 square feet and have no dimension less than 4 feet.

(b) Natural areas that function as an amenity to the development, subject to the following requirements and recommendations:

(i) The natural area shall be accessible to all residents. For example, safe and attractive trails provided along or through the natural area where they could serve as a major amenity to the development.

(ii) Steep slopes, wetlands, or similar unbuildable areas shall not be counted in the calculations for required open space unless they provide a visual amenity for all units, as determined by the director.

(c) Stormwater retention areas if the facility has natural looking edges, natural vegetation, and no fencing except along the property line. The design of such areas shall go well beyond functional stormwater requirements per the director in terms of the area involved and the quality of landscaping and resident amenities. The side slope of the stormwater facilities shall not exceed a grade of 1:3 (one vertical to three horizontal) unless slopes are existing, natural, and covered with vegetation.

(3) Children's play equipment and recreational activity space for children and/or teens that include parent seating areas are required in residential complexes with 20 or more units. Exceptions: Age-restricted senior citizen housing; mixed-use developments (combined commercial and residential in same building); developments reserved for

student housing; infill lots within the Downtown Master Plan area; and developments located within a ¼ mile of safe walking distance to a public park that features a play area.

(4) Active recreation facilities may be provided, subject to the following:

(a) Active recreation facilities may include, but are not limited to, exercise rooms, sports courts, swimming pools, tennis courts, game rooms, or community centers; and

(b) Indoor recreation areas may be credited towards the total recreation space requirement, when the city determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.



Figure 20 - Balconies provide private, usable open space for residents.



Figure 21 - A residential courtyard providing semi-private patio spaces adjacent to individual units.



Figure 22 - Children's play area incorporated into a multifamily development.

Section 12. MMC 22C.020.280, entitled "On-site recreation – Play areas required", is hereby amended to be entitled "Townhouse Open Space", and shall read as follows:

~~22C.020.280 On-site recreation — Play areas required:~~

~~(1) All apartment and townhome development, excluding senior citizen apartments, shall provide tot/children play areas within the recreation space on site, except when facilities are available within one-quarter mile that are developed as public parks or playgrounds and are accessible without the crossing of arterial streets.~~

~~(2) If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:~~

- ~~(a) At least 400 square feet in size with no dimension less than 20 feet;~~
- ~~(b) Adjacent to main pedestrian paths or near building entrances; and~~
- ~~(c) Visual access from adjacent residential structures is provided.~~

22C.020.280 Townhouse Open Space. Townhouses and other ground based multi-family residential units in with individual exterior entries must provide at least 200 square feet of private open space per dwelling unit adjacent to, and directly accessible from each dwelling unit. This may include private balconies, individual rear yards, landscaped front yards, and covered front porch areas. Exception: Common open space designed in accordance with Section 22C.010.320(a) may substitute for up to 50% of each unit's required private or semi-private open space on a square foot per square foot basis.



Figure 23 - Common open space for a townhouse development.



Figure 24 - These townhouses provide balconies and semi-private yard space.

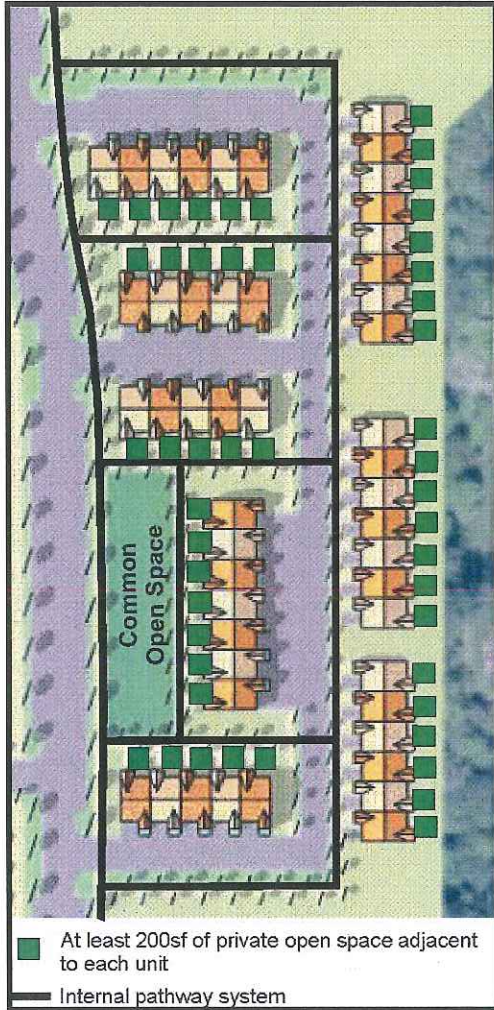


Figure 25 - Example townhouse configuration with a combination of private open spaces adjacent to units and larger common open space accessible to all units.

Section 13. MMC 22C.020.290, entitled "On-site recreation - Maintenance of recreation space or dedication", is hereby amended to be entitled "Maintenance or dedication of open space and recreation space", and shall read as follows:

22C.020.290 On-site recreation—Maintenance of recreation space or dedication. Maintenance or dedication of open space and recreation space.

- (1) Unless the open space or recreation space is dedicated to the city of Marysville pursuant to subsection (2) of this section, maintenance of any open space or recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the city.
- (2) Open space or recreation space may be dedicated as a public park when the following criteria are met:
 - (a) The dedicated area is at least one and one-half acres in size, except when adjacent to an existing or planned public park;
 - (b) The dedicated land provides one or more of the following:

- (i) Shoreline access;
 - (ii) Regional trail linkages;
 - (iii) Habitat linkages;
 - (iv) Recreation facilities; or
 - (v) Heritage sites;
- (c) The entire dedicated area is located less than one mile from the project site.

Section 14. Section 22C.020.300, "On-site recreation - Fee in lieu of recreation space", of MMC Chapter 22C.020, "Commercial, Industrial, Recreation and Public Institutional Zones", is hereby amended to be entitled "On-site recreation - Fee in lieu of open space or recreation space", and shall read as follows:

22C.020.300 On-site recreation - Fee in lieu of open space or recreation space.

Nothing herein shall prohibit voluntary agreements with the city that allow a payment in lieu of providing on-site recreation space when a proposed development is located within ~~1,000~~ feet 1/4 mile of an existing or proposed recreational facility.

Section 15. MMC 22C.020.310, entitled "On-site recreation - Acceptance criteria for fee in lieu of recreation space", is hereby amended to be entitled "On-site recreation - Acceptance criteria for fee in lieu of open space or recreation space", and shall read as follows:

22C.020.310 On-site recreation - Acceptance criteria for fee in lieu of open space or recreation space.

The City of Marysville's acceptance of this payment is discretionary, and may be permitted if:

- (1) The proposed on-site open space or recreation space does not meet the criteria of MMC 22C.020.290(2); or
- (2) The open space or recreation space provided within a public park in the vicinity will be of greater benefit to the prospective residents of the development.

Section 16. MMC 22A.010.160, entitled "Amendments", is hereby amended as follows by adding reference to this adopted ordinance in order to track amendments to the City's Unified Development Code:

22A.010.160 Amendments.

The following amendments have been made to the UDC subsequent to its initial adoption:

| <u>Ordinance</u> | <u>Title (description)</u> | <u>Effective Date</u> |
|------------------|---|-----------------------|
| " _____ | Site and building design & open space standards | _____, 2013" |

Section 17. Severability. If any section, subsection, sentence, clause, phrase or work of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 18. Effective Date. This ordinance shall become effective five days after the date of its adoption and publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 2013.

CITY OF MARYSVILLE

By: _____
JON NEHRING, MAYOR

Attest:

By: _____
CITY CLERK

Approved as to form:

By: _____
GRANT K. WEED, CITY ATTORNEY

Date of Publication: _____

Effective Date: _____
(5 days after publication)