Council Meeting Date: July 6, 2009 **Agenda Item: 6(b)**

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proposed Amendments to the Development Code, Application #301543, Study Session
DEPARTMENT:	Planning and Development Services
PRESENTED BY:	Joseph W. Tovar, FAICP, PADS Director; Steven Szafran, AICP, Associate Planner

PROBLEM/ISSUE STATEMENT:
Several times a year, the Planning Commission reviews amendments to the Development Code. This group of amendments represents the Commission's latest review. The Council will discuss these at its study session and will place them on the agenda for adoption at a future meeting.

ALTERNATIVES ANALYZED: The following options are within Council's discretion and have been analyzed by staff:

1. The Council could choose to adopt the amendments as recommended by the Planning Commission.
2. The Council could choose to not adopt the amendments to the Development Code.
3. The Council could choose to remand some of the amendments to the Planning Commission with direction for additional review and public hearing.

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

RECOMMENDATION

Following discussion, Council will provide further direction to staff.

Approved By: City Manager City Attorney

INTRODUCTION AND BACKGROUND

PROCESS

An amendment to the Development Code may be used to bring the City's land use and development regulations into conformity with the Comprehensive Plan, or to respond to changing conditions or needs of the City.

The Planning Commission held a study session to discuss the amendments on December 18, 2008 and a public hearing on February 26, 2009. This study session before City Council will address any questions, concerns and clarifications discussed at the Planning Commission meetings.

PUBLIC COMMENT

A notice of Public Hearing, request for public comment, and preliminary SEPA threshold determination was published on February 12, 2009. One comment letters was received from citizens or public agencies receiving the notice. The Public Hearing was held on February 26, 2009. Five people spoke at the public hearing. Four of the commenters were speaking to Amendment #1 and one commenter was speaking on Amendment #4 (amendment #4 was withdrawn by staff). The concerns raised by the public regarding amendment #1 had to do with state subdivision and condominium law and how the City is not meeting those requirements. The comments will be addressed below.

AMENDMENTS AND ISSUES

Attachment B shows the current proposed amending language shown in legislative format. Legislative format uses ~~strikethroughs~~ for proposed text deletions and <u>underlines</u> for proposed text additions.

For each proposed change, background information is noted in italics. Planning Commission recommendations are in **bold.**

<u>Proposal 1: Modify sections 20.30.370 and 20.30.380</u>

Section 20.30.370 and Section 20.30.380 includes condominiums and interests as divisions of land. The City Attorney has determined condos and interests are not divisions of land and should not be subject to subdivision regulations. This code amendment would strike the terms "condominium" and "interest" from these code sections.

20.30.370 Purpose

~~Subdivision is a mechanism by which to divide land into lots, parcels, sites, units, plots, condominiums, tracts, or interests for the purpose of sale.~~ The purposes of subdivision regulations are:

A. To regulate division of land into two or more lots <u>or</u>, ~~condominiums~~, tracts ~~or interests~~;

B. To protect the public health, safety and general welfare in accordance with the State standards;

C. To promote effective use of land;

D. To promote safe and convenient travel by the public on streets and highways;

E. To provide for adequate light and air;

F. To facilitate adequate provision for water, sewerage, stormwater drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;

G. To provide for proper ingress and egress;

H. To provide for the expeditious review and approval of proposed subdivisions which conform to development standards and the Comprehensive Plan;

I. To adequately provide for the housing and commercial needs of the community;

J. To protect environmentally sensitive areas as designated in the critical area overlay districts chapter, Chapter 20.80 SMC, Special Districts;

K. To require uniform monumenting of land subdivisions and conveyance by accurate legal description. (Ord. 238 Ch. III § 8(b), 2000).

20.30.380 Subdivision categories.

A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.

B. Short S ubdivision: A subdivision of four or fewer lots.

C. Formal Subdivision: A subdivision of five or more lots.

D. Binding Site Plan: A land division for commercial and industrial ~~and condominium~~ type of developments.

Note: When reference to "subdivision" is made in this Code, it is intended to refer to both "formal subdivision" and "short subdivision" unless one or the other is specified. (Ord. 238 Ch. III § 8(c), 2000

At the Planning Commission study session, public testimony and Commission discussion focused on why condominiums are not treated like subdivisions in the Shoreline Development Code. The City Attorney explained that condos are a form of ownership and not a division of land and does not believe condos should be listed in sections 20.30.370 and 20.30.380, sections that deal with land divisions.

In listening to comments from the Highland Terrace neighborhood at the December 18, 2008 Planning Commission meeting, staff concluded that two of the issues that underlay

the comments were: 1) the ability to "round up" and place an additional housing unit on the property even thought there is not quite enough property area to meet minimum lot size requirements if a site were platted or short platted, and 2) the issue of tree removal that will occur as property is developed. Staff believes that maintaining the existing code language will not affect whether these two issues are addressed. If the Commission would like to address the issue of "rounding up", staff suggests that the Commission review 20.50.020, Exception #7 later this year. As for the issue of tree cutting, staff has begun work on the tree code; Commission review of the tree code regulations will directly impact whether or not more trees will be left standing on a given site after development .

The Planning Commission recommended denial of these amendments. The Commission directed staff to bring back amendments that will address some of the concerns of multiple single-family homes on one parcel of land. The Commissioners requested two code amendments be brought to them for consideration: one that would only allow one house per lot and an alternative proposal that would amend the code so that a developer want to build more than one house per lot be processed as a Type B or Type C action.

Proposal 2: Modify Section 20.30.410

20.30.410 Preliminary subdivision review procedures and criteria.

The preliminary short subdivision may be referred to as a short plat – Type B action.

The preliminary formal subdivision may be referred to as long plat – Type C action.

Review criteria: The following criteria shall be used to review proposed subdivisions:

A. Environmen tal.

1. Where environmental resources exist, such as trees, streams, ravines or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas chapter, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing and site grading standards sections.

2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.

3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as, flood plains, steep slopes or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A) (1) and (2) of this section.

~~4. The proposal shall be designed to minimize off-site impacts, especially upon drainage and views.~~

All preliminary subdivisions must demonstrate adequate levels of service. A review of a conceptual stormwater drainage system is performed in conjunction with preliminary plat review to verify adequacy of the existing and proposed drainage system. 20.30.410 (A) (4) is redundant as this regulation is addressed in Section 20.30.410 (D) and Section 20.60.070.
In addition to the redundancy regarding drainage review, #4 also makes reference to views. The City of Shoreline does not have any regulations, ordinances, or supporting language in the development code regarding views. It is impossible for staff to regulate offsite impacts concerning views. It is misleading to the general public that comments regarding views can be evaluated. Staff recommends deleting #4 from 20.30.410 to eliminate confusion and redundancy.

As staff notes in the comments about 20.30.370, we believe that maintaining the current language in this regulation will have no impact on the issues raised by people in the Highland Terrace neighborhood.

The Planning Commission recommended approval of this amendment with no additional language.

Proposal 3: Modify Section 20.50.150

Section 20.50.150 lists the regulations for storage space of garbage and recyclable materials. The section header is misleading and has been changed to make finding specific regulations easier.

20.50.150 Storage space for the collection of trash, recyclables, and compost ~~and service area location and screening~~ – Standards.

Developments shall provide storage space for the collection of garbage, recyclables, and compost consistent with Shoreline's current service provider as follows:

A. Th e storage space shall be provided at the rate of:

1. One 16' X 10' (10' X 10' for garbage containers and 6'X 10' for recycle and food waste containers) collection area for every 30 dwelling units in a multifamily building ~~and one-half square feet per dwelling unit in multiple-dwelling developments~~ except where the development is participating in a City-sponsored or approved direct collection program in which individual recycling bins are used for curbside collection;

2. The storage space for residential developments shall be apportioned and located in collection points as follows:

a. The required storage area shall be dispersed in collection points throughout the site when a residential development comprises more than one building.

b. There shall be one collection point for every 30 dwelling units.

c. Collection points may be located within residential buildings, in separate buildings/structures without dwelling units, or outdoors.

d. Collection points located in separate buildings/structures or outdoors shall be no more than 200 feet from a common entrance of a residential building.

e. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.

B. Th e collection points shall be designed as follows:

1. Dimensions of the collection points shall be of sufficient width and depth to enclose containers for recyclables.

2. Architectural design of any structure enclosing an outdoor collection point or any building primarily used to contain a collection point shall be consistent with the design of the primary structure(s) on the site.

3. Collection points shall be identified by signs not exceeding two square feet.

4. A six-foot wall or fence shall enclose any outdoor collection point.

5. Enclosures for outdoor collection points and buildings used primarily to contain a collection point shall have gate openings at least ~~12~~ 10 feet wide for haulers. In addition, the gate opening for any building or other roofed structure used primarily as a collection point shall have a vertical clearance of at least 12 feet.

6. Weather protection of garbage, recyclables, and compost shall be ensured by using weatherproof containers or by providing a roof over the storage area.

The Planning Commission requested that "food waste" be added into this section. Staff has contacted CleanScapes and made the necessary additions to accommodate the added requirements.

The Planning Commission recommended approval of this amendment with "food waste" changing to "compost" in the regulations.

Proposal 4: Adding a code section to require electric vehicle recharging facilities in new multifamily and commercial developments

Following Council direction, staff developed a proposal to add electric vehicle parking standards to the development code:

Table 20.50.390E – Electric Vehicle Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Developments with 100 units or	1 parking space per

more:	development
COMMERCIAL USE	
New commercial building:	1 parking space per building

In additional to required parking spaces, EV parking facilities shall include:

- EV parking spaces are required to be ADA accessible.
- EV parking shall be in a conspicuous location, close to a main building entrance and the EV charging station electrical panel.
- Prepare for future installation of EV charging stations by providing sufficient panel space, installing conduit, ventilation, and lighting.
- Charger and lighting electric panels should be located as close as possible to anticipated charging stations.

Following Commission discussion, staff concluded that there is not enough information available at this time to develop a proposal that would be applicable citywide and has rescinded its proposal. Staff expects that the Planning Commission will review the issue of electronic vehicle recharging facilities later in the year when it reviews the Regional Business permanent regulations.

The Planning Commission was not comfortable in making a recommendation at this time but wants to look at this idea in the future.

Proposal 5: Modifications to bicycle parking standards

Staff was asked to look at other jurisdictions for bicycle parking standards and determine if Shoreline's regulations are sufficient. Staff concluded Shoreline's bicycle parking standards are more stringent than those in nearby suburban cities and even more stringent than the cities of Seattle and Portland. The major revision in this section is concerning the first exception (Exception 20.50.440 (A) (1)) now listed as letter "B". Staff believes the new letter "B" should be a regulation and not an exception.

20.50.440 Bicycle facilities – Standards.

A. In ~~any~~ developments required to provide six or more parking spaces, bicycle parking shall be provided. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified. Off-street parking areas shall contain at least one bicycle parking space for every 12 spaces required for motor vehicles.

Exception 20.50.440(A) (1): One indoor bicycle storage space shall be provided for every two dwelling units in townhouse and apartment residential uses, unless individual garages are provided for every unit. The Director may reduce the number of bike rack parking spaces if indoor **bicycle** storage facilities are available to all residents.

Exception 20.50.440(A)(2): The Director may reduce bike rack parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location provided bike rack parking is not completely eliminated.