

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

<b>AGENDA TITLE:</b>	Adoption of Ordinance 535: extending Interim Regulations for the Regional Business (RB) Zone and adopting new interim regulations for the portions of the RB zone that front Midvale Avenue between N. 175 <sup>th</sup> St. and N. 185 <sup>th</sup> St.
<b>DEPARTMENT:</b>	Planning and Development Services
<b>PRESENTED BY:</b>	Joseph W. Tovar, FAICP Director

**PROBLEM/ISSUE STATEMENT:**

At its meeting of February 23, 2009, the City Council approved the 2009 Planning Commission Work Program. The adopted Work Program shows that the Planning Commission will work on permanent regulations for the RB zone through November of this year, which will require a six month extension of the current interim RB regulations.

Section 1 of Ordinance No. 535 would extend the current interim regulations until November 12, 2009 for all RB zoned lands, with the exception of those lands identified in Section 2. Section 2 of Ordinance No. 535 establishes a small demonstration area that would create alternative interim regulations for RB-zoned lands that front onto Midvale Avenue North between N. 175<sup>th</sup> St. and N. 185<sup>th</sup> St.

**FINANCIAL IMPACT:**

None.

**RECOMMENDATION**

Staff recommends that Council accept public comment at the public hearing set for March 23, 2009 and then adopt Ordinance No. 535. This ordinance would extend for six months the interim regulations for the RB zone, and adopt alternative interim regulations that will govern a sixteen acre "Midvale Demonstration Area" along the easterly side of Midvale Avenue N. between N. 175<sup>th</sup> St. and N. 185<sup>th</sup> St.

Approved By:

City Manager 

City Attorney 

## BACKGROUND

At its February 23, 2009 meeting, the City Council adopted by motion the Planning Commission Work Program for 2009. See Attachment 1. Included in the Work Program was Item 4, Permanent Development Regulations for the RB zone. The Council determined that it would be useful to first consider the City-wide Vision and Framework Goals before the Planning Commission again takes up the task of proposing permanent regulations for the RB zone. Because Item 4 has been moved to the second half of the year, it is now necessary to extend the effective date of the current interim regulations beyond the May 2009 expiration date.

Although there are some bits of land zoned RB in the Ballinger and Ridgecrest areas, the vast majority of the 260 acres of land zoned RB is along the Aurora corridor. See Attachment 2. Section 3 of Ordinance 535 would extend the current interim regulations for all RB lands until November, 2009. Section 2(B) would modify and add additional interim requirements for a "Midvale Demonstration Area" (the **MDA**). This area of about 16 acres is situated along Midvale Avenue N. between N. 175<sup>th</sup> Street and N. 185<sup>th</sup> Street and constitutes about 6% of all the RB zoned land in the City.

The staff proposes alternative interim regulations for the MDA for two reasons. First, this area remains highly attractive to developers of mixed retail, office and residential uses, despite the current economic downturn. The area is anchored by recent improvements at the north end (the Gateway retail center) and the south end (the new City Hall) and is directly across the street from the Interurban Trail improvements and green space. The mile two improvements to Aurora will begin construction this year with BRT (bus rapid transit) service due to begin by 2013. Very good transit service would then be just a three minute walk away, with grocery stores at Fred Meyer and Top Foods only five minutes away. These walkable amenities and transportation facilities make this a very attractive location for mixed use development.

Second, a walkable precinct with open space, bicycle, pedestrian and transit amenities is exactly what the City has envisioned for this area for many years. As early as 2002, this area was identified in a "Main Street Vision for Midvale" as part of the Central Shoreline Subarea Study (see Attachment 3) and the current draft of the City's Vision Statement explicitly describes a "compact, mixed-use, pedestrian-friendly" area "focused between N. 175<sup>th</sup> Street and N. 185<sup>th</sup> Street." If there is anywhere in Shoreline to demonstrate what a walkable, mixed-use, mid-rise neighborhood can look like, the MDA is it.

In crafting regulations for this area, the staff has included regulations that are more specific and rigorous than might apply in the other RB zoned parts of the City. For example, the proposed interim regulations for this area would retain the "transition" setback and stepback interim requirements already put in place by the prior interim regulations. In addition, a 50 foot building maximum height within 200 feet of any R-8, R-6 or R-4 zone would further protect residential areas along Stone Avenue N. Sustainability features would be required, including the "Built Green" construction standard and electric vehicle plug-in facilities in parking lots. To achieve the lively, walkable pedestrian environment along Midvale, the uses on the ground floor would be

limited to commercial or live/work units. Finally, all new development would be subject to an administrative design review process, and building design standards to address pedestrian weather protection, blank walls, façade articulation, vertical differentiation, parking structure design and live/work units. The Council will recognize these building design criteria among those adopted last year for the Planned Area 2 zone in the Ridgecrest commercial district.

To provide additional incentive to mixed-use developers in the current challenging economic climate, the staff proposes removing the cap of 110 residential units per acre that was imposed by the current moratorium and interim regulations. This change would simply restore the development potential that was available for all RB zoned lands prior to October of 2007. With the retention of all the other interim transition regulations and the addition of the requirements for environmental sustainability, building height limits and design review, the staff is confident that restoring the prior density provisions will not be problematic.

The added and modified "smart growth" regulations for the Midvale Demonstration Area would apply on a trial basis for six months. The staff believes that the proposed regulations could very well stimulate needed economic development, housing choice, and environmental sustainability, and provide a tangible demonstration of our emerging vision for Town Center.

The extension of the interim regulations for all RB zoned land, and the adoption of additional and alternative regulations for the Midvale Demonstration Area are legislative actions. The City has given the legally required notice by the usual means for legislative actions. However, in addition, the staff has mailed a letter to all property owners of the affected RB zoned lands in the Midvale Demonstration Area, and within 500 feet of the MDA, alerting them to the public hearing on March 23. The letter provides a link to the City's website where the full Council packet information is available, and invites them to call or email me with any questions or comments prior to the hearing. While this letter is not a legally required public notice, or even a legal notice, it seemed appropriate to take this additional step to assure that the most affected citizens be made aware of the proposed interim regulations.

### **RECOMMENDATION**

Staff recommends that Council accept public comment at the public hearing set for March 23, 2009 and then adopt Ordinance No. 535. This ordinance would extend for six months the interim regulations for the RB zone, and adopt alternative interim regulations that will govern a sixteen acre "Midvale Demonstration Area" along the easterly side of Midvale Avenue N. between N. 175<sup>th</sup> St. and N. 185<sup>th</sup> St.

### **Attachments**

#1 – Adopted Planning Commission Work Program for 2009

- #2 - RB zoning on Aurora Corridor
- #3 - Main Street Vision for Midvale

## **ORDINANCE NO. 535**

### **AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, EXTENDING A MORATORIUM ON THE FILING OR ACCEPTANCE OF CERTAIN APPLICATIONS FOR RESIDENTIAL DEVELOPMENT OF LAND WITHIN THE REGIONAL BUSINESS LAND USE DISTRICT**

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 Shoreline City Council found that, pursuant to Ordinance 505, 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 adopted interim regulations for the RB zone that will expire May 2009; and

WHEREAS, the Council determined that it would be useful to first adopt the City-wide Vision and Framework Goals before the Planning Commission again takes up the task of proposing permanent regulations for the RB zone, and Council has scheduled permanent RB regulations to the second half of 2009 on the Planning Commission work plan; and

WHEREAS, the Council finds, following a public hearing on March 23, 2009, that it is necessary to extend the effective date of interim regulations beyond the May 2009 expiration date to most efficiently address permanent regulations ; and

WHEREAS, the City Council also considered public hearing comment on a proposed refinement of the interim regulation for a demonstration project area on Midvale Ave. N between N 175<sup>th</sup> and N 185<sup>th</sup>, and finds pre-moratorium residential density for these RB properties should be restored to encourage mixed use development near the that civic center provided new development standards and design criteria are met to protect abutting low density residential neighborhoods; and

WHEREAS, an interim control until November 12, 2009 will allow the City to continue preserving planning options and preventing substantial change until the existing land areas so designated and the proposed amendments to the development standards are adopted; now, therefore

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

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

**Section 2. Interim Regulation Amended.** The interim regulation for the Regional Business Zone (RB) and Section 2 of Ordinance No. 505 are amended to read as follows:

Moratorium and Interim Regulation Adopted.

A. Except for properties included under subsection (B), 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.

B. For property zoned Regional Business (RB) that abuts Midvale Ave. N. between N. 175<sup>th</sup> and N. 185<sup>th</sup>, a moratorium is adopted upon the filing of any application for residential development which does not a) limit building height to 50 feet within 200 feet of any R-4, R-6 or R-8 zone; b) at a minimum, meet "three star" construction standards under King County Built Green standards, as amended, or equivalent standard approved by the director; c) include electric vehicle plug-in facilities in parking lots; and d) demonstrate compliance with design standards of SMC 20.91.050 unless a design departure is approved under SMC 20.91.040. For purposes of applying SMC 20.91.050 under this subsection, references to 5<sup>th</sup> Ave NE and NE 165<sup>th</sup> St shall mean Midvale Ave. N.

C. No land use development proposal or application may be filed or accepted which proposes a development that does not comply with this section.

**Section 3. Moratorium Extension Adopted.** The Moratorium adopted by Ordinance No. 505 and extended by Ordinance No. 523 is further extended until November 12, 2009.

**Section 4. Publication, Effective Date.** This ordinance shall take effect five days after publication of a summary consisting of the title in the official newspaper of the City.

**PASSED BY THE CITY COUNCIL ON March 23, 2009.**

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Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

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Scott Passey  
City Clerk

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Ian Sievers  
City Attorney

Date of Publication: , 2009  
Effective Date: , 2009



# Draft 2009 Planning Work Program

Attachment 1

Legend	Commission Role	X Staff Role	X Council Adoption
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Revised 2/23/09

	2009												2010	
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb
<b>Item 1 Visioning Process</b>														
Planning Commission Meetings	X	X	X											
PC Subcommittee Meetings		X	X											
Joint PC/CC Meetings			X	X										
<b>Item 2 Design Review</b>														
PC Subcommittee Meetings								X						
PC Meetings								X	X	X	X	X	X	
CC Meetings									X	X		X		X
<b>Item 3 Development Code Amendments</b>														
Amendment Package #301543		X	X	X										
CPA Regs in Development Code			X	X	X									
Tree Regulations		X	X	X	X	X	X	X	X					
<b>Item 4 Permanent Development Regs and Plan Amendments for RB Zone</b>														
Staff analysis and recommendation						X	X	X						
PC Review							X	X						
Council Adoption									X					
<b>Item 5 Check in points for two other Major Plans</b>														
Transportation Master Plan Update			X											
Shoreline Master Program (regular updates)					X	X			X				X	
<b>Item 6 Point Wells</b>														
Snohomish County EIS Update				X	X									
Potential City Comp Plan and Development Code Amendments		X	X	X	X									
<b>Item 7 Town Center Subarea Plan</b>														
Staff and consultants conduct community outreach								X	X	X	X			
Staff prepares Plan & Code Amendments for Central Shoreline										X	X			
Plan & Code amendments heard by Planning Commission											X	X	X	
Council adopts Plan and Code Amendments														X
<b>Item 8 SE Neighborhoods Plan and Zoning update</b>														
Staff develops background info/CAC develops Subarea Plan	X	X	X	X	X	X								
Open House					X									
Planning Commission reviews Subarea Plan						X	X							
Council Adopts Subarea Plan										X				
<b>Item 9 Master Development Plan for Crista Campus</b>														
Submit for permit		X	X											
Staff review			X	X										
PC Review					X	X								
CC Adoption							X	X						
<b>Item 10 Master Development Plan Public Health Lab</b>														
Submit for permit					X	X								
Staff review						X	X							
PC Review							X	X						
CC Adoption									X	X				
<b>Item 11 Master Development Plan for Shoreline CC</b>														
Submit for permit						X	X							
Staff review							X	X						
PC Review									X	X				
CC Adoption											X	X		



Revised 2/23/09

2009 →

2010 →

Add'l Work Program Items:

Other code amendments to codify Administrative Orders and implement Housing and Sustainability Strategies

## ZONING

Representation of Official  
Zoning Map Adopted By  
City Ordinance No. 292.

Shows amendments through  
April 3, 2007.

### Zoning Designation

- R-4; Residential, 4 units/acre
- R-6; Residential, 6 units/acre
- R-8; Residential, 8 units/acre
- R-12; Residential, 12 units/acre
- R-18; Residential, 18 units/acre
- R-24; Residential, 24 units/acre
- R-48; Residential, 48 units/acre
- O; Office
- NB; Neighborhood Business
- CB; Community Business
- NCBD: North City Business District
- PA: Planned Area
- RB; Regional Business
- I; Industrial
- CZ; Contract Zone
- Regional Business-Contract Zone

### Other Map Features

- City Boundary
- Open Water
- Outside Shoreline
- Interstate
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Neighborhood Collector
- Local Street
- Park
- Tax Parcel Boundary
- Unclassified Right of Way

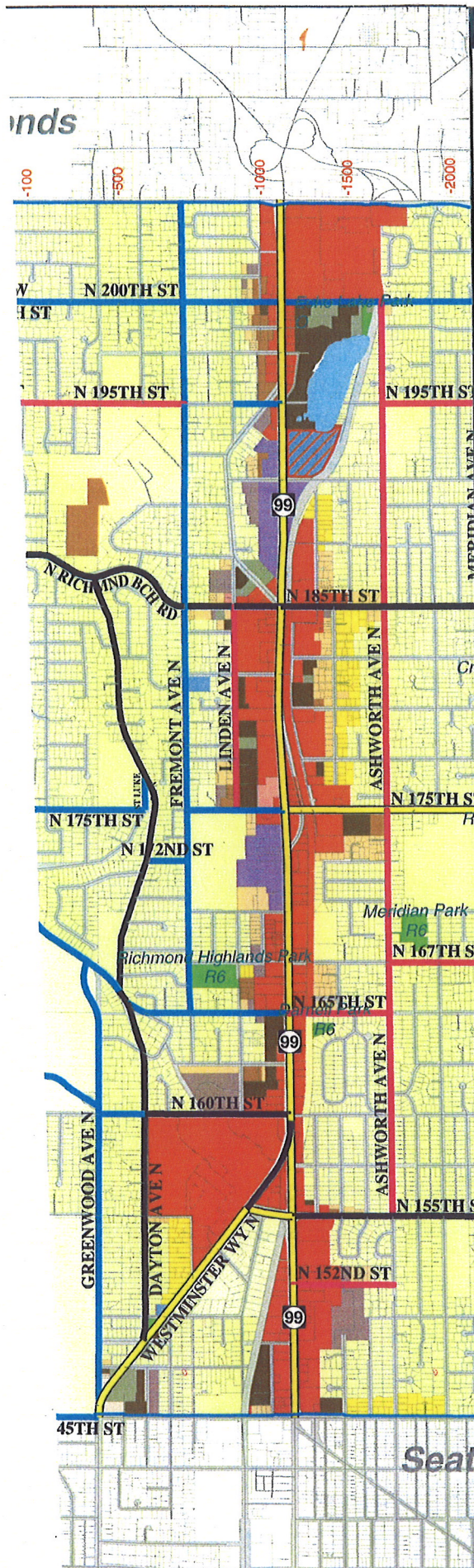
1 inch equals 2,000 feet

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



Filename: Zoning.mxd  
Updated: 7/1/2008

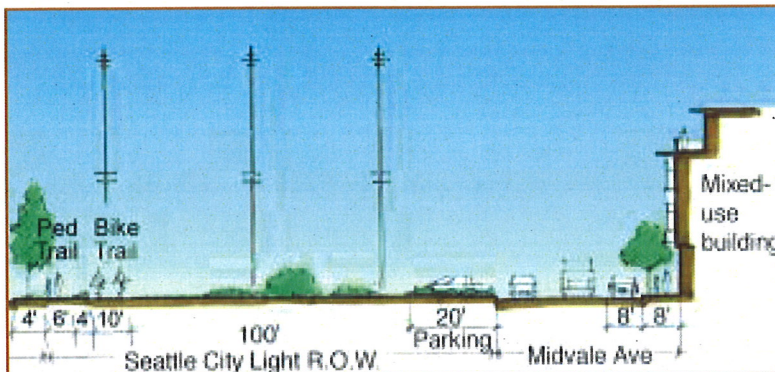




## CENTRAL SHORELINE SUBAREA PLAN

### MAIN STREET VISION FOR MIDVALE

In the 25-year vision, mixed-use buildings with ground floor retail line the eastern edge of Midvale Avenue. Storefronts invite people to stroll along the sidewalk, which is protected from moving traffic by a row of parked cars. On-street parking also helps ensure the viability of retail along Midvale Avenue. The stores along Midvale Avenue have good visibility to drivers on Aurora Avenue. The Interurban Trail buffers the Midvale Main Street from fast moving through traffic and functions as Midvale's "civic front yard" where people can walk, ride their bikes, or rest on a park bench.



Typical section of the Midvale Main Street.



This view along Midvale Avenue looking north shows storefronts to the right and the Interurban Trail to the left of the street.

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