



Department of Planning and Community Development

Memorandum

Date: September 24, 2020
To: Planning Commission
From: Jennifer Sutton, AICP
Senior Planner
Subject: Planning Commission Review of DRAFT Ordinance No. 202-16 Re: Bonus FAR Program

I. BACKGROUND

On March 10, 2020, the City Council approved an [interim zoning control ordinance](#) related to Floor Area Ratio ("FAR") bonus options ([Ordinance No. 2020-10](#)). The interim control became effective immediately and paused the use of bonus FAR, which increases the amount of residential, commercial, or mixed-use development that can be built for some types of projects in some instances. At their [August 25, 2020 meeting](#), the City Council will held a public hearing on Ordinance No. 2020-20 and voted to extend the Interim Zoning Control until March 10, 2021.

The FAR and Bonus FAR development provisions only apply within the Mixed Use Town Center (MUTC) and High School Road zoning districts, otherwise known as downtown Winslow or Winslow. See attached map and excerpt of [BIMC Table 18.12.020-3](#). See definitions of Floor Area and Floor Area Ratio below ([BIMC 18.12.050](#)).

F. Floor Area. Floor area is measured as the total area of all floors within the exterior vertical walls of a building. If any room has a sloping ceiling, no portion of the room measuring less than five vertical feet from the finished floor to the finished ceiling shall be included in the computation of total area.

G. Floor Area Ratio (FAR). "Floor area ratio" is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. Portions of parking located underneath a building footprint are not counted in floor area ratio calculations.

The City's Bonus FAR program was created in the late 1990's as part of implementing the [Winslow Master Plan \(WMP\)](#); as described in the [WMP](#), bonus FAR incentivizes developers to provide or integrate a variety of community benefits as a way to earn bonus FAR. Each district has different FAR standards for residential, commercial, and mixed-use FAR, and in several districts, the program has a "built-in" incentive for mixed-use development by having a higher mixed-use FAR standard than straight commercial or residential development.

In addition, the Bonus FAR could be purchased from the City to support public farmland and improved amenities downtown. As a result of the interim zoning control, Bonus FAR choices were limited and can now only be obtained or used currently under the following circumstances:

- Providing affordable housing as defined in Chapter 18.36 BIMC in accordance with BIMC 18.12.030.E.1.a;
- Transferring unused FAR from the Islander Mobile Home Park to another parcel or parcels in the Mixed Use Town Center District for residential development in accordance with BIMC 18.12.030.E.1.b; or
- Preserving an historic structure located on a state, local, or federal register in accordance with BIMC 18.12.030.E.6. such that, when an historic structure is preserved, the square footage of that structure will not count toward the FAR calculation.

[Ordinance No. 2020-10](#) includes an exclusion recognizing development rights that were purchased from the City or otherwise acquired prior to the effective date of the ordinance, as well as a provision recognizing vested rights. On August 25, 2020, the City Council voted to extend the interim control March 10, 2021.

II. DRAFT Ordinance No. 2020-16

As directed by the City Council on February 25, 2020, the Planning Commission has been tasked to bring back to Council as quickly as possible an ordinance that will reform the City's bonus FAR program so as to only allow bonus FAR in relation to Affordable Housing, Historic Preservation, and Transfer of Development Rights. The Planning Commission began their discussion on [March 12, 2020](#), and it continued on [May 14 and 28, June 11, June 25, July 9, August 27, and September 10, 2020](#). The Planning Commission had formed a subcommittee that came back with recommendations on revising the Bonus FAR program on June 11. The Commission affirmed the committee's recommendations for revising the Bonus FAR program, and those recommendations were integrated into DRAFT Ordinance No. 2020-16.

DRAFT Ordinance No. 2020-16 removes all the bonus FAR provisions of BIMC 18.12.030.E except for the affordable housing provisions of Subsection E.1.a. The Planning Commission recommends relocated the FAR provisions related to preserving historic buildings to the [BIMC Chapter 18.24 Historic Preservation Program](#). By removing all of the ways of achieving bonus FAR except through the provisions of affordable housing, DRAFT Ordinance No. 2020-16 de facto eliminates all of the ways to achieve bonus FAR for commercial-only developments (except for those properties with historic buildings- see above).

This change means that there would not be a base AND bonus FAR for commercial development, only a FAR standard for commercial development. This change would be made BIMC Table 18.12.020-3- see EXHIBIT A to DRAFT Ordinance No. 2020-16. Staff has included two options for EXHIBIT A for the Planning Commission to consider. EXHIBIT A Option 1 sets the commercial FAR standard at the level of the current maximum commercial FAR. Staff recommends this Option as best supported by the Comprehensive Plan (see discussion below). EXHIBIT A Option 2 sets the commercial FAR standard at the level of the current base commercial FAR.

III. Comprehensive Plan

As mentioned above, the bonus FAR program was originally added in the late 1990's as part of implementing the [Winslow Master Plan \(WMP\)](#), which was originally approved in 1998 and substantially updated in 2006. The WMP went into the details about how Winslow could grow and change to support the broader smart growth principles of the City's [Comprehensive Plan](#). Those smart growth principles were reaffirmed in the recent Comprehensive Plan Update, including the [Land Use Vision 2036](#) and the City's growth plan, the Island-wide Conservation and Development Strategy.

As part of a long-term Island-wide Conservation and Development Strategy, focus residential and commercial development in designated centers, increase a network of conservation lands, maximize public access while protecting the shoreline, minimize impacts from the SR 305 corridor and conserve the Island's ecosystems and the green and open character of its landscape.

The Island-wide Conservation and Development Strategy, Land Use Element Goals LU-5 through LU-8 and supporting policies promote housing and commerce in designated centers including downtown Winslow and describe the positive benefits of that growth pattern.

Policy LU 5.1 Winslow is the urban core of the Island while the Neighborhood Centers are smaller-scale mixed-use centers. In order to achieve the goals of the GMA this Plan:

- Encourages development in areas where public facilities and services exist or can be provided in an efficient and effective manner.
- Provides a vibrant, pedestrian-oriented core.
- Reduces sprawl.
- Provides choice of housing location and lifestyle.
- Maintains and protects environmentally sensitive and resource lands.
- Encourages the retention of open space.
- Maintains and enhances fish and wildlife habitat.

GOAL LU-6 Ensure a development pattern that is true to the Vision for Bainbridge Island by reducing the conversion of undeveloped land into sprawling development. Encourage improvement of aging or underutilized developments over development of previously undeveloped property.

Policy LU 6.1 Land use designations reflect the priority of Bainbridge Island to remain primarily residential and agricultural with nonresidential development concentrated in the designated centers.

Policy LU 6.2 Promote dense residential and commercial development and encourage human activity within Winslow, the heart of Bainbridge Island. In order to create a vibrant city center direct growth where infrastructure exists, reduce reliance on the automobile, provide opportunities for affordable housing and absorb growth that would otherwise be scattered in outlying areas. Plan for adequate parking in Winslow to accommodate residents and visitors who drive downtown for shopping, participation in local government, attendance at cultural events and centers, and to use other resources in Winslow.

GOAL LU-7 The Winslow mixed use and commercial districts are designed to strengthen the vitality of downtown Winslow as a place for people to live, shop and work. The Winslow Mixed Use Town Center (MUTC) is intended to have a strong residential component to encourage a lively community during the day and at night. The high residential density of Winslow requires the Central Core Overlay District to provide services and products that meet the needs of residents as well as visitors.
Policy

LU 7.1 The Island's major center for new commercial development is the Mixed Use Town Center (MUTC) and the other commercial districts in Winslow. Development within the MUTC and High School Road Districts shall be consistent with the Winslow Master Plan. The level of development is determined using Floor Area Ratio (FAR) rather than dwelling units per acre. The use of FAR may result in an increase in the base level of development (density) over the existing zoning, but will provide greater flexibility in type and size of housing units that will further the goals of this Plan.

The above Land Use Element policies are merely a smattering that support the City's [Comprehensive Plan](#) anti-sprawl land use strategy. Additional support can be found in the Comprehensive Plan Elements hyperlinked below.

[Introduction](#)

[Land Use Element](#)

[Economic Element](#)

[Housing Element](#)

[Transportation Element](#)

[Winslow Master Plan](#)

As mentioned above, the [Winslow Master Plan \(WMP\)](#) describes a Winslow that is a major component of the City's overall land use strategy as the Island's primary center for commerce and housing. The "bonus FAR tool" is described in the [WMP](#) as a way to achieve community benefits above and beyond what is required by the BIMC. See attached document of [WMP](#) goals, policies and information specifically related directly to the bonus FAR program. The very first page of the [WMP](#) distills these community goals (below):

WHY A MASTER PLAN FOR WINSLOW?

The Comprehensive Plan establishes the vision and overall framework for the future of Winslow. It is designated as the major area of urban concentration — the commercial, cultural and commuter hub of the Island.

Higher intensity of residential and commercial activity is recommended for Winslow to 1) encourage development where public facilities and services exist or can be efficiently expanded, 2) provide choice of housing for all economic segments of the population, 3) reduce sprawl elsewhere on the Island, 4) encourage efficient multimodal transportation, and 5) encourage economic development within Winslow.

WMP Chapter 1 Introduction & Summary

BONUS FAR Changes Reduces New Commercial Development

As seen above, the [Comprehensive Plan](#) and [WMP](#) identify and promote Winslow as the commercial center for Bainbridge Island. The Planning Commission recommendation to modify the bonus FAR provisions, DRAFT Ordinance No. 2020-16, eliminates the ability to purchase FAR from the City would limit the ability of commercial development to achieve bonus FAR to 1) projects that can integrate preserving a historic building and 2) mixed-use developments that provides affordable housing pursuant to [BIMC 18.12.030.E.1.a](#). To summarize, the changes currently contemplated by the Planning Commission de facto limit most commercial development to the base FAR levels of [BIMC Table 18.12.020-3](#).

In addition to supporting the goals and policies that put Winslow as the center of Bainbridge Island commerce and public life, the Growth Management Act requires that that comprehensive plans and zoning plan for future jobs, not just future residences. It is well known that the City's 2016 Comprehensive Plan needed to plan for or accommodate a future population of 28,660 persons. Lesser known is that comprehensive plans need to accommodate enough land with commercial development potential to accommodate future jobs. Kitsap County and its cities coordinated on the [2014 Buildable Lands Report](#) (see Chapter 5 and Appendix C for more information on commercial capacity analysis) in advance of the comprehensive plan update. Page 18 of [Introduction](#) to the Comprehensive Plan summarizes this work and is excerpted below:

The Plan has been updated based on residential and employment targets that align with [Vision 2040](#), as demonstrated through the population and employment capacity analysis in

the [Kitsap County 2014 Buildable Lands Report](#). The City's existing residential and commercial zoning accommodates those target- see tables below.

Table IN-1: City of Bainbridge Island Population Capacity and Demand	
2036 Residential Population Forecast/Target	28,660
Population Capacity Under Existing Zoning	6,814
2010-2036 Allocated Population Growth	5,635
Net 20-Year Population Capacity (+ or -)	+1,179
Population Capacity/Demand Ratio	1.21

Table IN-2: City of Bainbridge Island Employment Capacity and Demand	
Employment Capacity Under Existing Commercial Zoning	2,941 jobs
2036 Employment Growth Forecast/Target	2,808 jobs
Net 20-Year Population Capacity (+ or -)	+133 jobs
Employment Capacity/Demand Ratio	1.04

Table IN-2 shows that the City has just enough land with commercial development capacity to accommodate 2,808 future jobs. The [2014 Buildable Lands Report](#) commercial capacity analysis for the MUTC and HS road zones utilized the bonus commercial FAR standard to calculate employment growth capacity. The Growth Management Act requirement to plan for future commercial development is another reason to not reduce the availability of commercial FAR, and instead, to consider other options for bonus FAR. An option presented by staff at the August 13 planning commission meeting (EXHIBIT A Option 1) would be to make the current bonus commercial FAR as maximum FAR. Another option would be for the Planning Commission to recommend an alternative bonus FAR option, such as amenities or consideration of an increased fee for community benefits.

Affordable Housing

Increasing the amount of affordable housing and improving housing affordability generally are goals that permeate several elements of the [Comprehensive Plan](#), notably the [Land Use](#), [Housing](#) and [Economic](#) Elements. To achieve the affordable housing goals and policies in the [Comprehensive Plan](#), City Council created a short-term Affordable Housing Task Force (AHTF) in 2017 to assist the City in prioritizing a variety of affordable housing actions.

The City changed its mandatory affordable housing requirement to voluntary in 2005 ([BIMC 18.21](#)), and developers have opted not to use it, including in downtown Winslow ([BIMC 18.12.030.E.1.a](#)). Although the City has succeeded in building a high proportion of new residences in Winslow in the last 20 years, few of the units have been designated as "Affordable Housing". Despite the aspirational goals of the [Comprehensive Plan](#) and [WMP](#), the City's development code is not producing affordable units.

The City has hired firm ECONorthwest to provide economic analysis and feasibility study regarding a new Inclusionary Zoning program and adoption of a Multifamily Tax Exemption (MFTE). Council discussed these issues on [June 19](#), [October 2](#) and [December 4](#), 2018. On [February 19, 2019](#), ECONorthwest presented a final report to City Council. The final analysis indicated that the City's FAR (too low), building height (too low) and parking standards (too high) are outdated, and need to be changed in order to create an inclusionary zoning program that relies on the private market to produce affordable housing. Council has considered adoption of an MFTE and/or an inclusionary zoning program and continued to

make progress on these complex issues at their [September 17, 2019](#) and [February 4, 2020](#) meetings, however the Council has not finalized a policy direction to design an inclusionary zoning program that could be successful.

Although limiting bonus FAR to those projects that include affordable housing as required by [BIMC 18.12.030.E.1.a](#) seems a likely way to ensure that affordable housing is constructed in lieu of market rate and commercial development, it is unlikely that any private development project would utilize this section, because it hasn't been utilized for 15 years. The City's base and bonus FAR levels have not been updated since the WMP was originally implemented- more than 20 years ago.

The [February 2019 Final Report on Inclusionary Zoning](#) by ECONorthwest indicates that the current available FAR is too low, and the affordability requirement too high (requiring the entirety of any bonus FAR to be designated affordable housing) to produce any private development projects. The modeling done by ECONorthwest was utilizing a 10% affordable housing requirement. Given that building and implementing designated affordable housing is expensive, the lower the income targeted, the higher the number of market-rate units needed to support those affordable units. Add in the incredible low vacancy for rental units at this time, and for these reasons, City Planning staff suggests making the other changes to FAR, building height and parking that are described in [February 2019 Final Report on Inclusionary Zoning](#) by ECONorthwest. As described above, the [Comprehensive Plan](#) and [WMP](#) describe a Winslow where both commerce and diverse housing types are appropriate.

IV. Islander MOBILE HOME PARK RESIDENTIAL FAR

In 2004, the residents of the Islander Mobile Home Park (IMHP) succeeded in their multi-year effort to purchase their mobile home park property to prevent it from being sold and likely, redeveloped. This purchase was the result of a wide-scale community effort to raise money to preserve the IMHP to preserve this pocket of affordability in downtown Winslow. The City was an integral partner in the preservation of the IMHP. The IMHP is in the MUTC/Central Core District in the center of downtown Winslow, which allows the most intense development. Preserving the IMHP as a mobile home park with a relatively low level of development left the IMHP with more than 137,000 square feet of unused "Residential" FAR.

The City is party to a 2004 Covenant with the then newly formed IMHP Residents Association that outlines the ability of the IMHP to "sell" or "transfer" the unused residential FAR with City oversight. Most of the IMHP residential FAR has been sold and used in development throughout Winslow, however some of the IMHP residential FAR remains unsold or unused.

On July 9, the Planning Commission recommended eliminating BIMC 18.12.030.E.1.b, the IMHP bonus FAR provision, and that the City should purchase the balance of IMHP FAR. In making this recommendation, the Commission acknowledged that to do so would require legal review and budget analysis to inform a City Council decision on this task. Eliminating this provision would also require amending that 2004 Covenant in coordination with the other parties. Part of the Commission's rationale for eliminating the IMHP FAR is because the City doesn't otherwise have mandatory affordable housing provisions, such as mandatory inclusionary zoning, that the residential bonus FAR could be used to build only market-rate housing in downtown Winslow. This provision is in the Affordable Housing portion of Section E because of the affordable units MAINTAINED by preserving the IMHP.

V. NEXT STEPS & PUBLIC OUTREACH

Staff has scheduled a Planning Commission check-in with the City Council regarding the Planning Commission regarding the entire Planning Commission proposal for updating the Bonus FAR program, including the proposal to pursue eliminate the Mobile Home Park bonus FAR provisions, for October 20,

2020, prior to the Planning Commission holding a public hearing and completing their recommendation on Ordinance No. 2020-16.

City staff will collaborate with the City's Communications Coordinator to improve outreach about the proposed changes to the Bonus FAR program, to ensure that the Winslow community, including the business community, is informed about this effort prior to the Planning Commission holding a public hearing on Ordinance No. 2020-16.