

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance 549 adopting technical amendments to interim regulations for the portions of the RB zone that front Midvale Avenue between N. 175 th St. and N. 185 th St.
DEPARTMENT:	Planning and Development Services Department and Public Works Department
PRESENTED BY:	Joseph W. Tovar, FAICP, PADS Director Steven Cohn, Senior Planner

PROBLEM/ ISSUE STATEMENT:

At its May 11 meeting, the City Council took public testimony and deliberated on Ordinance 546 which put forth regulations for the Midvale Demonstration Area (MDA). In exchange for permitting residential densities of up to 150 dwellings per acre, the ordinance adopted new interim requirements for RB-zoned sites that front Midvale Avenue North between N. 175th Street and N. 185th Street.

At the end of the discussion that evening, Councilmember Eggen proposed an additional change to the staff proposal, one that would modify the transition requirements between the nearby medium-density residential areas and development in the MDA. Given the lateness of the discussion that evening, there was miscommunication between staff and Council member Eggen and Council voted to adopt an amendment that was favored neither by Councilmember Eggen nor staff. The proposal that follows, based on a concept suggested by Councilmember Eggen, remedies that action.

FINANCIAL IMPACT:

None.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 549.

Approved By: City Manager  City Attorney 

BACKGROUND

As a result of discussions with Councilmembers, staff developed a proposal for the Midvale Demonstration Area which proposed several conditions on development in the MDA in exchange for the potential to develop at a density up to 150 dwellings per acre.

One of the conditions proposed by staff was to "Limit building height at least 20 feet from property lines to 45' abutting all residential districts except R-48."

This proposal was a modification of an earlier staff-recommended condition that would limit height to 50' within 200 feet of single-family zoning (R4 or R6). In discussion with Councilmembers, staff understood that they wanted a proposal that included some transition from medium density development (R-8 or R-12) as well, such as the type you would find along Stone Avenue. Staff's proposal was to add transition requirements (i.e., change the height limit to 45 feet) but reduce the area of transition.

Following the release of the staff report, Councilmember Eggen proposed another alternative, one that would limit heights to 45' within 100 feet of medium and high density residentially zoned properties (with the exception of R-48), and to 55' heights for development in RB between 100-200 feet of the residential property line.

At the May 11 meeting, Councilmember Eggen requested a modification to the staff proposal, and offered that the 20 foot figure in the staff proposal was a typographical error and should be 200 feet. Staff did not voice a contrary opinion, so it was assumed that staff and Mr. Eggen supported a proposal that would mandate a maximum 45-foot height limit within 200 feet of residential development (except R-48) along Stone Avenue.

May 11 Council Action and its implications

At its May 11 meeting, the Council voted to adopt the changes to the Ordinance, including the one that set the 45 foot height limit for 200 feet from residentially zoned properties except R-48.

As staff reviewed the Council-adopted amendments the following day, it was clear that the final version was not the proposal intended by either Councilmember Eggen or staff. Among other unintended consequences, this action would make the new City Hall, under construction, a non-conforming building because it is 52 feet in height and within 200 feet of medium density residential zoning.

Technical Correction Proposal

Staff proposes that Council adopt the following as condition # 1 in Ordinance 546:

The maximum building height within 100 feet of the property line between RB and R-8 and R-12 zoned properties shall be 45', and the maximum building height between 100-200 feet of the property line shall be 55'.

This language mirrors Councilmember Eggen's proposal, both in terms of setting graduated height limits and in providing a transition between development on RB properties and the residences on R-8 and R-12 properties. In terms of the latter point, it differs from staff's original proposal presented a month ago that proposed the transition be measured from R-4 and R-6 zoned properties located across Stone Avenue.

While staff believes that this solution may not be appropriate in permanent regulation, we support this change for the interim regulations for the limited area of the MDA. (Staff's recommendation for RB is still under discussion and will likely be a more complex solution including additional vegetative buffering requirements, graduated step-backs, and other ideas.)

The new City Hall, located approximately 150 feet from the adjacent R-8 property, would be a conforming structure under Councilmember Eggen's proposal because it is under the 55 foot height limit.

ALTERNATIVES

Option #1: No action. If Ordinance 549 is not adopted, the 45' height limit for 200 feet from residentially zoned property (except R-48) would remain, and the new City Hall would become a non-conforming structure.

Option #2: Adopt Ordinance No. 549

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 549.

Attachments

1. Ordinance 549

ORDINANCE NO. 549

**AN ORDINANCE OF THE CITY OF SHORELINE,
WASHINGTON, MODIFYING INTERIM REGULATIONS 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 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 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 established a moratorium and interim regulation for development in the RB zoning district; and

WHEREAS, the City Council held public hearings on October 13, 2008 and April 6, and extended the moratorium until until November 12, 2009 by Ordinance 535; and

WHEREAS, the public hearing on April 6 also took testimony for an amendment of the RB interim regulation for a target area along Midvale Ave. N between N. 175th and N. 185th and the Council deferred action on the amended interim regulation for further study and the amended interim regulation for the Midvale target area are resubmitted with this ordinance; and

WHEREAS, there is a need to adopt a technical amendment to Ordinance 546 adopted May 11, 2009, 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.

B. For property zoned Regional Business (RB) that abuts Midvale Ave.N. between N 175th and N. 185th Streets, a moratorium is adopted upon the filing of any application for residential development which does not:

1. Limit the maximum building height within 100 feet of the property line between RB and R-8 and R-12 zoned properties to 45', and limit the maximum building height between 100-200 feet of the property line to 55' ~~Limit building height at least 200 feet from property lines to 45', abutting all residential districts except R-48; and~~
2. At a minimum, meet "3-star" construction standards plus independent verification under King County Built Green standards as amended, or equivalent standard approved by the director; and
3. Include electric vehicle plug-in facilities in parking areas; and
4. Make a provision for the developer holding a neighborhood meeting with city staff in attendance to identify traffic impacts coming from building occupants and discuss appropriate mitigation measures. Meetings will be advertised by mailings to property owners and occupants within 500 feet of the property; and
5. Demonstrate compliance with design standards of SMC 20.91.050 with the following modification, unless a design departure approval is obtained under SMC 20.91.040. The modification is: development will provide contiguous commercial space covering at least 2/3 of street frontage (not including openings into buildings) or an equivalent contiguous space on the 1st floor with an entrance onto Midvale; and
6. Limit housing unit density to a maximum 150 du/acre.
7. All buildings and required parking shall be located on the RB-zoned property and not off-site.

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. 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 MAY 26, 2009.

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of Publication: May , 2009
Effective Date: May , 2009