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Woodinville, WA 98072  
April 19, 2010

Councilmembers  
City of Woodinville  
17301 133<sup>rd</sup> Avenue NE  
Woodinville, WA 98072

Re: Downtown Zoning Code, Ordinance 489

Dear Fellow Councilmembers:

Since we will be discussing changes to the downtown zoning code and deciding the course that downtown Woodinville will take over the next 10 to 20 years I wanted to share some of my ideas in advance of our meeting.

The four major issues we will be deciding are (1) building height, (2) building size, (3) configuration of the design districts, and (4) allowed uses in each zone.

(1) Building height

The staff recommendation is that we allow up to 60 feet in some areas, with “incentives.” With a pitched roof this could be as high as 70 feet. Most of downtown is presently developed to 20 feet, or one story, and consists of a substantial amount of “strip mall architecture.” We must decide whether to increase the height limit, and if so, by how much.

One Story (20 feet): If we limit development to one story we are essentially limiting ourselves to further strip malls, since there will be no financial incentive for a landowner to build anything else, and we would not be able to increase our housing capacity downtown, as we need to do to comply with the state Growth Management Act. In my opinion this is not a viable option.

Two Stories (27 feet; 15 plus 12 feet): While this may be desirable from an aesthetic point of view compared with the present look of downtown, it is also probably not economically feasible for a landowner to develop sufficient retail space and housing with a two story limit.

Three Stories (35 feet; 15, 10 and 10): This would permit mixed use development with one floor of retail (15 foot height limit) and two floors of housing (10 feet for each floor). This would permit us to have sufficient housing capacity to comply with the GMA if we expand the pedestrian core design district to include the area south of 175<sup>th</sup> street and west of 140<sup>th</sup> NE. While this may not be the preference of developers, it is

probably sufficient to provide enough economic incentive to get the downtown developed to our design standards and maintain or improve our quality of life and the woodland character we desire.

Four Stories (51 feet) or Five Stories (60 feet): Naturally either of these options is preferred by developers, and is recommended by our staff. These heights, however, would substantially change the small-town character of Woodinville, the visual appeal of the city, the amount of traffic in the city, the movement of traffic in the city, the requirements for city services and expose us to the negative impact of empty buildings if developers are wrong about the amount of development Woodinville can support. (consider the Beaumont project, Woodinville village, and the present empty commercial space throughout the city.) In addition, and of primary importance, is the fact that we can increase the height limit in the future if we are too restrictive in our height limit now but we can probably not reduce the limit in the future if we set it too high now. If we set the limit at a high level now and then later try and reduce it property owners may sue the city for damages for allegedly reducing the value of their property. It is far better if we are conservative now in setting the height limit. If we are then unable to get acceptable development in the city we can always increase it later.

Incentives: We should not permit the building heights to be increased based on “incentives” decided by the planning “director or his designee.” The proposed code allows “incentives” such as “art,” “kiosks,” “weather canopies,” “street furniture,” “affordable housing,” or “water features” to permit additional building height in the discretion of the “director or his designee.” For the reasons noted above we should be conservative in setting the building height limit, and the city should negotiate for, or require, these features as part of any proposed development without a building height increase.

## (2) Building Size

In the written report to the Planning Commission on November 4, 2009, the planning director stated that the proposed amendment would limit the size of buildings in downtown (CBD and GB zones) to 50,000 square feet. However, hidden in the details of the development conditions was language permitting building size up to 180,000 square feet of net retail space, which didn't even include storage, stock rooms, inventory space, or office areas. The information presented to the Planning Commission indicated that virtually all retail stores and restaurants, other than “big box” retailers, can be accommodated in 45,000 square feet. In two of the design districts the proposed development conditions would now permit a “retail establishment” of up to 150,000 square feet and 80,000 square feet, and does not even limit building size. This would obviously permit huge “big box” stores in downtown Woodinville, which would certainly shock the residents if they were aware of it.

We should limit building size and the size of retail stores based on “gross leasable area of the store,” the industry standard, and the limits should be the Planning Commission recommendations for the Civic/Gateway district (25,000 square feet), the Pedestrian Core

district (30,000 square feet), and the Transition Area district (45,000 square feet), and 45,000 square feet in the other two districts. This would accommodate all retailers and restaurants except “big box” stores.

There has been some discussion at the council meetings, and at the Planning Commission, that we should allow “big box” stores in the areas where we presently have Target and Molbak’s, so as not to interfere with retailers already in town. However, these stores are already “grandfathered in” and can continue to operate in their present stores. In addition, we cannot force these stores to stay in business, and if we set our zoning code to protect specific retailers there is nothing to prevent them from closing down and redeveloping the property in some other manner.

Also, information presented to the planning commission and later to the council showed that one of the consequences of the introduction of big box retailers to a community is the elimination of competing small local businesses and the reduction of available space for small professional offices and similar businesses.

### (3) Configuration of the Design Districts

The pedestrian core district should include the entire area south of 175<sup>th</sup> street and west of 140<sup>th</sup> avenue NE, so that we have consistent pedestrian oriented development in naturally contiguous areas and the downtown doesn’t appear “chopped up,” and to ensure enough housing capacity with a three story limit to accommodate our GMA requirements.

If the council chooses to allow some “big box” stores in the East Frame design district, then the East Frame district should be more limited in size, certainly excluding the area south of 175<sup>th</sup> street and possibly excluding the area east of 138<sup>th</sup> place NE and north of 175<sup>th</sup> street.

### (4) Allowed Uses In Each Design District

While the public may be familiar with the general nature of terms such as “mixed-use” or “retail,” they are probably not aware of the details of the proposal before us, and we should receive public input and discuss these details before approving them.

For example, the proposal before us would allow the following downtown: recycling facility, jail facility, community residential facility, temporary shelter, motor vehicle and boat dealers, truck and motorhome dealers, work release facility, oil and gas extraction, wastewater treatment facility, airport/heliport, transit bus base, power generation facility, and heavy equipment and truck repair. These may not be the type of uses that the public is envisioning for our downtown.

Also, the following would not be permitted downtown: apparel, jewelry and accessory stores in the general business zone; book, stationary, video and art supply stores in the general business zone; hobby, toy and game shops in the general business zone; florist

shops in the general business zone; copying and duplicating service; sports and recreational instruction; condominiums. Again, the public might expect some of these uses in the downtown core.

#### Conclusion

All of the above issues should be fully disclosed to the public and then considered and discussed by the council before we approve the final downtown zoning code amendments.

Sincerely yours,

A handwritten signature in black ink that reads "Bernie Talmas". The signature is written in a cursive, flowing style.

BERNIE TALMAS