

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Reconsideration on Transition Area Setback Amendment		
DEPARTMENT:	Planning & Community Development		
PRESENTED BY:	Paul Cohen, Planning Manager Rachael Markle, AICP, Director		
<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Study Session	<input type="checkbox"/> Recommendation Only	
<input type="checkbox"/> Discussion	<input type="checkbox"/> Update	<input type="checkbox"/> Other	

INTRODUCTION

The City Council adopted the commercial design standard amendments with Ordinance No. 654 on March 18, 2013. In that adoption, they moved and passed a different amendment to the Commission’s recommendation as it specifically related to front setbacks of buildings in commercial zones when across the street from single family zones. The Council reduced the recommended setback from 15 feet to 0 feet. In light of the City’s adoption of the Town Center code where the transition standard originated with substantial public input, the Council on April 22 reconsidered their decision by remanding only this provision to the Planning Commission for study, public hearing, and a recommendation (Attachment A).

BACKGROUND

The development of the Town Center Subarea and Development Code was an approximate three year public process. Toward the end of that process the proposal for the development and design standards was being discussed by the Planning Commission. At that time there was substantial discussion on the subject of transition area requirements where commercial development in the Town Center abutted or occurred across a street to single family zones. With that discussion there was substantial public comment by a few residents who would be directly affected by the proposed requirements. The Town Center adopted code language that required a 15 foot building setback from the right-of-way for development in Town Center when located across a street from R-4, and R-6 zones.

In early 2012 staff was directed to amend the Development Code to the consolidate the commercial zoning and development and design standards based on the work completed for Town Center. In these amendments, the Planning Commission recommended that the building setback for all commercial development when across streets from R-4, R-6, and R-8 zones remained unchanged other than the inclusion of R-8 zones. At the Commission meetings in December 2012 and January 2013 there was discussion and public comment on this provision specifically regarding the Ronald Methodist Church property. Aside from parking and affordable housing, public comment from advocates of affordable housing on that site requested a reduced street front

Approved By:

Project Manager 

Planning Director 

setback in the proposed requirements to accommodate more housing and less expensive construction costs. Minutes to those meetings can be linked to:

http://shoreview/portal/server.pt/document/1212043/120612_docx

http://shoreview/portal/server.pt/document/1212044/010313_docx

http://shoreview/portal/server.pt/document/1212084/011713_docx

In March 2013 the City Council discussed the Planning Commission recommendations and adopted the revised language to reduce those setbacks from 15 feet to 0 feet. The general discussion around the revision cited: the adequacy of bulk and scale standards to protect R-4-R-8 properties across right of ways; the need for more affordable housing; development potential in general for Shoreline's commercial districts; and a visual preference for having buildings abutting sidewalks in commercial areas. The minutes discussing this issue can be linked to http://shoreline.granicus.com/MinutesViewer.php?view_id=4&clip_id=459. In response to the substantial public comment to the revised code amendment, the Council met April 22 to reconsider that decision and decided to remand this provision to the Planning Commission before reconsidering their adoption. The minutes discussing the reconsideration can be linked to

http://shoreline.granicus.com/MinutesViewer.php?view_id=4&clip_id=464.

PROPOSAL & ANALYSIS

The Planning Commission recommended the following provision under SMC 20.50.021.A.

From abutting property, a 35-foot maximum building height at the required setback, a building envelope under 35 feet of height for an additional 30 feet of property depth, and a two to one horizontal to vertical slope up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height at the required 15-foot setback, a building envelope under 35 feet of height for an additional 10 feet of property depth, and a one to one horizontal to vertical slope up to the maximum height of the zone. Parking garages facing Transition Areas with abutting property shall be entirely walled without openings.

The City Council adopted the following provision under SMC 20.50.021.A in Ordinance No. 654.

From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
<u>Min. Front Yard Setback (Street) (1)</u> (see Transition Area setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones	15 ft	15 ft	15 ft	15 ft
Base Height (2)	50 ft	60 ft	65 ft	70 ft
Hardscape	85%	85%	95%	95%

See Attachment B to compare a cross-section of the two provisions. The impact from the Council’s revision allows for 15 feet by the width of the property by three stories more development potential. Building separation from single family zones across the street in comparison to single family abutting commercial zones is 80 feet (60-foot R-o-W plus 20-foot single family front yard setback requirement) with 35 feet (20-foot commercial setback plus 15-foot single family rear yard setback).

Criteria for Amending the Development Code

Neither of these provisions is in conflict with the following criteria in SMC 20.30.350 for amendment to the Development Code.

A. Purpose. An amendment to the Development Code (and where applicable amendment of the zoning map) is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

B. Decision Criteria. The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

1. The amendment is in accordance with the Comprehensive Plan; and

2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

PROCEDURE

These Planning Commission meetings and hearing were publically noticed in the Seattle Times, and listed in the City's website. As a courtesy, a notice was sent August 17th to all property owners that are zoned either commercially or R-4, R-6, and R-8 and located directly across a street from each other (Attachment C). The State Department of Commerce was notified August 8, 2013 of the possible amendment.

SEPA review for this action was completed with prior consideration of this amendment in 2012.

RECOMMENDATION

Staff recommends that the Planning Commission discuss the issue prior to the announced public hearing on October 3, 2013.

ATTACHMENTS

Attachment A – Council April 22 Reconsideration Staff Report
Attachment B – Diagram Comparing the 2 Provisions
Attachment C – Notice of Public Hearing

Council Meeting Date: April 22, 2013
Agenda Item: 8(a)

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Reconsideration of the City's Development Code for Commercial Design Standards as it Pertains to the Transition Area Setback Amendment. (Shoreline Municipal Code Chapter 20.50.021(a))
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Rachael Markle, Director Paul Cohen, Planning Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The purpose of tonight's meeting is to discuss possible reconsideration of a portion of Ordinance No. 654 pertaining to the setback for buildings in commercial zones in transition areas (SMC 20.50.021(a)) when across the street from R-4, R-6, and R-8 zones.

On March 18, 2013 the Shoreline City Council adopted the commercial design standards and zoning consolidation amendments. In those amendments, the Planning Commission recommended transition area amendments that the Council discussed, moved to change, and approved regarding development standards for transition areas between commercial zones and single family zones, and more specifically, the initial building setback from the property line when across the street from single family zones (R-4, R-6, R-8). The Commission's recommendation was a 15-foot setback that was consistent with the Town Center District standards. The Council moved and adopted a change to that setback. The Council adopted a required setback, which when using the dimensional chart, is 0 feet.

In consultation with the City Attorney, it is not possible to simply go back and amend the code that was just adopted. These legislative decisions must go through the Planning Commission, who is responsible for holding the open record public hearing on the proposed code and making a recommendation to the City Council. This staff report provides the alternatives available for Council to consider.

RESOURCE/FINANCIAL IMPACT:

No financial impacts are anticipated.

RECOMMENDATION:

Council should review the amendment and discuss the alternatives available for Council consideration. Staff is recommending that Council make no change and leave the code amendments as adopted on March 18, 2013 in Ordinance No. 654.

Approved By: City Manager **JU** City Attorney **IS**

BACKGROUND

On March 18, 2013 the Shoreline City Council adopted the commercial design standards and zoning consolidation amendments. In those amendments, the Planning Commission recommended transition area amendments that the Council discussed, moved to change, and approved regarding development standards for transition areas between commercial zones and single family zones, and more specifically, the initial building setback from the property line when across the street from single family zones (R-4, R-6, R-8). The Commission's recommendation was a 15-foot setback that was consistent with the Town Center District standards. The Council moved and adopted a change to that setback. The Council adopted a required front yard setback (SMC 20.50.020(2)), which when using the dimensional chart, is 0 feet.

Council Action as Summarized in the Adopted Minutes

Councilmember Hall moved adoption of Ordinance No. 654. Councilmember Roberts seconded the motion. Councilmember Hall proposed an amendment to SMC Chapter 20.50.021 relating to transition area requirements. Following discussion of the proposed change, Councilmember Hall withdrew the amendment to allow action on other amendments.

Councilmember Hall moved to strike the Planning Commission recommended code language in SMC Chapter 20.50.021, Transition Areas, and insert the following: "Development in commercial zones; NB, CB, MB, and TC1, 2 & 3, abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements: 1. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional ten feet in height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for ten feet horizontally from the required building setback, then an additional ten feet of height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet, up to the maximum height allowed in the zone." Councilmember Roberts seconded the motion.

There was Council discussion and questions regarding the merits of the proposed change. Following discussion, a vote was taken on the motion, which carried 6-1, with Councilmember Salomon dissenting.

See Attachment A for a diagram comparing Planning Commission's recommendation and Council's adoption.

Adopted Code Language

1. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional ten feet in height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet up to the maximum height of the zone. *From across street rights-of-way, a 35-foot maximum building height for ten feet horizontally from the required building setback (as adopted in the dimensional chart SMC 20.50.020(2)), then an additional ten feet of height for the next ten feet horizontally, and an additional ten feet in height for each additional ten horizontal feet, up to the maximum height allowed in the zone.*

DISCUSSION

Survey of Affected Properties

Staff has reviewed the City's parcel maps to identify how many parcels this provision will affect. Staff found 85 parcels of R-6, R-4, and R-8 property that each average about 100 lineal feet of frontage and which are across streets from commercial zoned property. While many of these parcels are peppered throughout the City, a significant amount of them are on Linden in Town Center and on Dayton near the Washington State Department of Transportation property.

Citizen Concerns

Since the code amendment adoption, some citizens, who live in Town Center, have expressed concerns regarding the change. Some of these same citizens are also concerned about the proposed Ronald Commons project, which is an affordable housing, food bank and community service development proposed on Linden Avenue, on the north side of the Ronald Methodist Church. There is no application for this project yet; however, the development team has informed staff that they plan to submit a binding site plan soon.

ALTERNATIVES

In consultation with the City Attorney, it is not possible to simply go back and amend the code that was just adopted. These legislative decisions must go through the Planning Commission, who is responsible for holding the open record public hearing on the propose code and making a recommendation to the City Council. Alternatives for the Council to consider include:

- **No Change** – Make no change and leave the code amendment as adopted on March 18, 2013 in Ordinance No. 654.
- **Code Amendment Process** – There are two possible paths to amend the code:
 1. *Routine Code Review & Amendment Process* – Direct staff to revisit the specific amendment with the Planning Commission. This would include a public hearing, discussion, and recommendation from the Planning Commission to return to Council. The timeline for this returning to Council would be late 2013/early 2014.
 2. *Six-Month Moratorium with Interim Regulation* – Adopt a moratorium for the one provision regarding commercial zone building setbacks that are across the street from R-4, R-6, and R-8 with interim regulations. For the interim regulation staff recommends that the Council adopt the Planning Commission's recommendation of 15-foot setback for all commercial zones.

The staff recommends the no change alternative.

RESOURCE/FINANCIAL IMPACT:

No financial impacts are anticipated.

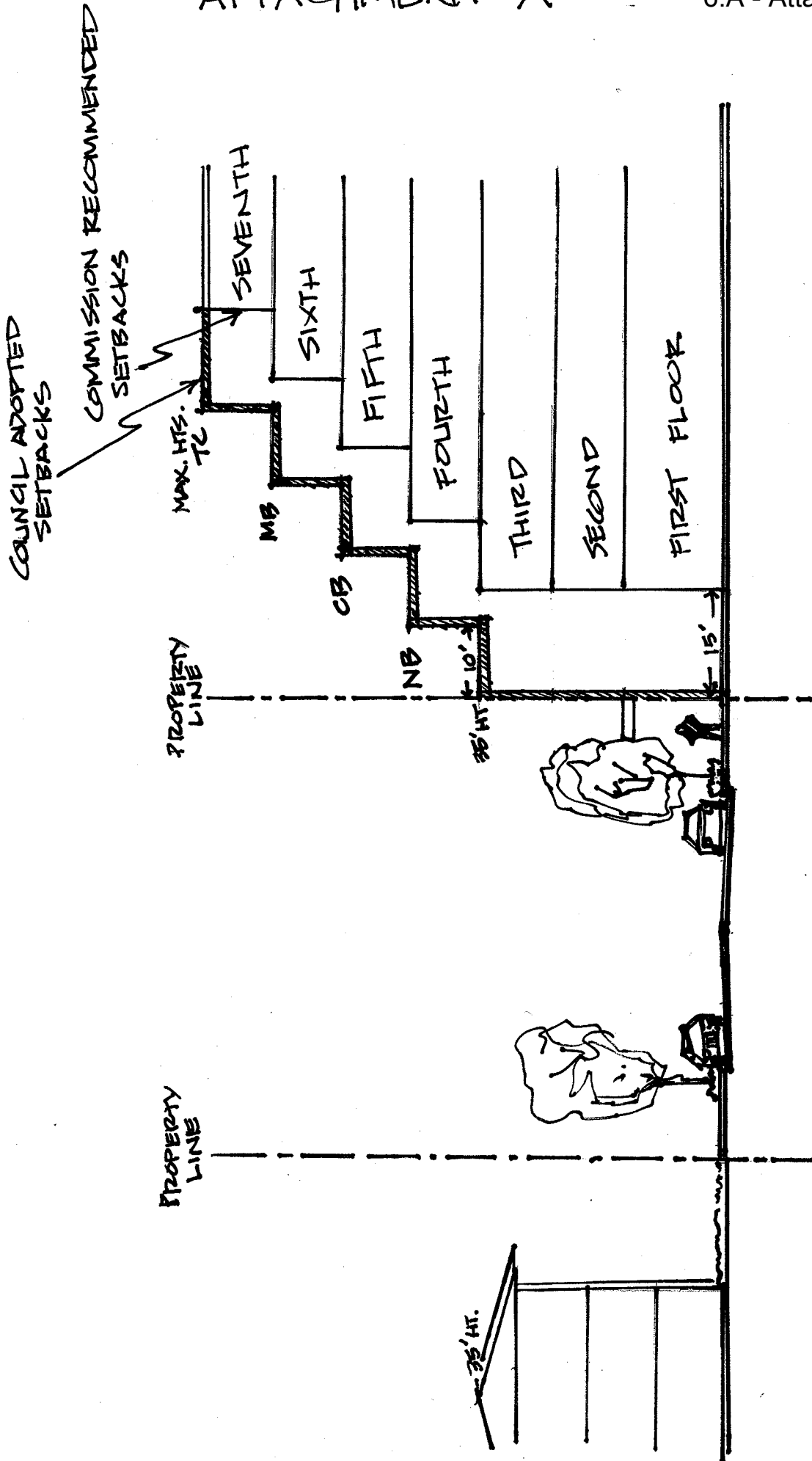
RECOMMENDATION

Council should review the amendment and discuss the alternatives available for Council consideration. Staff is recommending that Council make no change and leave the code amendments as adopted on March 18, 2013 in Ordinance No. 654.

ATTACHMENT:

Attachment A – Comparison of Planning Commission Recommendations and Council Adoption

COMPARISON OF P.C. RECOMMENDATIONS + C.C. ADOPTION



COMMERCIAL ZONE

60' R-O-W

204, R-6, or R-3 ZONE

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AMENDED**The City of Shoreline Notice of Public Hearing of the Planning Commission**

Description of Proposal: Proposed development code amendments to section 20.50.021.A. This section affects property that is commercially zoned (NB, CB, MB, or TC) when directly across the street from single family property zones (R-4, R-6, or R-8). In March 2013 the City Council changed the building setback from the street right-of-way (back of sidewalk) in this situation for commercial zone development from 15 feet to 0 feet. They have asked the Planning Commission to reconsider that new code provision on September 5 and October 3, 2013. September 5th will be a study session and the public hearing will be held on October 3rd. These meetings begin at 7 PM in the Council Chambers at City Hall. A SEPA Threshold Determination of Nonsignificance was issued on this proposal on October 3, 2012. You are notified if you want to attend these meetings to comment or send your comments to Paul Cohen, Project Manager, PC&D, 17500 Midvale Ave N. 98133 or email to pcohen@shorelinewa.gov or fax (206) 801-2788. For more information call Paul at (206) 801- 2551.

Written comments must be received at the address, email or fax listed above before **5:00 p.m. October 2, 2013**. Upon request, a copy of the final City Council decision on the proposal.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Thursday, October 3, 2013 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Questions or More Information: Please contact Paul Cohen, Planning & Community Development at (206) 801-2551.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.