

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Emergency Ordinance No. 505 and Interim Development Regulations for the Regional Business (RB) zone
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, Director Planning and Development Services

SUMMARY:

The staff has drafted Ordinance No. 505 for Council's consideration for adoption. Ordinance No. 505 addresses maximum residential density in the Regional Business (RB) zone, replacing the current "no maximum" standard with an interim standard of 110 dwelling units acre. If Council approves Ordinance 505, a hearing on its provisions will be scheduled within 60 days, and staff will begin work on proposed permanent density regulations for the RB zone for adoption by Council within six months.

BACKGROUND:

The most intensive land use district in the City is the Regional Business (RB) Zone. The RB zone allows the greatest building height (65 feet), lot coverage, and range of permitted uses of any zoning district. It also allows the greatest density of any zoning district in Shoreline. SMC 20.50.020(2) lists the maximum density, expressed as dwelling units per acre (du/ac) for Neighborhood Business (NB) and Community Business (CB) zones as 24 and 48 du/ac, respectively. In contrast, the maximum density listed for RB zones is "No maximum."

In the past, the staff has pointed out that the maximum achievable density in the RB zone is practically limited by other regulations, including lot coverage, height, setback, and parking requirements. However, the "no maximum" language at SMC 20.500.20(2) makes it impossible to provide certainty, either to a developer or nearby property owners, about what the actual maximum density will be. This lack of certainty has generated much confusion, concern and controversy in the community, resulting in many letters, emails and public comments at Council meetings over the past six months.

Because the RB zone occupies most of the Aurora corridor as well as parts of the Richmond Beach and Ballinger areas, the lack of certainty and clarity about

development potential in the RB zone raises the prospect of widespread unintended and unknown impacts on the integrity of existing land uses adjacent to RB zones. The staff believes that the City should take a "time out" to evaluate appropriate residential densities in the RB zone and that interim regulations should therefore be adopted immediately to place a density cap on the RB zone while that evaluation takes place.

In determining an appropriate interim density cap for RB zones, the staff reviewed the effective densities of several prominent mixed use or multifamily projects in Shoreline. For example, the Arabella I project in North City is 129 du/ac, the Monte Nikon building just off Aurora is 100 du/ac, and the Market Square project (old China Clipper site) is 138 du/ac. The latter two projects have been approved utilizing the "no maximum" provisions of the current RB zone.

The Council recently looked in great detail at the topic of appropriate development regulations for the Planned Area 2 zone in the Ridgecrest commercial district. There, the Council placed a maximum density cap of 110 du/ac. The building height and bulk for PLA 2 is roughly comparable to RB. Therefore, the staff believes that a reasonable interim density cap for RB is 110 du/ac.

The effect of proposed Ordinance 505 will be to place a moratorium on the use of the "no maximum" language for RB zones and instead insert the "110 du/ac" maximum. The Council has legal authority to adopt Ordinance 505 prior to a public hearing, but must schedule and conduct a public hearing on it within 60 days. The term of the moratorium is six months, so the staff would begin work immediately researching appropriate "permanent" provisions for maximum density in the RB zones. That work would include public review and comment at hearings conducted by the Planning Commissions who would forward a recommendation to the City Council for action by early November.

RECOMMENDATION:

The staff recommends that the City Council adopt Ordinance No. 505 and direct the staff to schedule a public hearing within 60 days.

ATTACHMENTS

Attachment A: Ordinance No. 505

Approved By: City Manager  City Attorney _____

ORDINANCE NO. 505

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING A MORATORIUM FOR SIX MONTHS ON THE FILING OR ACCEPTANCE OF ANY APPLICATIONS FOR RESIDENTIAL DEVELOPMENT OF LAND WITHIN THE REGIONAL BUSINESS LAND USE DISTRICT WHICH EXCEED A DENSITY OF 110 DWELLING UNITS PER ACRE.

WHEREAS, under the provisions of the Growth Management Act the City has adopted development regulations implementing the City of Shoreline Comprehensive Plan; and

WHEREAS, the Regional Business (RB) land use district allows residential development, but does not place an absolute limit on the permitted number of dwelling units per acre; and

WHEREAS, the continued acceptance of development applications proposing new residential development utilizing existing Regional Business (RB) zone density provisions may allow development that is incompatible with nearby existing land uses and circulation systems, leading to problematic traffic conditions and an erosion of community character and harmony; and

WHEREAS, a six-month moratorium on the filing of certain applications for residential development in the Regional Business (RB) zone will allow the City to preserve planning options and prevent substantial change until the existing land areas so designated and the text of development standards applicable to residential development in this zone is reviewed and any needed revisions are made to these regulations; and

WHEREAS, scheduled updates to the City's Comprehensive Plan include subarea plans for the Town Center and Southbridge Subareas in 2008-2009; and

WHEREAS, the City Council has determined from recent public correspondence and comment that the integrity of existing land uses in and adjacent to Regional Business (RB) zones may suffer irreparable harm unless a moratorium is adopted; and

WHEREAS, the potential adverse impacts upon the public safety, welfare, and peace, as outlined herein, justify the declaration of an emergency; and

WHEREAS, pursuant to SEPA regulation SMC 20.30.550 adopting Washington Administrative Code Section 197-11-880, the City Council finds that an exemption under SEPA for this action is necessary to prevent an imminent threat to public health and safety and to prevent an imminent threat of serious environmental degradation through continued development under existing regulations. The City shall conduct SEPA review of any permanent regulations proposed to replace this moratorium; now therefore,

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

Section 1. Finding of Fact. The recitals set forth above are hereby adopted as findings of the City Council.

Section 2. Moratorium and Interim Regulation Adopted. A moratorium is adopted upon the filing of any application for residential development within the Regional Business (RB) zoning district of the City which exceeds 110 dwelling units per acre, unless a neighborhood plan, subarea plan or special district overlay plan authorizing a higher density has been approved. No land use development proposal or application may be filed or accepted which proposes a development described in this section.

Section 3. Public Hearing. Pursuant to RCW 35A.63.220 and 36.70A.390 the City Clerk shall notice a public hearing before the City Council to take testimony concerning this moratorium within sixty days of passage of this ordinance.

Section 4. Effective Dates. The City Council declares that an emergency exists requiring passage of this ordinance for the protection of public health, safety, welfare and peace based on the Findings set forth in Section 1 of this ordinance. This ordinance shall take effect and be in full force immediately upon passage and shall expire six months from its effective date unless extended or repealed according to law.

Section 5. Permanent Regulations. The City Council directs the staff to begin work on permanent regulations for the Regional Business (RB) zone to replace the interim regulations adopted herein, and in so doing to consider the policy guidance provided by the adopted Council Goals and the adopted Strategies for Housing, Economic Development and Environmental Sustainability.

Section 6. Publication. The title of this ordinance is approved as a summary of the ordinance for publication in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON MAY 12, 2008

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of publication: May 15, 2008
Effective date: May 12, 2008