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**Council Meeting Date: August 20, 2007**

**Agenda Item: 7(a)**

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**CITY COUNCIL AGENDA ITEM  
CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Ordinance 478 - Amendments to the Development Code
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PRESENTED BY:</b>	Joe Tovar, Director Steven Szafran, Associate Planner

**PROBLEM/ISSUE STATEMENT:**

The City Council adopted thirteen development code amendments at the June 11, 2007 meeting, but held over for subsequent further review three items: proposed amendments #5, #9 and #14. Under Council Rule 3.2 Councilmembers McGlashan and Gustafson have requested that this item be placed on the August 20<sup>th</sup> agenda for action. Staff has reviewed the concerns and questions expressed by Council members and provides below a summary and clarification for two of the amendments.

**ALTERNATIVES ANALYZED:** The following options are within Council's discretion:

1. The Council could adopt amendments #5 and #9 as recommended by the Planning Commission and Staff by adopting Ordinance No. 478 (Attachment 1).
2. The Council could adopt revised versions of amendments #5 and/or #9, provided that the revisions were within the scope (i.e., did not exceed the parameters) of the alternative presented by the Planning Commission.
3. The Council could choose not to adopt amendments #5 and/or #9.
4. The Council could remand amendments #5 and/or #9 to the Planning Commission for further public hearing. If the Council does so, it should provide some direction as to what specifically the Commission should focus its review on.

**FINANCIAL IMPACTS:**

There are no direct financial impacts to the City of the amendments proposed by Planning Commission and Staff.

**RECOMMENDATION**

Motion to adopt Ordinance 478.

Approved By: City Manager  City Attorney \_\_\_\_\_

## INTRODUCTION

Sixteen potential development code amendments were discussed at the June 11, 2007 Council meeting and the Council passed 13 of them. Council reached no decision on amendments #5, #9 and #14, and directed that these be brought back for Council consideration at a subsequent meeting.

## BACKGROUND

A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was published February 15, 2007. No comment letters were received from citizens or public agencies receiving the notice. The Public Hearing was held before the Planning Commission on March 15 and April 17, 2007. Two citizens spoke in support of Amendment #9 (20.50.020(2) - Residential Densities in Commercial Zones). There was no comment on either Amendments #5 or #14.

## AMENDMENTS AND ISSUES

Exhibit 1 to Attachment A includes a copy of the original and proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and underlines for proposed text additions. The following is a summary of the proposed amendments, with staff analysis and Planning Commission recommendation. The Commission recommended approval of Amendment #5 and Amendment #9. The Commission recommended that Amendment #14 not move forward. The staff concurs in all respects with the Commission's recommendations..

### **Amendment #5—Increase the SEPA exemptions for minor new construction**

This amendment would raise the threshold for when a SEPA checklist would have to be submitted with minor new construction, exempting new residential structures of up to 20 dwelling units, new commercial space up to 12,000 square feet with parking for up to 40 automobiles, and the construction of a parking lot for up to 40 automobiles.

Redundant regulation does not increase environmental protection, but does add to the cost of all development, including housing. It also frustrates GMA Goal #7 which states that local government permit processes should be timely, fair, and predictable. The Planning Commission recommended to exempt minor new construction from SEPA in order to streamline the permit process without sacrificing environmental protection.

At the June 11 meeting, several Council members voiced support of the proposal while other expressed questions and concerns. Following are staff responses and clarifications to questions raised by Council members:

1. This amendment does not excuse new development of any size from the City's requirement that developments meet public facility standards. All proposals must meet adequacy of public facility criteria enumerated in the Development Code including traffic, sewer, water, and surface water controls *regardless of whether SEPA review is required.*

2. The amendment does not lessen City or public review requirements for plats and short plats. Public notice and process is still mandatory for short subdivision and subdivision review.
3. The amendment does not affect review requirements for sites with critical areas or critical areas buffers. The proposed SEPA exemptions would not apply to development proposals on sites with critical areas or buffers, so sites with critical areas will continue to be subject to SEPA environmental review.
4. The amendment will require SEPA threshold review for some conditional use permits and temporary use permits. For consistency with SEPA provisions, conditional use permits and temporary use permits will be evaluated under the SEPA rules. This has not been the case until now.

### **Amendment # 9 – Residential density in CB zones within walking distance of transit and services along Aurora and Ballinger Way**

Amendment #9 would modify the code to regulate residential density in CB (Community Business) zones in the same way as RB (Regional Business) zones, provided that those CB zones are within 1300 feet of Aurora Avenue or Ballinger Way. The RB zone regulates the building envelope of new construction (i.e., the height, setback, and maximum lot coverage), but does not limit the range of commercial uses nor dictate the number of residential units within the building.

The Planning Commission concluded that allowing additional housing in CB zones within a quarter-mile of Aurora or Ballinger would promote a walkable community, increase housing choice, support transit investment, and provide additional customers for area businesses. The importance of increasing housing densities close to transit and services was a major theme of remarks made by Dan Burden, a national expert on walkable communities, who spoke at the City's August 6 speaker series event. Mr. Burden affirmed that a five minute walk, or approximately a quarter of a mile, is a good standard for walkability to transit and services.

When preparing the amendment, staff reviewed the Comprehensive Plan and identified parcels that would potentially be affected (**Attachment 2**, map showing parcels designated RB (Regional Business) and those designated CB or MU (Mixed Use) that has a potential for CB zoning).

Councilmember Way requested information about the number of sites this amendment could potentially affect and asked staff to estimate the magnitude of the change. Staff identified 192 parcels in the affected area (along the Aurora and Ballinger Way corridors) that are either already zoned CB or could potentially be rezoned to CB. Under the scenario that a number of these parcels will be developed at 48 dwellings per acre, staff estimates that approximately 2,600 dwelling units are likely to be constructed over the next 10 years. If the proposed changes go into effect, staff estimates a likely potential of 3,200-3,600 units over the same timeframe. Thus, the potential net gain of housing with good access to services and transit would be in the range of 600 to 1000 units.

The Planning Commission recommended 1300 feet as the boundary for this change, (i.e., it would not affect parcels beyond a 1300 foot radius from Aurora or Ballinger.) This is consistent with the quarter-mile that Dan Burden recommended for walkable communities. Although the Commission recommended 1300 feet specifically, the Council has the discretion to limit the reach of Amendment #9 to a lesser distance. For example, 1000 or 1200 feet would also roughly correspond to a five minute walk from either Aurora or Ballinger Way.

**Amendment #14 – Required Improvements for fully developed Short Plats:**

This amendment would exempt a property owner seeking a short plat from installing street front improvements if the original lot is fully developed. The reasoning was, “If two houses already exist on one lot and the property owner wants to place each house on its own lot, why require street improvements if the only thing being added is an “invisible” boundary line”. The Planning Commission considered this proposal and concluded that it is in the City’s interest to require that the property owner provide public benefit (street frontage improvements) because the property owner will benefit by short platting the property.

Staff is comfortable with the Planning Commission’s recommendation for denial on this proposed amendment. Staff does not believe additional analysis is warranted.

**ALTERNATIVE AMENDMENT**

The Council under its authority in 20.30.100 to initiate Development Code amendments could direct staff to consider an alternative amendment. Noticing requirements in the Development Code would require the City to re-advertise any alternative amendment and would require an additional Public Hearing and Planning Commission recommendation.

**RECOMMENDATION**

Motion to adopt Ordinance 478.

**ATTACHMENTS**

- |               |   |
|---------------|---|
| Attachment 1: | Ordinance 478   |
| Attachment 2: | Map showing parcels with RB and CB zoning or zoning potential within the 1,300 foot corridor (a 5-10 minute walk) of Aurora Avenue or Ballinger Way |
| Attachment 3: | Amendment #14 (not recommended for adoption)  |

**ORDINANCE NO. 478**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING THE MUNICIPAL CODE TITLE 20.30.560 CATEGORICAL EXEMPTIONS, AND 20.50.020(2) DENSITIES AND DIMENSIONS FOR RESIDENTIAL DEVELOPMENT IN NONRESIDENTIAL ZONES.**

WHEREAS, the City adopted Shoreline Municipal Code Title 20, the Development Code, on June 12, 2000;

WHEREAS, the Shoreline Municipal Code Chapter 20.30.100 states "Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code"; and

WHEREAS, City staff drafted several amendments to the Development Code;

WHEREAS, the Planning Commission held a Public Hearing, and developed a recommendation on the proposed amendments; and

WHEREAS, a public participation process was conducted to develop and review amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from December 14, 2006 to December 28, 2006 and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on March 15 and April 17, 2007.
- The City Council discussed these amendments on June 11, 2007 and August 20, 2007

WHEREAS, a SEPA Determination of Nonsignificance was issued on December 28, 2006, in reference to the proposed amendments to the Development Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development for comment pursuant WAC 365-195-820; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in Title 20 for adoption of amendments to the Development Code;

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

**Section 1. Amendment.** Shoreline Municipal Code Chapter 20.30.560 and 20.50.020(2) is amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.

**Section 2. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or

otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date and Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON August 20, 2007.**

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Mayor Robert Ransom

**ATTEST:**

**APPROVED AS TO FORM:**

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

### **20.30.560 Categorical exemptions – Minor new construction.**

The following types of construction shall be exempt, except: 1) when undertaken wholly or partly on lands covered by water; 2) the proposal would alter the existing conditions within a critical area or buffer; or 3) a rezone or any license governing emissions to the air or discharges to water is required.

- A. The construction or location of any residential structures of ~~four~~ up to 20 dwelling units.
- B. The construction of an office, school, commercial, recreational, service or storage building ~~4,000~~ up to 12,000 square feet of gross floor area, and with associated parking facilities designed for ~~20~~ up to 40 automobiles.
- C. The construction of a parking lot designed for ~~20~~ up to 40 automobiles.
- D. Any landfill or excavation of 500 cubic yards throughout the total lifetime of the fill or excavation; any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder. (Ord. 324 § 1, 2003; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 9(h), 2000).

**Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones**

<b>STANDARDS</b>	<b>Neighborhood Business (NB) and Office (O) Zones</b>	<b>Community Business (CB) Zone</b>	<b>Regional Business (RB) and Industrial (I) Zones</b>
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac (1)	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height (1)-(2)	35 ft	60 ft	65 ft (2)(3)
Maximum Impervious Surface	85%	85%	95%

Exceptions to Table 20.50.020(2):

(1) For all parcels zoned CB within 1300 feet of Aurora Avenue or Ballinger Way, there is no residential density limit. Development is subject to all other requirements of the Shoreline Development Code.

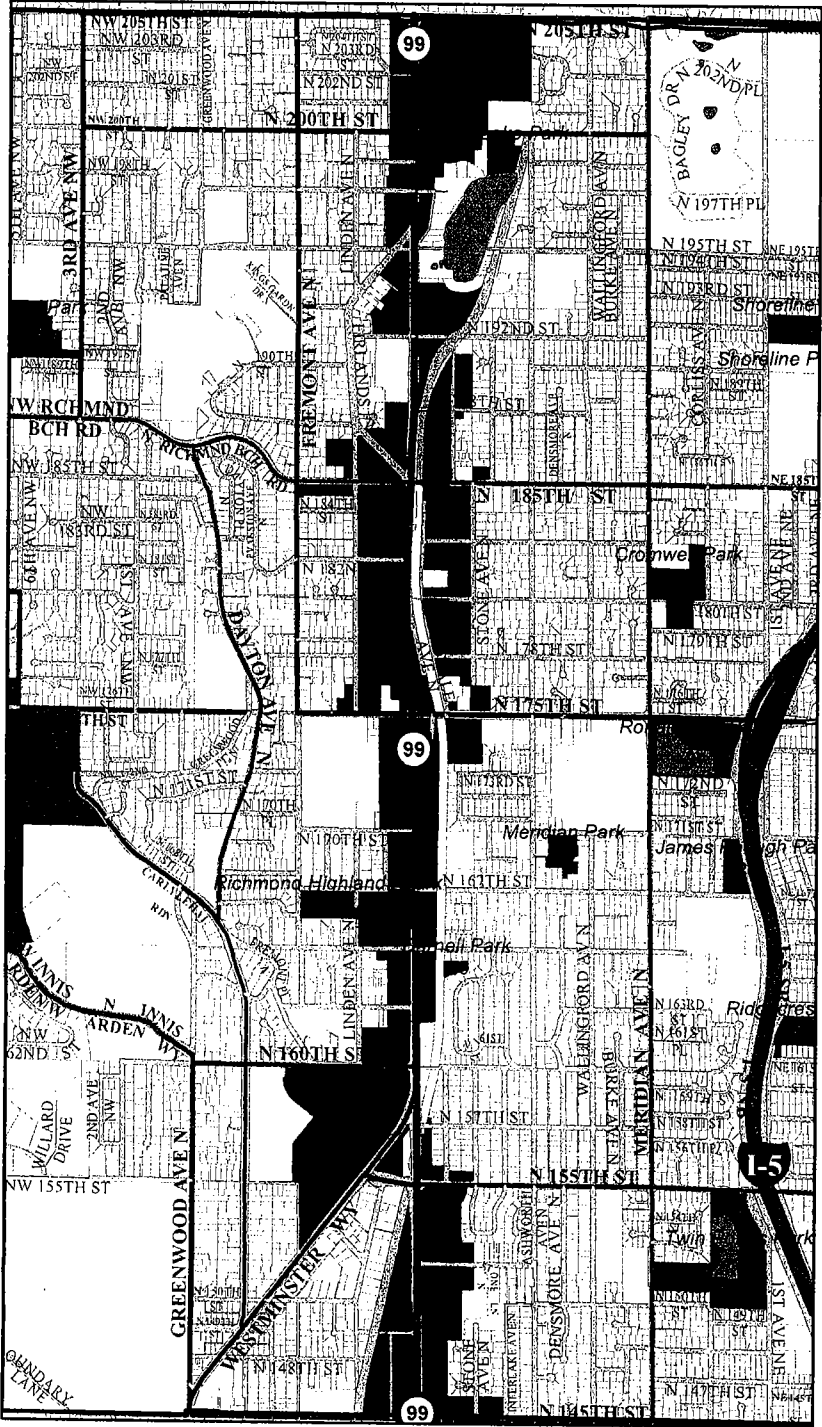
(1) (2) See Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

(2)(3) For all portions of a building in the I zone abutting R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. To 65 feet with

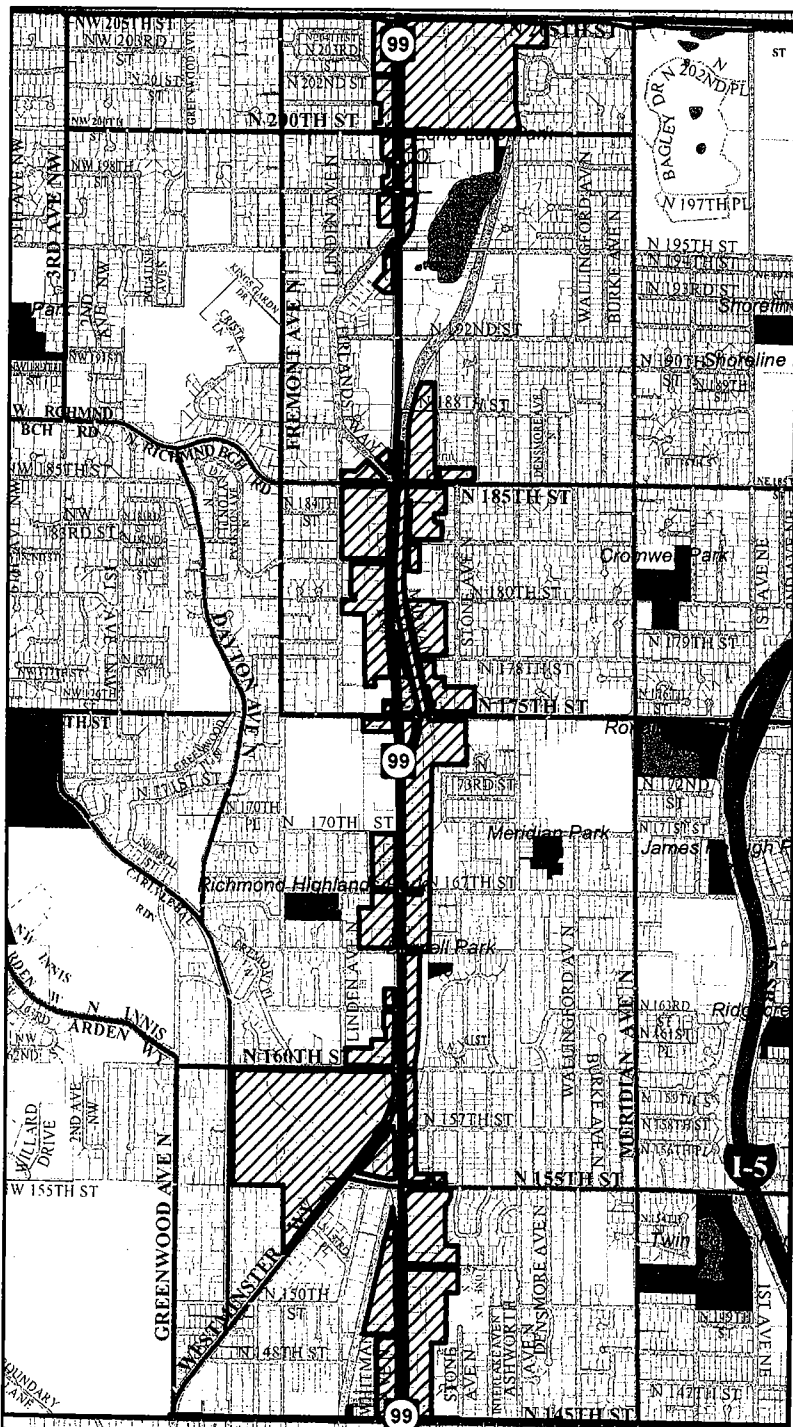


*additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.*

Comprehensive Plan, RB, CB & MU



Zoning, RB



**SHORELINE**  
Geographic Information System

**ZONING**  
Potential  
Community Business

■ Comp. Plan: RB, CB & MU  
▨ Zoning: RB; 250 acres

**Other Map Features**

- City Boundary
- Open Water
- Park
- Tax Parcel Boundary
- Unclassified Right of Way
- Interstate
- State Route
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Residential Street

1 inch equals 2,083 feet  
0 335 670 1,340 2,010 2,680 Feet

No warranties of any sort, including accuracy, fitness, or merchantability, accompany this product.

**CITY OF SHORELINE**

Filename: j:\gis\td\projects\Zoning.mxd  
Updated: 7/27/2007

Filename: j:\gis\stdprojects\Zoning.mxd  
Updated: 7/27/2007

**Amendment #14 (Not recommended for adoption)****20.70.030 Required improvements.**

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

- A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.
- B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.
- C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.
- D. The provisions of the engineering chapter shall apply to:
  - 1. All new multifamily, nonresidential, and mixed-use construction;
  - 2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
  - 3. Subdivisions;

**Exception:**

- i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.
- 4. Single-family, new constructions, additions and remodels.

Exception:

- i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter.
- ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities.

E. Exemptions to some or all of these requirements may be allowed if:

1. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.
2. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, provided:
  - a. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;
  - b. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;
  - c. Adequate drainage control is maintained;
  - d. At least one of the following conditions exists. The required improvements:

- i. Would not be of sufficient length for reasonable use;
  - ii. Would conflict with existing public facilities or a planned public capital project; or
  - iii. Would negatively impact critical areas. and
- e. An agreement to pay the required fee in-lieu-of constructing frontage improvements shall be signed prior to permit issuance. The fee shall be remitted to the City prior to final approval or occupancy. The amount of the required payment shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).