

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

**AGENDA TITLE:** Adoption of Ordinance 560 to replace Interim RB Regulations  
**DEPARTMENT:** Planning and Development Services  
**PRESENTED BY:** Joseph W. Tovar, FAICP, Director

**PROBLEM/ISSUE STATEMENT:**

The Planning Commission's recommendation to create a Mixed Use Zone (MUZ) to replace interim RB regulations was discussed at the October 19 Council study session. On October 26, the Council will be asked to act on Ordinance 560. If there is direction at the study session to revise Ordinance 560, staff will send changes to the Council for review prior to the October 26 meeting.

The Regional Business district, generally located along Aurora but permitted in several other commercial areas, is one of the most intensive commercial/mixed use districts in Shoreline. Most retail and commercial uses as well as residential uses, are permitted in RB zones. Maximum height in the district is 65 feet; however if an RB zone is adjacent to an R-4 or R-6 zone, then additional transition standards apply that limit building height.


In May, 2008, the City Council adopted Ordinance 505 which created interim rules and limited the maximum housing density on RB sites to no more than 110 dwelling units per acre. The interim rules have been extended twice, and will expire on November 12, 2009. The proposed regulations would replace the current interim RB regulations.

**FINANCIAL IMPACT:**

The proposed regulations would have no direct financial impact.

**RECOMMENDATION**

The Planning Commission recommends approval of Ordinance 560 which would rename the Regional Business Zone district and implement revised development standards in the newly named Multiple Use Zone.

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

## **INTRODUCTION**

Generally, most retail and commercial uses, including offices, as well as residential uses, are permitted in RB zones. The RB regulations were modified following the adoption of the City's initial Comprehensive Plan to create a quasi-form based code, and regulate the number of housing units and the maximum square footage of retail or office space on a site through parking requirements and height and bulk regulations, not by a specific housing density or other means.

In May, 2008, the City Council adopted Ordinance 505 which created interim rules and limited the maximum housing density on RB sites to no more than 110 dwelling units per acre. The interim rules were extended twice in order to provide the community an opportunity to update the City's Vision and Framework Goals. That work was completed earlier this year, and provide direction that is applicable in a discussion of permanent regulations for the RB zone. (See attachment 1)

In addition, the City Council recently adopted Ordinances 546 and 549 which relax the interim density standards in the Midvale Demonstration District to allow 150 dwellings/acre if additional conditions are met. (See attachment 2 for Ordinance 549)

## **BACKGROUND**

The Planning Commission discussed the concepts for a renamed zone (Mixed Use Zone) to replace RB in two meetings. At these meetings, the Commission identified specific requirements the RB proposal should include:

1. An incentive system that trades off density for public amenities
2. More stringent rules for transition between commercial and residential uses.
3. Increased notification of large development activities
4. More open space for residents of large multi-family complexes

## **PROPOSAL**

The Commission's recommendation includes the following elements:

Rename the zoning district to eliminate confusion with the Comprehensive Plan designation.

The following standards would apply to all development in the Mixed Use Zone (MUZ):

- a. Developments in the MUZ zone will be subject to Administrative Design Review. The Director is authorized to adopt and amend design guidelines by administrative order.
- b. Developments in the MUZ zone will provide public gathering spaces at a rate of 1000 square feet per one acre of site. At least 80% of the public space shall be contiguous, with a maximum contiguous requirement of 1,600 square feet.

- c. The maximum building height for developments within 100 feet of the property line is limited to 45 feet and the maximum building height for developments between 100 and 200 feet of the property line is 55 feet.
- d. Height and housing density will be controlled as follows:
  - (1) A maximum 35-foot building height and 48 dwellings per acre for residential only buildings and 45-foot building height for buildings designed to accommodate commercial uses, maximum density of 70 dwellings per acre, and a FAR (Floor Area Ratio) of 2.0, (See Attachment 7 for a description of FAR.)
  - (2) A maximum building height of 55 feet, maximum FAR of 3.2, and maximum density of 110 dwellings per acre is permitted if development meets the following conditions:
    - a. The development includes infrastructure for electric vehicle recharging. ; and
    - b. The building is designed to accommodate ground floor commercial uses; and
    - c. "4-star" construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
    - d. 800 square feet of common recreational space for residents of the development is provided for developments of 5-20 units; 40 square feet of recreational space per unit is provided for developments over 20 units.
  - (3) A maximum height of 65 feet, maximum housing density of 150 dwellings per acre and maximum FAR of 3.6 is permissible if all the conditions under #2 of this subsection are met and the following conditions are met:
    - a. 15% of the units are affordable to households in the 75% King County median income category for a minimum of 30 years. The average number of bedrooms for affordable units shall be similar to the number of bedrooms for market rate unit; and
    - b. "5-star" construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
    - c. After the pre-application meeting and prior to submitting an application for construction, the developer must hold a neighborhood meeting with City staff in attendance to identify impacts caused by the new development and propose appropriate mitigation measures. Meetings will be advertised by mailing to property owners and occupants within 500 feet of the property.

#### Other development regulations required in the proposed Mixed Use Zone

In addition to the bulk, height, and density standards listed above, the Mixed Use zone also requires:

- All parking is required to be on the same parcel of the development. In addition, residential units will be required to be assigned parking spots, or alternative, there will be parking management plan approved by the Director.

- All surface parking lots, outdoor storage and equipment storage must be screened from both the public right-of-way and adjacent single-family development. Screening can consist of placing parking behind buildings, underground or structured parking, or by building a 4-foot masonry wall with a 10-foot wide landscape buffer. A larger buffer is required for buildings that are adjacent to single-family residential uses.

## **PROCESS**

- This Development Code Amendment was initiated by staff in June 2009.
- The Planning Commission held a scoping session on June 18, 2009.
- The Planning Commission held a study session on August 6, 2009.
- The City issued a SEPA Determination of Nonsignificance on September 21, 2009.
- The Planning Commission held its Public Hearing on September 17 and continued it to October 1. At the hearings, three people offered testimony and three people submitted written comments (Meeting minutes are Attachments 2-5 and public comment is Attachment 6).
- The Commission deliberated on October 1, 2009 and developed a recommendation for a revised set of regulations to replace RB.
- The City Council held a study session on October 19, 2009.

## **RECOMMENDATION**

The Planning Commission recommends approval of Ordinance 560 which would rename the Regional Business Zone district and implement revised development standards in the newly named Multiple Use Zone.

## **ATTACHMENTS**

1. Vision and Framework Goals
2. Planning Commission Minutes from June 18, August 6, September 21, and October 1
3. Public Comment Letters
4. Explanation of FAR (Floor Area Ratio)
5. Zoning Map denoting MUZ zones
6. Ordinance 560

## 2029 Vision Statement

*Imagine for a moment that it is the year 2029 and you are in the City of Shoreline. This vision statement describes what you will see.*

Shoreline in 2029 is a thriving, friendly city where people of all ages, cultures, and economic backgrounds love to live, work, play and, most of all, call home. Whether you are a first-time visitor or long-term resident, you enjoy spending time here.

There always seems to be plenty to do in Shoreline -- going to a concert in a park, exploring a Puget Sound beach or dense forest, walking or biking miles of trails and sidewalks throughout the city, shopping at local businesses or the farmer's market, meeting friends for a movie and meal, attending a street festival, or simply enjoying time with your family in one of the city's many unique neighborhoods.

People are first drawn here by the city's beautiful natural setting and abundant trees; affordable, diverse and attractive housing; award-winning schools; safe, walkable neighborhoods; plentiful parks and recreation opportunities; the value placed on arts, culture, and history; convenient shopping, as well as proximity to Seattle and all that the Puget Sound region has to offer.

The city's real strengths lie in the diversity, talents and character of its people. Shoreline is culturally and economically diverse, and draws on that variety as a source of social and economic strength. The city works hard to ensure that there are opportunities to live, work and play in Shoreline for people from all backgrounds.

Shoreline is a regional and national leader for living sustainably. Everywhere you look there are examples of sustainable, low impact, climate-friendly practices come to life -- cutting edge energy-efficient homes and businesses, vegetated roofs, rain gardens, bioswales along neighborhood streets, green buildings, solar-powered utilities, rainwater harvesting systems, and local food production to name only a few. Shoreline is also deeply committed to caring for its seashore, protecting and restoring its streams to bring back the salmon, and to making sure its children can enjoy the wonder of nature in their own neighborhoods.

### **A City of Neighborhoods**

Shoreline is a city of neighborhoods, each with its own character and sense of place. Residents take pride in their neighborhoods, working together to retain and improve their distinct identities while embracing connections to the city as a whole. Shoreline's neighborhoods are attractive, friendly, safe places to live where residents of all ages, cultural backgrounds and incomes can enjoy a high quality of life and sense of community. The city offers a wide diversity of housing types and choices, meeting the needs of everyone from newcomers to long-term residents.

Newer development has accommodated changing times and both blend well with established neighborhood character and sets new standards for sustainable building, energy efficiency and environmental sensitivity. Residents can leave their car at home

and walk or ride a bicycle safely and easily around their neighborhood or around the whole city on an extensive network of sidewalks and trails.

No matter where you live in Shoreline there's no shortage of convenient destinations and cultural activities. Schools, parks, libraries, restaurants, local shops and services, transit stops, and indoor and outdoor community gathering places are all easily accessible, attractive and well maintained. Getting around Shoreline and living in one of the city's many unique, thriving neighborhoods is easy, interesting and satisfying on all levels.

### **Neighborhood Centers**

The city has several vibrant neighborhood "main streets" that feature a diverse array of shops, restaurants and services. Many of the neighborhood businesses have their roots in Shoreline, established with the help of a local business incubator, a long-term collaboration between the Shoreline Community College, the Shoreline Chamber of Commerce and the city.

Many different housing choices are seamlessly integrated within and around these commercial districts, providing a strong local customer base. Gathering places - like parks, plazas, cafes and wine bars - provide opportunities for neighbors to meet, mingle and swap the latest news of the day.

Neighborhood main streets also serve as transportation hubs, whether you are a cyclist, pedestrian or bus rider. Since many residents still work outside Shoreline, public transportation provides a quick connection to downtown, the University of Washington, light rail and other regional destinations. You'll also find safe, well-maintained bicycle routes that connect all of the main streets to each other and to the Aurora core area, as well as convenient and reliable local bus service throughout the day and throughout the city. If you live nearby, sidewalks connect these hubs of activity to the surrounding neighborhood, bringing a car-free lifestyle within reach for many.

### **The Signature Boulevard**

Aurora Avenue is Shoreline's grand boulevard. It is a thriving corridor, with a variety of shops, businesses, eateries and entertainment, and includes clusters of some mid-rise buildings, well-designed and planned to transition to adjacent residential neighborhoods gracefully. Shoreline is recognized as a business-friendly city. Most services are available within the city, and there are many small businesses along Aurora, as well as larger employers that attract workers from throughout the region. Here and elsewhere, many Shoreline residents are able to find family-wage jobs within the City.

Housing in many of the mixed-use buildings along the boulevard is occupied by singles, couples, families, and seniors. Structures have been designed in ways that transition both visually and physically to reinforce the character of adjacent residential neighborhoods.

The improvements put in place in the early decades of the 21st century have made Aurora an attractive and energetic district that serves both local residents and people from nearby Seattle, as well as other communities in King and Snohomish counties. As a

major transportation corridor, there is frequent regional rapid transit throughout the day and evening. Sidewalks provide easy access for walking to transit stops, businesses, and connections to adjacent neighborhoods.

Aurora has become a green boulevard, with mature trees and landscaping, public plazas, and green spaces. These spaces serve as gathering places for neighborhood and citywide events throughout the year. It has state-of-the-art stormwater treatment and other sustainable features along its entire length.

As you walk down Aurora you experience a colorful mix of bustling hubs – with well-designed buildings, shops and offices – big and small – inviting restaurants, and people enjoying their balconies and patios. The boulevard is anchored by the vibrant Town Center, which is focused between 175th and 185th Street. This district is characterized by compact, mixed-use, pedestrian-friendly development highlighted by the Shoreline City Hall, the Shoreline Historical Museum, Shorewood High School, and other civic facilities. The interurban park provides open space, recreational opportunities, and serves as the city's living room for major festivals and celebrations.

### **A Healthy Community**

Shoreline residents, city government and leaders care deeply about a healthy community. The city's commitment to community health and welfare is reflected in the rich network of programs and organizations that provide human services throughout the city to address the needs of all its residents.

Shoreline is a safe and progressive place to live. It is known region wide for the effectiveness of its police force and for programs that encourage troubled people to pursue positive activities and provide alternative treatment for non-violent and non-habitual offenders.

In Shoreline it is believed that the best decisions are informed by the perspectives and talents of its residents. Community involvement in planning and opportunities for input are vital to shaping the future, particularly at the neighborhood scale, and its decision making processes reflect that belief. At the same time, elected leaders and city staff strive for efficiency, transparency and consistency to ensure an effective and responsive city government.

Shoreline continues to be known for its outstanding schools, parks and youth services. While children are the bridge to the future, the city also values the many seniors who are a bridge to its shared history, and redevelopment has been designed to preserve our historic sites and character. As the population ages and changes over time, the City continues to expand and improve senior services, housing choices, community gardens, and other amenities that make Shoreline such a desirable place to live.

Whether for a 5-year-old learning from volunteer naturalists about tides and sea stars at Richmond Beach or a 75-year-old learning yoga at the popular Senior Center, Shoreline is a place where people of all ages feel the city is somehow made for them. And, maybe most importantly, the people of Shoreline are committed to making the city even better for the next generation.

## Framework Goals

The original framework goals for the city were developed through a series of more than 300 activities held in 1996-1998. They were updated through another series of community visioning meetings and open houses in 2008-2009. These Framework Goals provide the overall policy foundation for the Comprehensive Plan and support the City Council's vision. When implemented, the Framework Goals are intended to preserve the best qualities of Shoreline's neighborhoods today and protect the City's future. To achieve balance in the City's development the Framework Goals must be viewed as a whole and not one pursued to the exclusion of others.

Shoreline is committed to being a sustainable city in all respects.

- FG 1: Continue to support exceptional schools and opportunities for lifelong learning.
- FG 2: Provide high quality public services, utilities, and infrastructure that accommodate anticipated levels of growth, protect public health and safety, and enhance the quality of life.
- FG 3: Support the provision of human services to meet community needs.
- FG 4: Provide a variety of gathering places, parks, and recreational opportunities for all ages and expand them to be consistent with population changes.
- FG 5: Encourage an emphasis on arts, culture and history throughout the community.
- FG 6: Make decisions that value Shoreline's social, economic, and cultural diversity.
- FG 7: Conserve and protect our environment and natural resources, and encourage restoration, environmental education and stewardship.
- FG 8: Apply innovative and environmentally sensitive development practices.
- FG 9: Promote quality building, functionality, and walkability through good design and development that is compatible with the surrounding area.
- FG 10: Respect neighborhood character and engage the community in decisions that affect them.
- FG 11: Make timely and transparent decisions that respect community input.



- FG 12: Support diverse and affordable housing choices that provide for Shoreline's population growth, including options accessible for the aging and/or developmentally disabled.
- FG 13: Encourage a variety of transportation options that provide better connectivity within Shoreline and throughout the region.
- FG 14: Designate specific areas for high density development, especially along major transportation corridors.
- FG 15: Create a business friendly environment that supports small and local businesses, attracts large businesses to serve the community and expand our jobs and tax base, and encourages innovation and creative partnerships.
- FG 16: Encourage local neighborhood retail and services distributed throughout the city.
- FG 17: Strengthen partnerships with schools, non-governmental organizations, volunteers, public agencies and the business community.
- FG 18: Encourage Master Planning at Fircrest School that protects residents and encourages energy and design innovation for sustainable future development.

## Planning Commission Minutes From June 18 Meeting

### Project Scope of Permanent Regulations for Regional Business Zone

Mr. Cohn referred to the Staff Report, which outlines some of staff's preliminary thoughts for refining the code language for the Regional Business (RB) zone. In addition, staff would like feedback from the Commission about additional questions and concepts they would like to study. He suggested that as the Commission reviews the current language to identify problems and opportunities, they should keep in mind that the City Council has extended the interim regulations twice. He recommended the Commission complete their work by mid October so the City Council can adopt permanent regulations before the November 12<sup>th</sup> deadline. He referred to Commissioner Behrens's email which could provide a good starting point for the Commission's discussion.

Commissioner Kaje recalled that when the Commission reviewed a request for RB zoning a few weeks ago, they discussed the concept of transition. They specifically discussed physical transition and how to soften a proposed development by limiting the allowed building envelope, setting the building back a greater distance from adjoining properties, etc. However, given that RB is the City's most intensive zoning designation, the Commission must also consider transition from a land use and zoning perspective. He referred to Vice Chair Wagner's earlier comment about the need for additional zoning designations that are less intense than RB. In addition, the Commission needs to have a discussion about what types of zones the RB designation can be located next to. For example, the City could consider R-24 to be an appropriate transitional zone between lower densities and RB so RB would not be allowed next to R-12 zones. While R-12 is often considered to be a higher-density, he said he does not think that is what citizens would consider appropriate transitional zoning for the RB zone. He recognized there may be unique circumstances where the City must rely on more of a physical transition because they have already zoned poorly. However, he suggested the City would continue to fight the same concerns over and over again unless they come up with some guidance as to what uses will be allowed in medium buffer zones. That is one reason why he expressed opposition to the previous proposal that would allow RB zoning in close proximity to R-6 and R-12 zones.

Commissioner Pyle agreed with Commissioner Kaje that the Commission must figure out what types of zoning RB should be surrounded by. However, in order to know what and how large the buffer should be, the Commission must have a clear understanding of what the RB zone would allow. He observed that one of the problems with the current RB language is that people have some fear of density and where and how it is located. The Commission should first discuss what the appropriate RB density should be, coupled with a discussion on how the density should be transitioned into the neighborhoods. The two issues go hand in hand. He said his interpretation of the Comprehensive Plan and the current RB regulations is that there is no density limit. However, just because it doesn't say there is a limit, does not mean it is not contemplated. It is merely a matter of dimensional standards, or how many units you can fit in a box given the parking,

transportation, and other requirements. Whatever is allowed in RB zones has an impact on the surrounding neighborhoods. The Commission has a responsibility to protect the neighborhoods, but also to allow the City some flexibility and diversity as to what can be developed on an RB site.

Vice Chair Wagner said she was intrigued by the idea of coming up with multiple RB zones because the current RB zoning designation does not seem to fit all situations. She noted they have already drawn a line around the Town Center Subarea Plan, and perhaps they could do the same for the RB zones that are located to the north and south of Town Center. She questioned if the current Comprehensive Plan language would allow the Commission to go that direction.

Mr. Tovar agreed it would make sense from a long-term perspective to create different types of RB zoning designations. However, he questioned if this would be legally possible without some kind of policy basis. He summarized that a Framework Policy was provided in the Comprehensive Plan to draw a line around the Town Center (between 175<sup>th</sup> and 195<sup>th</sup>). However, there is no policy basis for determining that RB zoned sites located to the north and south of Town Center should be zoned at a different height or density. He recalled that a few years ago, staff proposed the concept of breaking Aurora Avenue North down into logical subsets, and perhaps this concept could be revisited as part of the Comprehensive Plan Update. While he cautioned against getting too detailed in the Comprehensive Plan, he suggested it would be appropriate to propose some framework policies for each of the subsets of Aurora Avenue North. He agreed to seek additional direction from the City Attorney.

Commissioner Behrens observed that there is a huge block of land that lies along Aurora Avenue, but some of the parcels are totally unusable for intensive development for a number of different reasons. He suggested a better approach would be to identify a baseline density, and then write Development Code language that allows additional density if certain important elements can be provided (i.e. located on a major corridor, adjacent to a bus line, adequate water supply, sidewalks, transition areas, green elements, underground parking, trees retention, parks and open spaces, etc. This would allow greater density on properties that are large enough to be developed in a way that benefits the City. He suggested it is unrealistic to tell a developer he has a piece of RB land with unlimited density when in reality the parcel is not useable at the density the zoning code allows.

Commissioner Behrens pointed out that the initial concept of RB was for business and commercial development only, and residential uses were not allowed. He suggested that if RB is going to be used as a residential zone, the language should be located in the residential section of the Development Code. Once this change has been made, the Development Code could determine how much density would be allowed based on the list of elements he previously identified. Instead of coming up with one-size-fits-all language, they should provide incentives that encourage good development and growth.

Mr. Tovar agreed with much of what Commissioner Behrens suggested. However, the Commission should keep in mind that they have less than 2½ months to forward a recommendation for permanent regulations to the City Council for final adoption. Even if the City Council adopts permanent RB regulations, nothing would prevent the Commission from dealing with the regulations again as part of their Comprehensive Plan Update, and providing greater differentiation. However, this will take more time since policies would have to be adopted into the Comprehensive Plan to provide a basis for making distinctions in the RB zone.

Chair Hall agreed with Mr. Tovar that the Commission is somewhat limited in what they can address as part of their current effort. He agreed there are no two parcels in which a minutely detailed regulation could address all of the issues, and that is the purpose of allowing some flexibility.

Chair Hall reminded the Commission of their earlier discussion about using the Framework Goals and Vision Statement to guide their decisions. He observed that the Vision Statement calls out Shoreline being a sustainable city in all respects within the City boundaries, as well as the City's role in the region. He suggested the Commission should consider the relationship between sustainability goals and the RB business regulations. He pointed out that traditional exclusionary zoning ends up driving residents to use their cars for transportation because where you live is not where you work, shop or play. He suggested the Commission take this opportunity to recognize that because of location, RB zones create an opportunity for mixed use at a variety of densities. The question is how best to control and regulate the mixed uses, which becomes an issue of compatibility. He referred to Commissioner Kaje's earlier comments about transition and noted that when an RB zone is located next to an R-6 zone, effective transition could include up zoning the R-6 residential neighborhood to R-24, down zoning part of the RB zoned area, or requiring some kind of transition. While any of these tools would work, he said he is neither a proponent of up zoning which has a negative impact on neighborhoods nor down zoning that takes away private property rights. He cautioned the Commission that these two options must be done very carefully.

Chair Hall said he would prefer that the Commission's discussion focus on impacts to the neighborhood and compatibility instead of the number of units allowed. He reminded the Commission of previous discussions where they learned that because of demographic shifts, 2,600 square foot homes in single-family neighborhoods often has more cars per acre than smaller cottage homes that are generally occupied by one or two people. He summarized that the City's demographics are shifting, and in order to create a balance, the City needs a larger number of smaller units. This can be accomplished by regulating traffic, parking and compatibility rather than the number of units. The design standards can address building envelope issues such as solar access and visual compatibility. He observed that parking and traffic have a greater impact on neighborhoods than the actual number of people living in a development. He concluded by saying he likes the concept of allowing a mixture of uses in the RB zone and allowing developments to be regulated based on their impacts and not the number of units.

Commissioner Piro said he would like to further discuss a point raised at their last meeting by Vice Chair Wagner about whether or not there is a gap between what is allowed in the R-48 and RB zones that may cause them to consider additional zoning designations that do not currently exist.

Commissioner Broili observed that the greater the intensity of the zoning, the more levels of scale and treatment will be necessary. For example, RB zoning may require three to five levels of zoning that have different treatments, and mixed use should be part of the scenario. He suggested that once the Commission has addressed the RB regulations, applying the same concept to other zoning levels would provide effective tools to fit future development into the landscape of the neighborhoods.

Commissioner Behrens observed that the RB zoned properties have been a topic of discussion since the City was incorporated, and he thanked staff for proposing the current moratorium, which has given the staff, City Council, Commission and citizens an opportunity to realistically review the regulations. However, he cautioned against being in a big hurry to resolve the issues. He noted that most of the City Councilmembers and citizens recognize this issue is tremendously important and will define what the City will look like in the future. If necessary, he suggested they extend the moratorium, particularly recognizing there is not a great demand for development at this time. This would give the Commission an opportunity to adequately address the issues and resolve them appropriately. Chair Hall reminded the Commission that the City has already limited the property rights of everyone who owns property in RB zones for 18 months, and these people are becoming frustrated. Mr. Tovar explained that the City Council has asked the Commission to recommend language for permanent regulations by November 12<sup>th</sup>. While they do have the option of continuing the moratorium, they have indicated they would rather not. However, he reminded the Commission that they would still have the ability to recommend changes in the future.

Mr. Tovar suggested the Commission consider renaming the zone from RB to something else such as Business Residential (BR), which would allow opportunities for business or residential. They could further refine the zone to allow varying levels of density. He recommended the Commission move their discussion away from the term Regional Business since it implies that it is intended for only regional business uses, which is not the case. He suggested the Commission make a recommendation to the City Council by November 12. At that time, they could also recommend the City Council allow them to further refine the zone to differentiate the varying levels of density, building height, uses, etc. However, he cautioned that it would be better to regulate based on groups of parcels rather than parcel-by-parcel.

Chair Hall summarized that the Commissioners were in support of changing the name of the current RB zone and recognizing the potential for mixed uses (residential and commercial). In addition, addressing issues related to compatibility and transition should be a priority. Commissioner Pyle said it also appears the Commission has agreed to move away from using a unit cap approach that is intended to fit all of the sites because

of the variable conditions that exist. He suggested the Commission focus on the qualitative issues related to access, parking, etc.

Commissioner Behrens expressed concern that not identifying a maximum unit count could mislead developers who purchase property thinking they can develop to a certain level, only to discover later there is not adequate infrastructure, such as water pressure, to build anything close to the number they had projected based on the code. Chair Hall pointed out there are areas in the City where there are not adequate water lines available to meet the fire flow standards for multi-family development. However, even if a unit count were identified as part of the zoning language, there may still be places where developers would be unable to obtain sufficient fire flow to develop a site to its fullest potential allowed by the code. Commissioner Behrens suggested the unit count be set at a level where the City can ensure there is adequate infrastructure. Commissioner Pyle suggested rather than a unit count, the code language could put in place mechanisms that adapt to site conditions. He said he works in development review, and the fact is people purchase properties without doing due diligence, but that is their issue to resolve.

Chair Hall summarized that the Commission generally agrees they don't want to have an arbitrarily set unit count that is intended to fit all RB zones. Instead, design requirements, site conditions, etc. would constrain development to an appropriate level. The Commission agreed it is important to make the constraints clear in the code language.

Commissioner Broili asked if density or unit count could be controlled by code regulations as well as function. Mr. Tovar answered there are ways to address intensity (density) such as a floor area ratio, standards for lot coverage, building envelope, etc. He recalled that the theory behind the form-based code concept is to regulate things the City cares the most about, which could include varying levels of floor area ratio. It would be up to the developer to do due diligence to find out exactly what the market, current infrastructure, etc. would support. Commissioner Broili summarized that the City would have the ability to implement form-based zoning without setting a unit count or density requirement and issues could be adequately addressed by the Development Code regulations. Mr. Tovar agreed that a unit count would not be necessary to regulate density. Commissioner Broili cautioned that because they are considering opportunities for mixed use, it is important to discriminate between the terms "density" and "unit count." The Commission should keep in mind that more intense uses with low unit counts can have just as much impact as less intense uses with higher unit counts. He summarized that both intensity and unit count could both be controlled through good code and regulations. Chair Hall recognized this could be a controversial issue, but the Commission has generally concluded they do not want to identify a maximum density count. He emphasized that as discussed by the Commission, density could be limited by other regulations related to parking, traffic, building size, etc.

Commissioner Kaje suggested the Commission not only consider the 300 acres that are currently zoned RB, but also those that are identified in the Comprehensive Plan as a Community Business (CB) land use category. He reminded the Commission that the Comprehensive Plan states that RB is an acceptable zone for properties identified on the

land use map as CB. Throughout their discussion, the Commission must remain cognizant of where the new rules might apply as they consider issues such as floor area ratios, heights, etc. They should keep in mind all of the locations that have the potential of being rezoned to RB.

Chair Hall agreed this would become even more important as the Commission considers future planning in the area of the future transit stations. It is likely they will conclude that the higher intensity development should be located near transit stops. However, they must also keep in mind that the neighborhoods are currently zoned as single-family residential. While it would not be appropriate to recommend rezoning single-family neighborhoods to RB in the near future, they may very well want to adopt a Comprehensive Plan designation that says as things redevelop they expect the area to become as intense as RB. This transition would then occur over many years. He summarized that it is not uncommon to have zoning designations that are below the maximum density allowed by the Comprehensive Plan in order to protect existing property owners. However, as the properties in this vicinity redevelop, it is likely the Commission would be asked to consider rezoning the properties.

Commissioner Behrens suggested it is somewhat unfair to allow property owners to rezone to RB and compete with people who own property that is already zoned RB. He suggested the City should encourage development of the existing RB zoned properties rather than encourage people to seek rezones for property that might not fit completely into the RB concept and then attempt to transition it. They have a tremendous amount of unused RB zoned property in the City, and the City should encourage these property owners to move forward.

Commissioner Wagner expressed concern about requiring developers of RB zoned properties to provide additional step backs or setbacks in order to reduce the impacts if it is likely that adjacent properties would be redeveloped into a more intense use in the near future. She suggested the Commission carefully consider if they want to require step backs and setbacks if they expect the properties they are intended to buffer to be developed with a higher density in the next five to ten years. She observed that this might not be the highest and best use of the land in the long-term.

Commissioner Wagner also expressed concern that the current RB zoning language allows for unlimited types of uses. She suggested it might be appropriate to prohibit certain uses, particularly in conjunction with residential uses. Mr. Tovar agreed that the City could not expect residential neighborhoods to thrive in mixed use areas if incompatible commercial uses are allowed to occur. He suggested it may be appropriate to impose specific regulations in certain RB zones where they hope to have residential areas grow.

Chair Hall summarized that the next step would be for staff to prepare some proposals to present to the Commission for further discussion. The Commission would have an opportunity to review the proposals at least one more time before a public hearing is scheduled in the fall. Again, he emphasized the importance of linking their discussion.

regarding RB regulations to the newly adopted Vision Statement and Framework Goals. He particularly called out Framework Goal 10, which says "respect neighborhood character and engage the community in decisions that affect them." He observed that respecting neighborhood character will be an important factor to consider when addressing the issue of transition. Development in RB zones should not be allowed to severely impact adjacent residential neighborhoods.

Chair Hall recalled Commissioner Behrens suggestion that they start with base regulations and then provide greater incentives for environmentally friendly development, underground parking, affordable housing, etc. He noted that Framework Goals 7 and 8 speak to the City's natural resources and environmentally sensitive development practices. If they move towards a regulation that is based on floor area ratio, then creating regulations similar to those used for the Ridgecrest Neighborhood might be an option. He recalled that the Ridgecrest Neighborhood indicated favorable support for incentives to encourage public gathering spaces, and Framework Goals 4, 5 and 6 speak to gathering spaces, parks, recreational opportunities, plazas, arts, culture and history, etc. He summarized that some good things were done with the Ridgecrest Neighborhood as far as building envelope and transition zoning to address neighborhood compatibility. Using this approach, along with adding some incentives as discussed earlier, would go a long way towards having an acceptable, fairly high-intensity, mixed-use zone.

Commissioner Wagner recalled that when the Commission worked on their recommendation for the Ridgecrest Neighborhood, they expressed disappointment that it was not possible to add residential units on top of Gateway Plaza because there was not sufficient infrastructure in place at the base. She suggested the Commission consider the feasibility of including a requirement that developers consider potential future up building so that the necessary infrastructure is in place to support the addition of residential units on upper stories at some point in the future. Chair Hall agreed the Commission should be concerned about preserving more open space by using land more efficiently, and this relates back to being sustainable and environmentally friendly. When large sites are developed as 1-story buildings, the City loses a tremendous opportunity to have a more sustainable development that can house more people.

### **PUBLIC COMMENTS**

Les Nelson, Shoreline, recalled that the original RB zoning designation did not allow any housing density. By the time the zoning was adopted by the City of Shoreline, the RB and CB zones allowed R-24 and R-36. He encouraged the Commission to review the Council's research related to Ordinances 238 and 276, which were adopted in 2000. He noted the process never really addressed whether or not the public was informed of anything above R-48. He recalled that the City Council previously directed that R-48 was to be the standard density limitation.

Mr. Nelson said that he likes the idea of applying a floor area ratio concept to allow development to go higher. However, he is against allowing a mid-rise height for residential units everywhere. He noted that discussions related to the RB zone were



initially focused on those properties located along Aurora Avenue North, but now it seems the more intense housing density would be located along Interstate 5 and 185<sup>th</sup> and 145<sup>th</sup> near the proposed new transit stations. If that is the case, they should not place all of the housing on Aurora Avenue, since this would remove all of the business opportunities. He said he lives 1 block from Aurora Avenue, and he would like to see a mixture of uses. He said that if the City were to stick with a maximum density of R-48 then placing a 220-unit building on one acre would require a developer to designate three other acres for parks or businesses. This would require a developer to come up with a better plan to make it work.

Mr. Nelson disagreed with Chair Hall's comment related to down zoning and the concern that property rights would be taken away. He said he does not believe a property owner would prevail in a claim against the City if the City were to set a maximum density of 48 units per acre and then establish incentives that allow greater density and height. He referred to all the development that is taking place on Martin Luther King Way related to the Sound Transit Project. He encouraged the Commission to visit this area to see what they did to accommodate the major transit facility. He suggested that CB and RB land uses should govern the Commission's decision about how a particular property should be used in the future because RB zoning has always been whatever anybody wants it to be.

Commissioner Kaje clarified that Mr. Nelson is opposed to mid-rise developments that are residential only. Mr. Nelson is asking the Commission to think of ways to specifically encourage multiple uses in the RB areas as opposed to strictly residential uses. Mr. Nelson observed that it is difficult to force developers to include retail space as part of a residential building. However, this same effect would result if the City were to create a situation where in order to get the height and the density they want, developers have to give up another property or portion of a property for business. He said he does not want the City to give up a substantial portion of their business district to accommodate residential units.

## Planning Commission Minutes from August 6 Meeting

### Study Session: Permanent Regulations for Regional Business (RB) Zone

Mr. Cohn advised that a public hearing on the permanent regulations for the Regional Business (RB) Zone is tentatively scheduled for September 17<sup>th</sup>. He referred to the Comprehensive Plan Map and identified those areas that could conceivably be zoned RB. He reminded the Commission that the RB zone allows most retail and commercial uses, as well as residential uses. He recalled that in May of 2008, the City Council adopted an ordinance that created interim rules that limited the maximum housing density in RB zones to no more than 110 dwelling units per acre. Before the interim ordinance there was no defined maximum; the maximum was effectively controlled by the parking, height and bulk regulations.

Mr. Cohn recalled that when the Commission discussed the issue in June they agreed that the proposal should include the following:

- An incentive system that trades off density for public amenities.
- More stringent rules for transition between commercial and residential uses.
- A stipulation that would eliminate or reduce the amount of commercial traffic entering or exiting a site from non-arterial streets.
- Adoption of a new name for the Regional Business Zone to eliminate confusion with the Comprehensive Plan designation and to be more descriptive of the "vision" for future development in the zoning district.

Mr. Cohn referred the Commission to the draft language that was prepared by staff for the Commission's discussion and reviewed each of the proposed standards as follows:

*Standard 1: Developments larger than a defined threshold (perhaps those subject to SEPA review) would be subject to administrative design review.* Mr. Cohn advised that staff is in favor of requiring administrative design review based on a defined threshold, but they have not recommended a specific number at this point.

*Standard 2: Limit the maximum building height within 100 feet of the property line between RB and R-4 and R-12 zoned properties to 45 feet and limit the maximum building height between 100 and 200 feet of the property line to 55 feet.* Mr. Cohn noted that these transition requirements would be similar to those identified for the Midvale Demonstration Area.

*Standard 3: All buildings and required parking shall be located on the RB-zoned property and not off site.* Mr. Cohn noted that this standard was included to address issues raised previously by the Commission.

*Standard 4 (Density Level 1): The base permitted housing density would be 70 dwelling units per acre, and building height would be limited to four stories. The maximum floor area ratio (FAR) would be 2.0.* He advised that while staff is not tied to the FAR's

proposed in the draft language, they believe they are good numbers based on available information. Chair Hall clarified that the floor area ratio is the square footage of the floor area of the building compared to the square footage of the site. Therefore, applying an FAR of 2.0 on a four-story building would mean that half of the site would not be covered by the building.

Mr. Cohn said staff would like to tie the maximum dwelling units per acre to the FAR in some manner. The current proposal would permit a base density of 70 dwelling units per acre, and he noted that the highest density in most of the City is 48 dwelling units per acre. However, discussions with developers and the City's experience suggest that densities of 48 dwelling units per acre are likely to result in townhouse development. A limit of 48 dwelling units per acre would not provide enough incentive to encourage mixed-use development, which is a form of housing the City wants to encourage in specific areas. In the recent economic boom, mixed-use development penciled out at approximately 60 to 70 units per acre.

*Standard 5 (Density Level 2): Housing density could be increased to 110 dwelling units per acre, a maximum height of 5 stories, and maximum FAR of 3.2 if the following conditions are met:*

- a. *Mixed use building with at least 3,000 square feet of retail or personal service space*
- b. *Some underbuilding/underground parking or shared parking facility*
- c. *Windows that passerby can see inside 50% of 1<sup>st</sup> floor*
- d. *Overhang/awning*

Mr. Cohn pointed out that the language in proposed Standard 5 was based on the Ridgecrest Proposal (110 dwelling units per acre and a 3.2 FAR). Staff believes these numbers are reasonable if the City wants to encourage mixed-use development.

*Standard 6 (Density Level 3): Housing density can be increased to 150 dwelling units per acre and maximum height of 6 stories and FAR to 3.6 if the following conditions are met:*

- a. *All of the criteria listed above, plus*
- b. *Infrastructure for electric vehicle recharging*
- c. *15% is public space*
- d. *15% of the units are affordable to households in the 75% median income category for a specified number of years*
- e. *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*
- f. *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 would be advertised by mailings to property owners and occupants within 500 feet of the property.*

Mr. Cohn summarized staff's belief that the proposed language responds to all of the issues raised by the Commission. He cautioned that while it is very provisional, staff believes it would be economically viable. However, they also believe it would be appropriate to have an alternative proposal on the table at the time of the public hearing, which identifies a density limitation of 48 dwelling units per acre. He recalled that Les Nelson proposed a Comprehensive Plan amendment earlier in the year that would clarify whether residential densities greater than 48 dwelling units per acre would be appropriate in RB zones. When the Commission and Council discussed the potential amendment, staff noted his proposal would be part of the discussion of the permanent RB regulations.

Mr. Cohn reminded the Commission that, once adopted, the permanent regulations would likely be changed by the future adoption of the Town Center Plan. He also announced that staff would likely hire a consultant to help them develop design standards. This work would be presented to the Commission for review at some point in the future and could impact the transition standards.

Chair Hall reminded the Commissioners that this is not a hearing. Therefore, they do not need to deliberate on the merits of the proposed language. The goal for the discussion is to make sure the Commissioners understand the proposal and identify other issues that should be addressed at the hearing. They would have an opportunity to debate the merits of the proposal and amend the language after the public hearing. He commended staff for doing a great job of incorporating the Commission's input into the draft proposal. He said he liked the approach that was used (an idea comes forward, the Commission has a discussion with staff, the public provides comments, and then staff crafts a proposal for a public hearing).

Commissioner Broili suggested that some of the conditions identified in Density Level 3 should be included in Density Level 2, as well. He summarized his belief that the conditions for density above the baseline should get stringent fairly quickly. Pushing the envelope further would be to the general benefit of the City.

Commissioner Kaje recalled the Commission's June discussion where it appeared they were moving away from the concept of arbitrary unit densities. Instead, they talked about moving towards a form-based code. He invited staff to share their thoughts about why specific density caps were part of the proposed language.

Commissioner Kaje commended staff for the work they did to create draft language. However, he suggested more specificity is necessary or it could trigger a lot of unnecessary concern at the public hearing. For example, Condition b of Density Level 2 could suggest a specific quantitative standard for underground parking. He summarized there are other conditions that would benefit from more specific numbers and/or thresholds.

Commissioner Kaje referred to Condition f of Density Level 3, and suggested the proposed notification radius of 500 feet is too small. While the City might only be required to provide notification within a 500-foot radius, he would like the City to be more proactive about informing the neighbors and public about fairly substantial

development projects. He asked staff to come up with a better alternative to address his concern. Mr. Cohn questioned if it would be reasonable to require a residential development to notify more people than a commercial development. He agreed to analyze the issue and provide more feedback. Mr. Tovar emphasized that 500 feet is not the minimum notification requirement; the City actually goes beyond the minimum. In addition to the mailed notification, he suggested staff consider the notion of posting 4' by 8' plywood signs prominently on properties above a certain threshold. Based on his experience, expanding the mailing radius would not necessarily decrease the complaints. People would still insist they did not get a notice. He also cautioned that expanding the notification radius would have a budget implication that should be discussed with the City Council at the joint meeting.

Commissioner Kuboi said it would be helpful to have more information from staff as to how they came up with the specific numbers and terms used in the draft language. He agreed with Commissioner Kaje that more specificity would be appropriate to avoid unnecessary concern at the public hearing.

Commissioner Kuboi asked staff to speak more about what parameters they would hope to address as part of the design review. Mr. Tovar reminded the Commission of the design standards that were developed as part of the Ridgecrest Proposal, which are now part of the Midvale Demonstration Area. In addition, staff would contract with a consultant to create more detailed design guidelines, and staff would seek feedback from the Commission about the kinds of things they want the consultant to consider. Any new design guidelines that are adopted as part of the consultant's work would be applicable to RB zones, as well. Mr. Cohn agreed to forward each of the Commissioners a copy of the Ridgecrest Design Guidelines.

Commissioner Perkowski agreed that the draft language incorporates all of the feedback provided earlier by the Commission. However, he suggested it might be useful to provide an explanation and/or rationale for each of the conditions identified in Density Levels 2 and 3. Perhaps the explanations could connect the proposed language to the City's recently adopted Vision Statement and Framework Goals.

Commissioner Perkowski asked staff to identify the pros and cons of using the term "stories" rather than a specific building height. He noted that some mixed-use zones actually specify height rather than stories, particularly because floor to ceiling heights might be different in commercial spaces. Mr. Cohn said that when the actual code language is prepared, it is likely that maximum height would be identified in feet rather than the number of stories. The purpose of using "stories" was to provide some visual context of how the proposed language would be applied. Chair Hall clarified that the current RB zoning allows a maximum height of 65 feet. Mr. Cohn said the proposed language would be close to that number. The first story, if retail, would be about 14 to 15 feet in height, and the additional stories would be approximately 10 feet in height.

Commissioner Pyle said he supports the concepts laid out in the proposed language, which would not change the City's current notification requirements. A SEPA review would be required for more than four units. The code already requires that SEPA reviews

be processed as Type B applications, which require notification within a 500-foot radius and allow for an appeal period. He summarized that the proposed language places design review into an administrative component, which is in addition to the SEPA review. In his experience, increasing the notification radius would not result in more people commenting on the project. They must consider the fact that most of the properties adjacent to RB zones would be condominiums, so there may be 600 tenants in one adjacent property.

Commissioner Behrens agreed with Commissioner Kaje that incorporating a specific number of units into the draft language would add some perception that the density would be capped in some way. However, they should keep in mind there are different levels of intensity with development (i.e. 150 four-bedroom dwelling units versus 150 one-bedroom dwelling units). They should really consider the amount of space within a box as opposed to the number of units within a box.

Mr. Cohn explained that staff was reticent to go further with the form-based code concept. However, they would support the Commission's desire to move in that direction and address density based on FAR requirements rather than the number of units. Chair Hall recalled that at their June meeting, the Commission indicated they were not in favor of an arbitrary unit cap, but staff pointed out that they have been encouraged to incorporate a unit cap. He suggested staff prepare the ordinance either with or without the unit cap, but prepare a notice to the public that identifies both options. This would allow the Commission an opportunity to engage the public in the discussion. Mr. Tovar agreed they could write a notice that includes both options, inviting the public to comment on their preference. He explained that staff was hesitant to use a form-based code approach because the permanent ordinance must be adopted by November 12<sup>th</sup>. He agreed that the form-based code approach has been discussed by the Commission on numerous occasions, and many communities are moving in that direction. However, he is not sure the community, as a whole, is ready to embrace the concept. He suggested the intense public process involved with the Town Center Subarea Plan would provide an opportunity to broaden the community's understanding of the concept.

Chair Hall summarized that while the Commission agrees the community might not be ready to embrace the concept of form-based zoning, they felt it would be appropriate to notify the public that the Commission is looking at regulating density in the RB zone through height limits, floor area ratio, parking, design standards, open space, etc. rather than a unit count. This would allow the public to participate in the discussion. Mr. Tovar agreed and suggested staff should do a better job of engaging the public by utilizing *CURRENTS*, the website, etc. to get information out.

Chair Hall recalled that the owners of the James Alan Salon asked for RB zoning because they wanted to construct 25 residential units, but they were happy with the bulk standards associated with the Commercial Business (CB) zone. The Commission attempted to do a special rezone that allowed the additional units, but retained the same bulk standards. The Commission felt it would be acceptable to have 25 apartments instead of 15 condominiums in a building that looked exactly the same from the outside. He

summarized that the Commission has been discussing the concept of form-based zoning for years, and it is now time to engage the community in the discussion.

Commissioner Wagner requested staff provide some examples of how the proposed FAR's could be applied on various properties. It would be helpful to consider different lot sizes and the realistic unit count the City would anticipate. Mr. Cohn agreed to provide some examples of how the FAR's would play out based on parking requirements, etc.

Commissioner Kaje pointed out that the public is especially interested in the maximum development that would be allowed in RB zones. He suggested one alternative would be to maintain Density Level 3 as written to allow a maximum of 150 dwelling units per acre. However, Density Levels 1 and 2 could be governed by height. Because fewer floors would be allowed, the number of dwelling units would be less than 150. This option would provide some comfort to the community that density would be limited, but it would also leave more room for creative development under Density Levels 1 and 2.

Commissioner Broili suggested that the level of intensity of the development should be directly related to the mitigation of the impacts. As the intensity is increased, the level of the mitigation has to increase proportionately. If a developer is going to go above the base density allowed in the RB zone, low-impact development techniques, etc. should be required to mitigate. All of the impacts, including environmental impacts, should be completely mitigated by the design requirements. Mr. Cohn asked if this concept should apply equally to both residential and commercial developments. Commissioner Broili answered affirmatively. Mr. Cohn summarized that Commissioner Broili's concern has more to do with FAR than height. For example, a building that takes up the whole site could have more impact than a building that takes up only half of the site but is four times taller. Commissioner Piro suggested staff survey other jurisdictions to identify those that use unit count to limit the number of residential units in mixed-use or commercial zones. Mr. Cohn agreed to contact other jurisdictions.

Commissioner Kuboi said he supports the notion of considering the form-based code concept as part of the public hearing. However, he is concerned about rolling out a new concept in a hurried fashion. Form-based zoning is a complicated topic, and there is a lot of fear and misinformation about what it implies. He does not want the hearing to be derailed based on misinformation and concern over the new concept. He questioned whether they would be able to gain public support for the concept with such short notice. He suggested a Commissioner be assigned to work with staff to make sure the hearing information that is published in *CURRENTS* is understandable to a lay person. He said he is also interested in learning more about the different impacts associated with having one 1,500 square foot unit, two 750 square foot units or three 500 square foot units. Do impacts increase as the unit count goes up? If so, then the issue is not purely related to the size of the box.

Commissioner Behrens referred to Item 3 in the list of items the proposal must include, and noted that the Commission's concern was not just related to commercial traffic.

Large residential complexes can have as much or more traffic impact to adjacent neighborhoods. Therefore, the City should require traffic plans for the residential units that are included as part of mixed-use projects.

Commissioner Behrens referred to the map provided by staff, which identifies some very small pieces of property throughout the City that could be rezoned to RB. These properties would be very difficult to develop at any of the levels proposed in the draft language. He suggested that because most of them are adjacent to single-family neighborhoods, R-48 zoning might be more appropriate. He referred to the five small parcels on the right hand side of 15<sup>th</sup> Avenue between 168<sup>th</sup> and 171<sup>st</sup> Streets, all of which are adjacent to single-family neighborhoods. Perhaps R-48 zoning would be a way to establish a barrier or buffer. Most of the other RB sites throughout the City are larger in size and would be better able to handle density identified in the proposal. Commissioner Piro noted that Commissioner Behrens was referring to properties that are identified as Community Business (CB). Commissioner Behrens agreed but noted that RB zoning, as currently proposed, could be applied to these properties, as well. Chair Hall noted this would require a rezone process, which would include a public hearing.

Commissioner Behrens suggested it would be appropriate to limit development within the first 100 feet of large RB zoned properties to a density of 48 dwelling units per acre with some open space. This would provide an appropriate buffer of function and space between the adjacent single-family residential neighborhoods and the larger buildings that are five to six stories tall. He pointed out that this concept was utilized effectively on the lake side of the Echo Lake Project. Mr. Cohn pointed out that Standard 2 would limit the maximum building height within 100 feet of the property line between RB and single-family residential zones. Commissioner Behrens suggested it would be appropriate to limit buildings within 100 feet of the property line to three stories or 48 dwelling units per acre. Mr. Cohn suggested that the term "45 feet" could be replaced with "three stories." Commissioner Behrens summarized that rather than using step backs away from residential neighborhoods, this same space could be used to create a transition type of building between the neighborhood and the larger buildings.

Commissioner Behrens referred to Density Level 1 and noted that the proposed base permitted housing density would allow approximately half of the lot to be covered with building. He asked staff if it would be possible to develop 70 dwelling units on a one-acre site and still meet the open space and parking requirements. Chair Hall pointed out that if it is not possible, the number of units would have to be reduced. Commissioner Behrens suggested they must consider the effect of the proposed standards. Do they want to create numerous small units that have more impact than a building with larger units?

Commissioner Behrens said it seems that the larger the number of people that would be housed in the units, the more open space should be required. He suggested that Density Levels 2 and 3 should both include an open space provision that is driven by the amount of floor space or the number of units.



Commissioner Behrens expressed his belief that the notification radius is not as important as the neighborhood meeting. He reminded the Commission of his proposal that is currently on their parking lot agenda regarding how to restructure public meetings. He suggested that the City's current system for public meeting is inadequate and ineffective. The City doesn't have any control over the outcome, and the developer runs the process. He suggested the City could also do a better job of encouraging the community to work with developers to exchange ideas.

Commissioner Broili reminded the Commission that building technology and design parameters are changing rapidly, yet it appears the Commission is designing and talking about regulations that are based on historical ways of developing and building. He advised that a number of concepts are being rapidly embraced by cities and communities for ways to build with a zero footprint, and this is changing the way the way people think about the built environment. Form-based codes offer a more earth-friendly approach for development, and he would like the City to be a leader. He admonished the staff and Commission to think in a more global direction. They should have a goal of zero impact (hydrological, energy, etc.) The technology has already been proven, and form-based codes offer the best tool for municipalities to address the issue.

Chair Hall referred to the small parcels and noted that even if they were zoned RB; it would not be possible to build to the maximum height proposed in the draft language. He pointed out that the Echo Lake Project was not required to step back the upper floors. The buildings go up 65 feet from the sidewalk, and this has caused some people consternation. The City learned from that, and the Ridgecrest zoning requires a 20-foot step back for every 10 feet of additional height. He noted that the current moratorium would allow commercial development of 65 feet right next to residential development, so the proposed language would be a huge step forward in protecting the existing single-family residential neighborhoods.

Chair Hall said he would support Commissioner Broili's earlier suggestion that the environmental incentive be applicable to both Density Level 2 and Density Level 3. He noted there are different levels in each of the environmental programs, and it might be worthwhile to require an applicant to meet at least some level of environmental program in order to build to a 110 units per acre. The environmental requirement could be even greater in order to achieve 150 units per acre.

Commissioner Piro said he was pleased with the issues that have been raised by the Commissioners regarding the proposed language. He said that while he appreciates the fact that there is a clear interest to implement form-based zoning, he values staff's caution, as well. He said he is intrigued by Commissioner Kaje's earlier suggestion that the Commission should attempt to articulate the standards for Density Levels 1 and 2 around the form-based concept as much as possible, but maintain the maximum of 150 dwelling units per acre for Density Level 3. He said he would not be averse to presenting more than one option at the public hearing, but he cautioned that it could add to the confusion.

Mr. Cohn reminded the Commission that the interim ordinance expires on November 12<sup>th</sup>. If the Commission were to conduct a public hearing on September 17<sup>th</sup>, it might be possible to continue their deliberations to the next meeting before making a recommendation to the City Council. Chair Hall said he agrees with the concern raised by Commissioners Piro and Kuboi about putting forward the form-based code concept given the Commission's short timeframe for making a recommendation to the City Council. He asked if the Commission would agree to move the proposed language forward with the proposed unit count caps, recognizing that they go hand-in-hand with the FAR and height limits.

Vice Chair Wagner reminded the Commission that the interim regulation was put in place because unit count was of primary concern to the citizens and the City Council. Therefore, the most prudent action would be to respond to their needs by addressing that issue. Commissioner Broili said that while he doesn't disagree, at some point the City must begin the educational process by introducing the concept to the public.

Chair Hall suggested the Commission move forward with the public hearing on September 17<sup>th</sup>. Once a recommendation has been forwarded to the City Council, the staff and Commission could discuss options for moving the discussion related to form-based zoning forward.

Commissioner Kuboi said he previously reviewed the proposed language solely from a housing perspective, and now he is questioning how the proposed language would impact developments in the RB zone that are not housing. Chair Hall answered that, with the exception of unit count, all other standards would apply. Mr. Cohn added that the proposed language would limit heights and FAR for all types of development in RB zones. It would not have a significant impact on retail developments which are typically not more than two stories in height. However, office development would be impacted by the proposed language. All development that is greater than 45 feet in height would be required to meet the conditions listed in the proposed language.

Mr. Tovar referred to Commissioner Behrens's earlier concern that regardless of whether the development is residential or commercial, at least some part of the site should be open space that could be used for passive recreation, gathering places, etc. He noted that, currently, the code requires recreational open space for residential developments, but the requirement is fairly modest. He suggested staff work on language that articulates that the open space must be designed and furnished so it is useful. Chair Hall noted that in order to develop to the highest level in the RB zone, a developer would have to set aside at least 15% of the area as open space. He agreed that further detail could be added to this language to address Commissioner Behrens' concerns. Commissioner Behrens suggested that rather than a straight percentage for all projects, the open space requirement should be based on the unit count. If the City is going to allow large developments, there must be some benefit for the citizens who live in the units. Mr. Tovar indicated that staff would flesh out the 15% requirement into something more descriptive to address Commissioner Behrens's concern.

Chair Hall reminded the Commissioners that when they talk about benefits to the community, it is important to remember the benefits just from having someone develop in the community. All new development is required to meet the new NPDES Permit requirements, the new stormwater standards, the new energy code, etc. Anything new that is built on Aurora Avenue will have superior environmental performance to anything that currently exists. He further reminded the Commission that the first eight Framework Goals require reinvestment in the community in order to be successful. Promoting redevelopment in areas that have always been designated for high-intensity development would bring additional tax revenue to the City and would result in development of valuable vacant land along Aurora Avenue. He summarized that development is not the enemy of environmental protection because the current environmental standards are much better.

Mr. Tovar reminded the Commission that they first discussed the concept of form-based zoning as part of the speaker series that was conducted a few years ago. He suggested that as the Commission prepares for their meeting with the City Council, they should talk about how to move some of the new and innovative concepts forward.

The Commission agreed to move the proposed language forward to a public hearing, with staff fleshing out the details as discussed by the Commission.

Commissioner Kuboi recalled staff's earlier suggestions that approximately 70-units per acre has been identified in the past as the density necessary to encourage future development of flats (apartments or condominiums) as opposed to townhomes. He questioned if this would still be the case for future development. He suggested the Commission give further thought to this number. Mr. Cohn agreed to research the issue, but he cautioned it is difficult to find developers who are doing solely residential development in the urban area. If staff's research indicates it is necessary to raise the base number of 70 units per acre, Commissioner Kuboi questioned if staff would also recommend that the other two thresholds be bumped up, as well. Mr. Cohn said he does not anticipate staff would recommend bumping the high-end number to a density greater than 150 or 160 units. The mid-range number could be anywhere between the low and high numbers.

Commissioner Pyle cautioned that parking would be a significant issue at the public hearing. He suggested the Commission recommend a requirement that building parking be assigned to a unit rather than allowing developers to rent the spaces separately. It is clear in North City that the problem is not insufficient parking in the building; it is that they are charging extra money for the parking. People who don't want to pay for the parking are using the street, and throwing more parking at the problem will not solve the issue. Commissioner Behrens suggested that parking could be used as an incentive for developers who want to construct more units than the base number. He also suggested they consider a requirement that large developments provide a certain percentage of underground parking.

#### **PUBLIC COMMENT**

**Les Nelson, Shoreline**, questioned how many of the Commissioners arrived at the meeting via some other means of transportation than a car. He also asked how many Commissioners did not have cars. He noted that even if people take advantage of opportunities to walk or use public transit, if they own a car, they also need a place to put their car. Getting people to eliminate their cars and rely only on transit is a whole different issue. He expressed his belief that transit service must be available before the City can reduce the parking requirements for residential projects.

Mr. Nelson clarified that his proposed Comprehensive Plan amendment was not to push a density of 48 dwelling units per acre. Rather, the City Council decided that 48 dwelling units per acre was the only density vetted by the public when the RB language was studied earlier. The City Council asked that 48 be used as the basis. He noted that his Comprehensive Plan amendment asked the City to clarify the definitions in LU-17 and LU-18. He questioned if the current proposal would, in fact, make the definitions more clear.

Mr. Nelson said that starting with a base density and then allowing more density for mixed-use development has always been the desire for development along Aurora Avenue. Therefore, he doesn't see allowing greater density as an incentive. Nor does he view underground parking as an incentive. The only way a developer can construct the maximum number of residential units and have another floor of retail is to provide underground parking. He also questioned the incentive related to affordable housing.

Mr. Nelson referred to Condition d of Density Level 3 and expressed concern that the 75% income level could result in a situation where the low-income housing could cost more to rent than the market rates, particularly if it is applied to small units.

**Boni Biery, Shoreline**, said she was disappointed that none of the comments posted on the Tree Regulations webpage made reference to the packet of resources she provided the Commission at their last meeting. Chair Hall explained that because the public hearing has not been opened, there is currently no public record. He said that once the public hearing has been opened, he would ask staff to incorporate the documents into the record.

Ms. Biery commented that Shoreline has a very low ratio of park acreage per 1,000 people compared to other communities in the area and in the country. Their park acreage is right in line with Detroit and Las Vegas, which is sad. As Shoreline adds more people, there will be an increasing need for parks. She encouraged that when the Commission talks about adding functional open space, it should be based on the worst case scenario in terms of density. No matter what purpose the building is built for, enough open space should be required to serve the needs of future uses. She encouraged them to require the highest percentage possible for each unit. She reminded the Commission that one purpose of the Growth Management Act is to mitigate for all of the impacts, including the social impact of not having open space.

Commissioner Behrens referred to Mr. Nelson's comment regarding the condition related to affordable housing (Condition d of Density Level 3). He agreed that if they allow the 75% income level to be applied to studio apartments, the rates for studio apartments would probably be less than the 75% figure. He suggested they consider assigning the 75% median to two and three bedroom apartments only. Mr. Nelson agreed that unless you assign the 75% income level to a certain size of unit, developers would apply the concept to the very small units, making the low-income housing cost more than the going rate.

### **Planning Commission Minutes From September 17 Meeting**

#### **LEGISLATIVE PUBLIC HEARING ON PERMANENT REGULATIONS FOR REGIONAL BUSINESS (RB) ZONE**

Vice Chair Wagner reviewed the rules and procedures for the public hearing and then opened the hearing.

#### **Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Cohn presented the staff report for the proposed permanent regulations for the Regional Business (RB) zone. The regulations would adopt the interim regulations that were adopted in May of 2008, which limit the maximum density in the RB zone to 110 dwelling units per acre. The interim rules have been extended twice in order to provide the community time to work on modifying the City's Vision and Framework Goals, which was completed earlier this year. The Vision and Framework Goals offer direction that has applicability when discussing permanent regulations for the RB zone.

Mr. Cohn said the City Council recently adopted Ordinances 546 and 549, which relaxed the interim density standards in the Midvale Demonstration Area (MDA) to allow 150 dwelling units per acre if additional conditions are met. The proposed permanent regulations for the RB zone would also replace the MDA regulations.

Mr. Cohn said staff is recommending the RB zoning district be renamed to eliminate confusion with the Comprehensive Plan designation. He emphasized that staff is not proposing to rezone properties. The proposal is to rename the zones that are already identified as RB. Staff considered alternative ideas and concluded that it might be a good idea to create two zones the Neighborhood Mixed Use (NMU) Zone and the Aurora Mixed Use (AMU) Zone. Both zones would have the same uses, but slightly different development standards. The maximum density in the NMU zone would be 70 dwelling

units per acre. The maximum height would be 40 feet for strictly residential developments and 50 feet for mixed use developments. The maximum density in the AMU Zone would be 150 dwelling units per acre. The maximum height would be 65 feet if specific conditions are met. All development in either zone would require administrative design review. In addition, both zones would include transition design standards and added requirements for common recreational space.

Mr. Cohn explained that, as proposed, housing density in the AMU Zone could be increased to 110 dwelling units per acre, a maximum height of 60 feet, and a maximum floor area ratio (FAR) of 3.2 if the following standards are met:

- The building is a mixed-use building with at least 3,000 square feet of retail or personal service space on the ground floor.
- At least 1/3 of the required parking is underground or under building.
- The ground floor includes windows that allow passers-by to see inside 80% of the ground floor street frontage.
- An overhang or awning over at least 80% of the 1<sup>st</sup> floor along an arterial street.
- Construction that meets a 3-star standard under King County Built Green Standards or equivalent.

Mr. Cohn advised that, as proposed, housing density in the AMU Zone could be increased to 150 dwelling units per acre, a maximum height of 65 feet, and an FAR of 3.6 if the following conditions are met:

- The development must meet all standards for the 110 dwelling units per acre zone.
- The development includes infrastructure for electric vehicle recharging.
- 15% of the units are affordable.
- Meets King County's 3-star Built Green Standards or equivalent plus independent verification.
- The developer must hold a neighborhood meeting.

Mr. Cohn advised that staff also advertised an alternative proposal that would maintain the current RB standards and name, except the maximum housing density would be limited to 48 dwelling units per acre. He reminded the Commission that the City Council wanted them to consider this option, as well. He noted the alternative proposal stemmed from a Comprehensive Plan Amendment proposal that was initiated by a private individual.

Mr. Cohn said staff reviewed the proposed permanent regulations based on the criteria in the Development Code as follows:

- **The amendment is in accordance with the Comprehensive Plan.** Staff believes the proposed amendment is in accordance with the Comprehensive Plan, supports many of the recently adopted Framework Goals, and creates better transition. In addition, it supports the sustainability standards and would result in more pedestrian amenities, including mixed-use buildings.

- **The amendment will not adversely affect the public health, safety or general welfare.** The proposed amendment would support the public health, safety and general welfare of the citizens of Shoreline. The regulations would provide for increased transition requirements between commercial structures and residential neighborhoods. The proposed FAR requirements would limit building bulk, and recreation space for occupants of multi-family structures would be increased noticeably over current requirements. In addition, large projects would require environmentally friendly building practices.
- **The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.** Staff believes the amendment is not contrary to the best interest of the citizens and property owners because it encourages additional residential development along the Aurora Corridor. It would add protection for single-family neighborhoods from potential large developments, and would result in development that is in line with the City's recently adopted Vision.

Mr. Cohn recommended the Commission approve the proposal because it meets the criteria in the Development Code.

Mr. Cohn reviewed the following additional issues that have been raised regarding the proposal:

- In an email, Chair Hall raised issues about whether it was appropriate or necessary to adopt two zones. He believes that one zone would be sufficient and the transition standards would apply to smaller properties.
- Les Nelson sent an email with attachments expressing his belief that the market would provide some amenities even if they are not required by City code. Staff is suggesting that the market would dictate underground parking. He also expressed his belief that no matter what action was taken, it would still make sense to change the definition of "Regional Business" in the Comprehensive Plan to define the appropriate housing density.
- Debbie Kellogg submitted two emails. The latest one talked about whether or not the City followed the appropriate process regarding state notification in the optional Determination of Non-Significance (DNS) Process. She believes the Department of Ecology should have been notified prior to the issuance of a DNS. As per the Washington State Administrative Code (WAC), staff believes the State should be notified when a DNS is issued. However, staff contacted the Department of Ecology for clarification, and will comply with whatever they recommend. He summarized that this matter would be decided by the Department of Ecology, and the Commission should not spend time focusing on the issue now. Ms. Kellogg also raised an issue about whether the public was properly notified. When staff pointed out that the City provided a 14-day notice as required in *THE SEATTLE TIMES*, Ms. Kellogg agreed that adequate notice was provided.

Mr. Tovar referred to Chair Hall's issue about whether it is appropriate to adopt two zones and reminded the Commission of the discussion in the adopted Vision Statement that explicitly talks about Aurora Avenue North being the City's signature boulevard. He

concluded that the Vision Statement provides a policy basis for creating two separate zones.

### **Questions by Commission to Staff**

Commissioner Kaje referred to Item 6a on Page 22 of the Staff Report and questioned what is meant by the term "retail and personal services." He noted the use table in the code calls out "retail/services." Mr. Cohn said the term "personal services" refers to types of services that are used by individuals (i.e. insurance offices, accounting offices, etc.)

Commissioner Kaje again referred to Item 6a on Page 22 of the Staff Report and asked why staff used 3,000 square feet instead of a FAR standard. He noted the current RB zoned properties are a variety of sizes. Mr. Cohn explained that the proposed language was based on a 10,000 to 15,000 square foot lot, which staff felt was small. He agreed that it could also be based on FAR. He said it is important that properties that accommodate retail and/or personal service development face the arterial or main street. Properties facing side streets or back alleys are not appropriate for retail and/or personal service uses.

Commissioner Behrens referred to Item 2 on Page 21 of the Staff Report, which limits the maximum building height within 100 feet of the property line between RB and R-4 through R-12 to 45 feet. It would further limit building height between 100 and 200 feet of the property line to 55 feet. He asked if staff is proposing a developer adjust the building size and terrace the building or have a separate transitional building. Mr. Cohn answered that both options would be allowed.

Commissioner Behrens referred to Item 3 on page 22 and noted that the term "RB" should be changed to "AMU and NMU."

Commissioner Behrens expressed concern that the proposed language would result in less than adequate benefit to the community. He referred to Item 6b on Page 22 of the Staff Report and questioned why staff settled on 1/3 as the amount of parking that must be underground. Mr. Cohn answered that he did a quick calculation using a 1 to 2 acre parcel to identify the amount of parking that would be required and how much would have to be provided underground in order to build to a density of 110 dwelling units per acre. Commissioner Behrens asked if staff has considered the option of creating a system that would separate the residential and business parking requirements and allow the business parking to be located at grade. He suggested the ability to park in front of the retail space would make a development more attractive to potential users. Mr. Cohn said this would be possible, but the Commission would have to decide if they want to encourage parking lots between the sidewalk edge and the retail spaces.

Commissioner Behrens referred to the Market Square development, which would be developed at a level far higher than what is being proposed. He asked staff to compare the proposed language to how the Market Place site is being developed. He summarized



his belief that the Market Square developer is offering far more than what the City would require as per the proposed amendment. Vice Chair Wagner suggested this issue would be more appropriately addressed as part of the Commission's deliberation process.

Commissioner Perkowski referred to Item 4 on Page 21 of the Staff Report, which would limit building height in the NMU Zone to 40 feet for residential development and 50 feet for mixed-use development. He requested feedback from staff as to how they came up with the 10-foot incremental change. Mr. Cohn said the additional height is an attempt to encourage mixed-uses. Commissioner Perkowski suggested that having a larger (up to 15 feet) incremental change would be a better incentive. Mr. Cohn said that he is also working with the Southeast Shoreline Neighborhood, and they are talking about 50-foot heights for mixed-use buildings. However, he agreed that 55 feet might be a better number. Commissioner Perkowski expressed similar concerns about the proposed language that would allow building height in the AMU Zones to increase to 60 and 65 feet. Mr. Cohn explained that the intent of Item 7 on Page 22 was to allow development in the AMU zone to have a density of 150 dwelling units per acre, while still maintaining the current RB height limit of 65 feet. Staff originally considered a 50-foot height limit for the middle level that allows a density of 110 dwelling units per acre, but then decided to propose a somewhat higher number.

Commissioner Perkowski referred to Item 6e on Page 22, which requires construction to meet a 3-star standard or equivalent. Item 7d says the same thing but adds a requirement for independent verification. Mr. Cohn said this distinction was made by the City Council as part of the MDA process. In order to develop to the highest density level, they wanted to require more than a 3-star standard and less than a 4-star standard. Staff believed that requiring an independent verification addressed their concern, and Council agreed.

Commissioner Kuboi referred to Item 3a at the bottom of Page 62 of the Staff Report, which references the administrative design review process. He questioned the appropriateness of making reference to a document that does not yet exist. Mr. Cohn advised that an administrative review process was adopted for Ridgecrest, and staff could fall back on this process until a new process has been adopted. Commissioner Kuboi inquired if the design review process is intended to be a significant method of affecting the outcome of future development. Mr. Cohn said the intent is that staff would seriously review the design review criteria and recommend changes as appropriate.

Commissioner Kuboi referenced the second bullet in Item ii on Page 63 of the Staff report, which talks about affordable housing. He expressed concern about how the proposed language would work. Mr. Cohn explained that the 15% factor would be based on unit count, and the 75% factor would be based on unit size. For example, in a 100-unit development, 15 of the units would have to be affordable to households in the 75% median income category. The Department of Housing and Urban Development identifies a standard rental rate for 1-bedroom units, 2-bedroom units, etc. Commissioner Kuboi observed that, as proposed, a developer would not be incentivized to do anything more than the smallest units. Mr. Cohn said there would be no incentive, but that does not

mean they would take that approach. Again, agreed there would not be a disincentive for two-bedroom units. However, most of the units would likely be studios and 1-bedroom.

Commissioner Broili asked for further clarification about the issue raised by Commissioner Perkowski regarding the 3-star standard. Mr. Cohn said the 3-star plus standard came from a City Council discussion about the MDA. The original proposal was a 3-star standard, and the City Council felt it should be greater. This resulted in the independent verification requirement.

Commissioner Kaje referred to the last bullet in the top section of Page 63, which requires 800 square feet of common recreational space. He inquired if that specifically means outdoor recreational space. Mr. Cohn answered no, and explained that it is staff's expectation that quite a bit of the recreational space would be located indoors.

Commissioner Behrens said he wants to be comfortable that a developer would not be able to use the unused setbacks around buildings to qualify for open or recreational space. The recreational space should be available for the people who live in the building to use. Mr. Cohn said they could use the term, "useable recreational space" and require that at least some portion needs to be continuous. Mr. Tovar shared Commissioner Behrens' concern in that the City should not encourage an applicant to design a building, then the parking, and then identify the left over property as recreational space. They want to make sure the open space is designed as useable recreational space. Mr. Tovar suggested staff craft some language that would require the space to be useable and functional as open space, and not a scrap of land that is left over when the building design is done.

Commissioner Pyle referred to the fourth bullet in Item ii on Page 63 of the Staff Report and asked why the pre-application neighborhood meeting would only focus on traffic impacts. Mr. Cohn said this language came from the City Council as part of their discussion of the MDA. Cut through traffic was a concern within the MDA, and the proposed language was intended to address the concern.

Commissioner Pyle encouraged the Commission to keep in mind that jurisdictions amend their development codes regularly. He observed that the numbers in the proposed language may not necessarily be the best situation for every project. Rather than fine tune the numbers right now for projects that do not even exist, they should focus on the concepts and whether or not staff has actually achieved the Commission's intent.

### **Public Testimony**

**Les Nelson, Shoreline**, referred the Commission to the Comprehensive Plan amendment he submitted. He said he is concerned that development is done in the right way, and R-48 is what the community bought off on. He said he also put together a chart to explain the history and basis for his proposal and suggested that R-48 would be a good place to start. That is what the City Council originally directed until they approved the MDA, which allowed up to 150 units per acre. However, it is important to note this was a test and it never was used by developers. He questioned why they should make the higher

density permanent for the new zones. Rather than focusing on parking incentives, etc., they should focus on what benefits the community would receive in exchange for the greater density and height. He suggested they visit good developments that have occurred in other jurisdictions. If the City allows a density of 150 units per acre, every property owner will want to build to that density. They could end up with big box buildings next to each other, and no one would have to be responsible for creating open spaces. If the density were limited to 48 or 70 dwelling units per acre, the City would be able to require developers to create space for the community. He said he would not be against a 100-story development in Shoreline as long as a large open space with a barrier is created as part of the project. This would require the developer to sacrifice some of his property to provide open space.

**Christine Menke, Shoreline**, suggested the City quantify the amount of park and open space that must be maintained per acre in Shoreline to preserve the beautiful city and increase the amount of parking. She agreed the City should not equate common recreational space with open space. She referred to a development in her neighborhood on 195<sup>th</sup> and Fremont Avenue and expressed her belief that although placing a notice in *THE SEATTLE TIMES* 14 days before a decision was made may have been legal, it was not adequate. She suggested this is the type of action that fosters public mistrust. Citizens are dealing with major issues in their neighborhoods, and they feel powerless against major corporations. She suggested that using *CURRENTS* and other methods as discussed by the Commission would be appropriate to improve public communication. She expressed her belief that Shoreline residents are not against development, but they want to be part of the process. She suggested they consider revisiting the issue at a time when more citizens are present to participate.

Commissioner Behrens observed that, typically, not a lot of citizens attend the Planning Commission hearings, and the Commission constantly talks about how they can get more people involved in the process. He asked why Ms. Menke decided to come to the meeting, and what the Commission could do to encourage more people to get involved in the process. Ms. Menke said she felt she didn't really have a say in what was happening in her City compared to the power of large corporations and entities. She became concerned about what could actually happen. She said Wendy DiPeso sifts through the information on the City's website and shares what is happening. She does not add her commentary, but merely informs people of what is going on and where they can obtain information.

**Laethan Wene, Shoreline**, informed the Commission that there are recreational facilities in the City. They have the Shoreline pool, the YMCA, and the recreational facilities at the Shoreline Center and the Richmond Highlands Recreation Center.

#### **Final Questions by the Commission**

Commissioner Piro asked Mr. Nelson to share his opinion on the transition component in the staff recommendation (Item 2 on Page 21 of the Staff Report). Mr. Nelson said step backs are important to adjacent property owners. However, the difference in appearance

is much less noticeable from properties further away. He said he would like to see transitional zoning that gradually increases the density from R-4 through R-8, to R-24, R-48, and then commercial. Rather than a developer making money by purchasing property and rezoning it to a greater density, the residents who live in the neighborhoods could get some eventual benefit from the zoning changes.

The Commission questioned if they would be allowed to ask questions of staff during their deliberations if the public hearing is closed. Mr. Tovar suggested the Commission not close the public hearing until they are absolutely sure they have finished asking questions of the public and staff. The Commission agreed to move "Closure of Public Hearing" to after "Deliberations."

Commissioner Kuboi asked staff to review the parameters that could be considered as part of the Ridgecrest Administrative Design Review Process. Mr. Tovar read from Section 24.91.040 – Administrative Design Review, which was adopted for Ridgecrest. He noted that some items are very specific to Ridgecrest and could be deleted if the language is applied to the AMU and NMU zones. Commissioner Kuboi inquired if the administrative design review process would allow staff the ability to clarify the intent of the zoning code language when there is ambiguity (i.e. setbacks being used as open space or recreational space). Mr. Tovar said that if the zoning language includes a standard that the recreational space must be useable, staff would require an applicant to demonstrate that the space is functional and useable. An applicant could use the design departure avenue to try and make a case for a different solution, but it could not be used as a loophole to avoid the requirement. Commissioner Kuboi said he views administrative design review as the safety valve to make sure the intent of the zoning regulation is met. Mr. Tovar cautioned that staff would prefer the standards be as specific as possible so fewer issues are left to their interpretation. He reminded the Commission that the administrative design review section would be temporary until a permanent design review process is approved in 2010.

### **Deliberations**

Commissioner Perkowski pointed out that the term "mixed use" is not defined in Item 4 at the bottom of Page 21 of the Staff Report, and he questioned if there should be a minimum retail space requirement. Mr. Cohn recalled that the developers he spoke with indicated that a density of 65 to 70 units per acre would be necessary to accommodate "flat" style residential development. If the Commission wants to encourage that kind of development at the lower threshold, they must decide if they think it's important to encourage or require a certain level of retail, as well.

Commissioner Behrens asked how much mixed use should be required to increase the height from 40 to 50 feet. Mr. Cohn said he does not have a good feel for how much requirement would be too much. He cautioned that requiring too much retail could become a disincentive. Mr. Tovar said the Ridgecrest zoning requires a 15-foot floor-to-ceiling height on the ground floor to accommodate retail uses, but they are not required to be occupied by retail uses. Mr. Cohn suggested the language be changed to allow the

additional height if the ground floor were developed and plumbed to retail standards. Mr. Tovar said another option would require that the 5<sup>th</sup> level of development could only be as large as the amount of retail space that is provided on the ground floor. Commissioner Behrens said he does not have a preference for either option, but the current language is not clear enough to make a judgment as to when a developer would be allowed the additional height. Staff concurred.

Commissioner Pyle recalled that when the Commission first started their discussion about density, scale of development, transition, etc. they considered the idea that rather than having a strict unit count, the zoning code should be more form-based and controlled by the envelope. While he can appreciate Commissioner Behren's concerns, he expressed his belief that the building envelope would be the same regardless of the uses inside. He suggested the 50-foot height should be allowed as long as there is a retail component associated with the development.

Vice Chair Wagner referred to Item 6a on Page 22 of the Staff Report. She said that instead of requiring at least 3,000 square feet of retail or personal service space, she would prefer the required retail space be based on a proportion or ratio in relation to the rest of the building.

Vice Chair Wagner referred to Item 5 at the bottom of Page 21 related to the requirement for common recreational space. She recalled that when the Commission previously discussed the issue of public space, she raised the question of whether the public space would be set aside for the exclusive use of those who live in the development or if the space would be open for the rest of the community to enjoy. She noted the Comprehensive Plan talks about flexibility to offer developers incentives in exchange for community benefits. She would be interested in exploring options for requiring larger projects to provide more public open space. She said she is not suggesting the open space be completely accessible to the public, but that there be some feeling of open space even if it is part of the development. However, in order to be considered an incentive, the open space should be truly accessible to the public. Mr. Tovar inquired if Vice Chair Wagner would consider an outdoor café associated with a ground floor restaurant to be a public or quasi-public space. Vice Chair Wagner answered affirmatively, as long as there was a foundation for actual outside, terrace seating, etc. Mr. Tovar explained that open spaces can potentially overlap with active uses. He suggested staff propose language for the Commission's future consideration to address the issue of public open space.

Commissioner Broili agreed with Ms. Menke's suggestion that the language include a definition for the terms "recreational" and "open space." They do not have to be specific, but at least clear enough that everyone understands what they are talking about. He said he would not be opposed to allowing setbacks to be counted as part of the 800-square feet of common recreational/open space. However, rather than being an afterthought, it must be an intricate part of the overall design. He observed that this would allow for design flexibility.

Commissioner Broili reminded the Commission that they would be tackling the issue of design review in the near future, and most of the issues currently being discussed could be dealt with through good design via the design review process.

Commissioner Broili referred to the concern raised earlier by Commissioner Behrens about parking in front of businesses. He reminded the Commission that although the City is presently auto-oriented, many businesses do not provide parking in front. Instead, they provide parking garages to accommodate the parking needs, which is a good model. He said he would prefer that the streets be fewer cars and parking oriented and more open to the street, recreational areas, etc. He encouraged the City to do whatever they can do to make a better transition from the building envelope, through the public space (sidewalks), and to the street. Parking cars should not be a part of the transition.

Commissioner Broili referenced Commissioner Pyle's comment regarding the 4<sup>th</sup> Bullet in Item ii on Page 63 of the Staff Report, which indicates that traffic impacts would be the only issue addressed at the neighborhood meeting. He suggested they either strike the word "traffic" or be more inclusive and name some of the other impacts that are important to the neighborhood and the environment.

Commissioner Piro said he would not be in favor of having surface parking as a major part of the solution. He inquired if it is possible to consider other options for placing additional parking within a structure. He observed that underground parking is costly, and perhaps some parking could be tucked behind the building at the sidewalk level. Where appropriate, he suggested they consider options for appropriate on-street parking. While this would not be an option for properties on Aurora Avenue, there may be opportunities for on-street parking along some of the side streets to serve the retail customers.

Commissioner Piro said that if they do maintain the standard that 1/3 of the required parking be located underground (Item 6b on Page 22 of the Staff Report) in order to obtain a density of 110 dwelling units per acre, perhaps it would be appropriate to ramp up the parking requirements in order to obtain a highest density of 150 dwelling units per acre.

Commissioner Piro asked staff to weigh in on some of the points made in Chair Hall's email, specifically the concern about splitting the RB zone into two zones. Chair Hall offered a solution that would blend the two zones together again. Mr. Cohn said staff is in favor of two zones, but they would certainly support a Commission recommendation to have only one. Mr. Tovar suggested the areas proposed for the new AMU zone are distinctly different than the other areas that are currently zoned RB and proposed for NMU. He reminded the Commission that the Aurora Project would be completed in two years, and bus rapid transit would be available within two years, as well. There is an Interurban Trail for the full length of the three-miles. None of these amenities exist in the other areas that are zoned RB. In addition, the recently approved Vision Statement talks specifically about the Aurora Corridor becoming the signature boulevard for the City. He

concluded there is plenty of policy to suggest that the areas along the Aurora Corridor are fundamentally different.

Commissioner Piro summarized that he could support either approach. He said he appreciates Chair Hall's effort to advance some simplicity in terms of just having a single category of mixed-use. Mr. Cohn summarized that Chair Hall's point is that, generally speaking, the sites outside of the Aurora Corridor are smaller and would not have as much development potential. He said staff has not done any prototypes to see if the numbers proposed by Chair Hall would effectively implement the Commission's intent, but he agreed that mixed use developments along the Aurora Corridor would be more intense than those that are not.

Vice Chair Wagner said she supports Chair Hall's concern regarding the name "Aurora Mixed Use." While she can appreciate and understand the policy reasons stated by staff about how the Aurora Corridor properties are different, this may change in the future. She said she would like to explore another name for the proposed zone that is not specific to Aurora Avenue. Commissioner Piro concurred, but he suggested that naming the zone would be the easiest part of the project.

Commissioner Kaje referred to Item 6 on Page 22 and suggested that some of the bulleted items should not really be considered incentives. They do not really merit anything to the City that would warrant a higher building envelope. For example, Item 6c, would require windows on 80% of the ground floor street frontage, but this should be a subject of design review and not necessarily related to the height. He suggested this item be pulled from the proposed language. The issue of functional open space should also be addressed as part of design review.

Commissioner Kaje again questioned the term "retail and personal services" and expressed concern that the language suggests the City knows what is best for the non-residential part of a mixed-use development. He suggested the language not specify the types of mixed uses that could occur on the ground floor unless they find, over time, they are not getting what they want. Mr. Tovar reminded the Commission of their earlier discussions about moving towards a form-based code. One of the purposes of form-based codes is you don't have to pick and choose uses. Instead, there would be a much shorter list of things that are prohibited, and anything else would be allowed. The market would determine the types of uses, which makes the code much simpler to administer. Commissioner Kaje asked staff to think about pulling out references to the types of mixed-uses allowed and consider what language should be added to specifically prohibit uses they don't want to allow.

Commissioner Kaje recalled that he has raised the issue of transitional zoning on a number of occasions. He suggested that "transition" would need to be a significant part of the Commission's future discussions of the Town Center Subarea Plan. However, transition is not really something that will be tackled as part of the zoning proposal currently before them. He said he supports the concept of having two mixed-use zones,

as proposed by staff. The areas identified as NMU are fundamentally different than those identified as AMU, and he suggested some of the incentives should be different, as well.

Commissioner Kaje expressed his belief that none of the proposed incentives could be considered public amenities. While there is some shared value from moving parking, better energy efficiency, etc., they should not be considered public amenities. He referred to the adopted Vision Statement, which describes public open space along the Aurora Corridor. He summarized that they need to have more public open space amenities in the area proposed for AMU, but the situation is different in the proposed NMU area where there are already school yards, parks, etc. He invited staff to think about the different needs of the two proposed zones, especially related to outside public amenities as a fundamental incentive for the AMU zone.

Commissioner Kaje expressed his belief that some of the proposed incentives that would be required for additional building height would not really be meaningful. For example, because underground parking would already be necessary, it could not be considered an incentive. He explained that when a developer does more than he/she really needs to do, it can be considered an incentive. Things the developer needs to do to make the project work should not be considered incentives. Second, he expressed his belief that requiring independent verification of the 3-Star Built Green Standards is too wimpy and is not worth the additional height that would be allowed. While this is a good category for an incentive, he suggested they consider requiring a developer to obtain the next level of Built Green Standard. He said he likes the affordable housing incentive. However, if the City wants to provide affordable housing, not just for singles, but for families, they might change the language to require that the average size of the affordable units should be similar to the units within the overall development. This would result in a representative sample of the housing units as affordable and would be more responsive to the City's real need.

Commissioner Kaje said he supports the concept of providing electric vehicle charging stations as part of redevelopment. However, he suggested it should not be considered an incentive. Instead, it should be a requirement throughout both zones regardless of the size of the project.

Commissioner Kaje asked that staff remove some of the items that should not really qualify as an incentive and come back with stronger steps for incentives. He asked them to give some thought to having different incentives for the AMU zone as opposed to the NMU zone.

Commissioner Behrens once again referred to the Market Square development proposal, which would have 140 units on one acre of property. The project would provide 100% underground parking, an 80 square foot gymnasium, a 2,000 square foot café, a 5,000 square foot courtyard, and a 13,000 square foot roof top garden. The parking would be on two levels: underground and on the ground floor. The café and gymnasium would finish off the ground floor. The lot coverage would be 88%, leaving 12% of the lot empty. This proposed project contains all of the things the Commission has been talking about. The café would be useable not only by residents of the building, but by residents



of the City. The proposed café and gymnasium alone would result in more recreational space than is proposed in the draft language. He strongly recommended the Commission review this development as they consider the proposed language. He summarized his belief that the City could do much better than what is being proposed. If someone is willing to build the Market Square project, why should they settle for less? Why settle for only requiring 1/3 of the parking to be located underground when someone is willing to develop a project with 100% underground parking? He suggested many of the issues the Commission has discussed are contained in this one development proposal.

Commissioner Kuboi pointed out that this project is not in the construction phase yet. Commissioner Behrens agreed that the project has not been started, but the permit has been approved.

Commissioner Kuboi said he wants the best development possible, but they also have to balance this desire with the reality that the current development environment is unstable. He cautioned that asking for more and more amenities could get the City into a position where no development is proposed. He reminded the Commission of Commissioner Pyle's earlier observation that the regulations could be revised if the development situation changes. He questioned if the Commission would be doing the community justice by asking for something that is arguably unfeasible given the current economic situation. He agreed that the Market Square development is a wonderful proposal, but right now it is only a proposal. He observed that sometimes progress can best occur in incremental stages, and perhaps now is not the time to set the bar extremely high if they want to encourage redevelopment in the near term, with some progress towards the City's broader goals.

Commissioner Piro said he likes the idea of using the Market Square development proposal as an example and something the City should aspire to. However, regulating to a high degree might not be the best way to implement the concept. He suggested there are ways to incentivize the requirements to address their intent. He recalled the intent is for the majority of the structures in the new zones to have a full blending of residential, commercial, and retail uses. However, there is some value to having some buildings that are strictly residential. He referred to Seattle's Bell Town as an example of what can happen when developers are heavily regulated to the point they construct buildings with more retail space than the market can support because of formulaic commercial space requirements. He said he is willing to trust the market to a certain degree to know how to package some of the components discussed by the Commission for the benefit of the community. He cautioned against taking the regulations to such a degree that they become impossible to meet. It is important to find the right balance in order to achieve the various objectives.

COMMISSIONER PYLE LEFT THE MEETING AT 9:36 P.M.

Commissioner Broili agreed with Commissioner Kaje that the independent verification requirement would be meaningless. He suggested they require a 4-Star Built Green Standard. He noted that, as proposed, there would be no green building standards for the

NMU zone. He suggested that development in the NMU zone be required to meet at least the 2-Star and perhaps the 3-Star Built Green Standard as an incentive to obtain the additional height.

Commissioner Broili said he understands that the proposed regulation would be evolutionary and could be changed and improved in the future as appropriate. However, he expressed concern that whatever redevelopment takes place now would be in place for a long time. Therefore, it would be a long time before the City could repair any mediocre developments that have been allowed. He appreciated Commissioner Behrens' recommendation that the City aim for a higher standard. While they may not be able to get everything that is part of the Market Street development proposal, but hopes they would push towards that long-range goal. He said he is not clear where the balance is between requiring too much and settling for mediocrity. He wants a better standard than they have now so that resulting development will be something the community can be proud of. He would like the City to be leaders in addressing environmental issues, sociological issues, and the way they think about development in the future. This should be reflected in whatever language is forwarded to the City Council.

Commissioner Kaje reminded the Commission that the proposed AMU and NMU zones are intended to be core business areas, yet most of the incentives are related to housing opportunities. Nothing would prevent a developer from building commercial space, and the City probably needs the tax base more than they need the additional housing. He said he is resistant to the notion of not making the requirements too hard. If done correctly, the regulations could change what is developed. They might get a good mix of housing development from those who are willing to go through the hoops to put together good proposals, and they would also get some commercial development. This sounds like the Vision Statement for the Aurora Corridor, where there is already a mixture of residential and commercial uses. As they prepare for their next meeting, he encouraged the Commissioners to carefully consider the Vision Statement that was recently approved, which paints a picture of what the Aurora Corridor and neighborhood business centers are supposed to look like. They should not worry about allowing enough housing to be built as part of mixed-use projects, but they also want to encourage more commercial development along the corridor.

Commissioner Kuboi recalled a comment provided previously by Chair Hall that absent any of the incentives, new construction built today would be significantly better environmentally than what currently exists. He agreed that redevelopment, in and of itself, results in a benefit to the community. He referred to the Cottage Housing Ordinance and noted that the Commission periodically goes through the process of crafting language that articulates how the City wants to approach projects and concepts that they currently know nothing about. He questioned how the Commission can know what to include in the regulations now that will capture all of the eventualities. He suggested they go back to the concept of design review to address their concerns. Good design is very difficult to achieve from zoning regulations, and it is not linked to either low or high density. If the goal is good design that maximizes the advantages of the

current properties and community needs, they will have to rely on a subjective review process (design review).

Commissioner Perkowski said that when he discussed the 40 and 50 foot height requirements of the proposed NMU zone, he was not referring to the building envelope. His real concern is the need to create true incentives for mixed use development. Perhaps they shouldn't even have an option for residential only development. Instead, the regulation could identify a standard for the amount of commercial space that must be provided as part of a mixed-use project. The Vision Statement clearly identifies mixed-use for this area, particularly along the Aurora Corridor. He said the incentives should be based on open space and retail. Mr. Tovar clarified that Commissioner Perkowski is not suggesting the City allow commercial only buildings in the AMU and FMU zones. Perhaps the regulations could require that the ground floor be built to accommodate retail uses. This would allow flexibility for the space to be used as residential if there is not adequate demand for additional commercial space. He suggested staff bring back the language the Commission crafted for the Ridgecrest area.

Vice Chair Wagner referred Commissioner Kaje's earlier comment about defining the uses allowed in the two zones. She suggested that industrial and light industrial uses be specifically prohibited in the AMU and NMU zones.

**COMMISSIONER PIRO MOVED THE COMMISSION CONTINUE THE PUBLIC HEARING ON THE PERMANENT REGULATIONS FOR THE REGIONAL BUSINESS (RB) ZONE TO OCTOBER 1, 2009. COMMISSIONER KAJE SECONDED THE MOTION.**

The Commissioner expressed their intent to allow the public to testify at the next meeting on new ideas that are presented. They agreed to forward their notes and comments to staff as soon as possible.

**THE MOTION CARRIED UNANIMOUSLY. (Note: Commissioner Pyle had left the meeting and did not vote on the motion.)**

**DRAFT Planning Commission Minutes from October 1 Meeting (not yet reviewed or adopted by Commission)**

**LEGISLATIVE PUBLIC HEARING ON PERMANENT REGULATIONS FOR REGIONAL BUSINESS (RB) ZONE**

Chair Hall noted that he was not present at the previous hearing on September 17<sup>th</sup>. However, he listened to the meeting on tape and is prepared to participate in the continued hearing. He briefly reviewed the rules and procedure for the hearing.

**Staff Overview and Presentation of Preliminary Staff Recommendation**

Mr. Cohn reviewed the main points that came up at the last meeting, as well as staff's response to each one as follows:

- **The number of zoning districts and their names.** Mr. Cohn recalled that as of the last meeting, there was general Commission consensus to maintain two zone districts, but they didn't like the names recommended by staff. Staff agreed that Aurora Mixed Use (AMU) was probably not the best name, but they wanted to make a distinction between the two zoning districts. Staff is now proposing that the higher intensity district be named General Mixed Use (GMU) and the lesser intensity district be named Neighborhood Mixed Use (NMU).

Mr. Cohn recalled there was also discussion at the last meeting that the term "mixed use" is not an appropriate term because it suggests the City is only encouraging vertical mixed use buildings. Consistent with Commissioner Piro's observation, staff believes that "mixed use" is not a limiting term and applies to horizontal mixed use as well (commercial and residential buildings located adjacent to each other). The purpose of the term "mixed use" is to identify the district, which would be neither all residential nor all commercial. He encouraged the Commission to consider "mixed use" as part of the names for the new districts.

- **The type of public amenities provided as a tradeoff for increased height or density.** Mr. Cohn recalled that at their last meeting, the Commission had a discussion about the requirement of additional public amenities as a tradeoff for additional height or density. He encouraged the Commission to remember that the current RB zone permits 65-foot heights and has no bulk or FAR requirements. Staff's proposal is an attempt to provide both a carrot and a stick—a carrot in that additional housing density would be permitted, but only if certain standards are met, including provisions of public open space, green building and the encouragement of commercial uses in residential buildings. Staff believes this would be a good place to start, and he reminded the Commission that they would have other opportunities to consider the permanent RB regulations, particularly as part of the Town Center Subarea Plan and zoning process.

Mr. Cohn advised that staff discussed the question of whether there should be a requirement for "green" open space and gathering spaces in the more intense commercial areas. They concluded that they did not want to make a distinction. Using the term "open space in the public realm" would let the market decide what form the open space should take.

- **Proportionality for the amount of space in the public realm that is provided.** Mr. Cohn said staff agrees that there should be some proportionality for the amount of public space required. For example, a larger building should have more public space than a smaller building. Similar to the Ridgcrest Neighborhood, staff is recommending an open space requirement at a rate of 1,000 square feet per 1.0 floor area ratio (FAR) of building. That would mean that an office building of 20,000 square feet on 1 acre (.5 FAR) would be required to provide 500 feet of open space. A 100,000 square foot building (2.5 FAR) would be required to provide 2,500 square feet of open space.

In addition, Mr. Cohn staff is recommending a requirement that 80% of the public space must be contiguous, with a maximum requirement of 1,600 square feet of contiguous open space. The balance of the open space would still be required, but not as part of the contiguous piece.

- **Provision for ground floor retail space.** Mr. Cohn explained that it is virtually impossible to require a developer to provide a set amount of occupied retail space on the ground floor. Staff is suggesting that if a developer wants to build residential to a density of greater than 48 units per acre, the portion of the ground floor that faces an arterial would have to be designed to accommodate commercial uses.
- **Requirements for underground/underbuilding parking.** Mr. Cohn said staff discussed this issue with the City's Economic Development Manager, who suggested the Commission should focus on what they want to accomplish such as parking that is screened from public view. Rather than establishing a requirement for how much of the parking must be underground, staff is recommending a standard that would require screening of parking areas from public view. Mr. Szafran advised that staff is also recommending an additional provision that would require screening for storage and equipment areas. Mr. Cohn added that the suggested screening is a 4-foot masonry wall.
- **Base height limit.** Mr. Cohn recalled there was some discussion about the height limit at the Commission's last meeting. To simplify the language, staff is suggesting a base height limit of 35 feet for purely residential buildings and 45 feet if the first floor is built for commercial uses. If a developer meets additional standards, the height limit would increase to 55 feet and 65 feet.

#### Questions by Commission to Staff

Vice Chair Wagner asked how the City would apply the two proposed new zones to the properties that are already zoned RB. Mr. Cohn explained that through an administrative rezone process, staff would prepare a map showing how the two zones would be applied. He suggested that most of the distinctions would be clear. The more intense zone would be for properties along Aurora Avenue North and Ballinger Way. However, a few sites would fall in between the two zones, and staff would have to spend time thinking about which zoning designation would be appropriate. He reminded the Commission that legislative rezones are presented to the Commission for review.

Chair Hall questioned what the zoning would be for the time period between when the City Council adopts the permanent regulations and when they approve the administrative rezones. He further questioned how a property owner would know if his/her property is going to be rezoned to GMU or NMU. Staff agreed to provide an answer at a later time.

Vice Chair Wagner referred to staff's recommended provision for retail ground floor space for buildings facing arterial streets. She noted that, as proposed, a development of greater than 48 units per acre that is not located on an arterial street would not be required to accommodate commercial use on the ground floor. Mr. Cohn suggested the language be changed to require that development on all sites that have access to an arterial would be required to accommodate commercial space on the ground floor in order to achieve a density greater than 48 units per acre.

Commissioner Kaje pointed out that staff's recommendation related to "open space in the public realm" was not consistently carried throughout the proposed language. Mr. Cohn referred to Item 6 of the Appendix on Page 27 of the Staff Report, which talks about common open space, and he agreed the term "within the public realm" was not incorporated. Further, he referred to Section 20.50.020(2)3b, which incorporates staff's recommended language related to contiguous public spaces. He explained that the intent is that all development in the NMU and GMU zones would be required to provide public open space. If a development includes residential space, then private recreation space would also be required.

Commissioner Behrens commended staff for working through the language and attempting to address the Commission's issues. He reminded the Commission that one goal of the proposed new language is to encourage mixed-use development. However, he observed that when properties are zoned both residential and commercial, tax problems can arise. Developers of commercial properties are taxed at a higher rate if residential uses are included. He asked if language could be incorporated into the code to address this issue. Mr. Cohn shared information he received from tax assessors and summarized that the City cannot do anything to affect the tax assessor's determination. Instead, the assessment would be market driven. Commissioner Behrens expressed concern that if the City wants to encourage commercial application, a developer would be at a distinct disadvantage because the entire building would be assessed for residential purposes. This would make the tax rate higher, and it would be more difficult for a developer to include commercial space. Mr. Cohn said he does not believe that would be true. He expressed his belief that the assessor would make different assessments on the value of the

residential space versus the commercial space. Commissioner Behrens asked staff to obtain a definitive answer to address his concern. Mr. Cohn said he would ask the question, but his experience has been that the tax assessor would not provide a definitive answer.

### **Public Testimony**

Wendy DiPeso, Shoreline, said she supports the staff's suggestion that instead of requiring underground parking, they should tell developers what they want. This would provide for flexibility and would avoid situations of unintended consequences. She questioned if requiring screening for parking and storage and contiguous open space would result in a need for underground parking in order to develop to the desired density. Mr. Cohn said staff's thought was that once the City decides what they want for open space, screening, etc. the developer would have to figure out how to respond to the code requirements. Ms. DiPeso said she is in favor of allowing flexibility, which is usually positive for everyone, as long as they don't end up with a situation where parking spills out into the neighborhoods.

Ms. DiPeso referred to staff's proposal that buildings facing an arterial street be required to have some commercial space. She asked how this concept would be applied to an "urban village" type of development. Would a large project of this type require a master plan? Mr. Cohn said it is staff's expectation that a large development proposal would go through a planned area process, but a master plan would require a Comprehensive Plan amendment, which would not be likely. As part of a planned area process, more specific regulations would be identified.

### **Final Questions by the Commission**

None of the Commissioners had questions to ask staff during this portion of the hearing.

### **Deliberations**

**COMMISSIONER PIRO MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF STAFF'S REVISED PROPOSAL (INCLUDING ADDITIONAL REVISIONS TO PAGE 36 OF THE STAFF REPORT) FOR MODIFYING THE DEVELOPMENT CODE WITH NEW MIXED-USE REGULATIONS FOR THE ZONE FORMERLY KNOWN AS REGIONAL BUSINESS (RB). COMMISSIONER PYLE SECONDED THE MOTION.**

Commissioner Piro said he put the motion on the floor anticipating the Commissioners would propose amendments prior to final approval. He commended staff for preparing modifications to address the issues and concerns raised by the Commission at their last meeting. He said he is delighted to see the amendment move away from the concept of single-use zones with lower densities and more general parking requirements, which contribute to a more auto-oriented development pattern that requires expansive and costly infrastructure and is less energy efficient. He expressed his belief that the modifications

and revisions laid before the Commission provide a healthy evolution to a mixed-use land use concept where trips can be internalized much better, vehicle miles traveled can be reduced, and the quality of life can be improved by creating more vibrant areas and by saving travel time.

Commissioner Pyle observed that approval of the proposed amendment would not prohibit the Commissioners from providing new ideas to staff in the future. He suggested the Commission focus on the concepts and whether or not they provide the protections that are needed for the adjacent single-family districts and allow for the appropriate density and development. In order to reach a consensus, they all must be willing to give up something while not compromising too much.

Commissioner Kaje referred to staff's recommendation to address the issue of proportionality. He said he supports the concept of basing the open space requirement on FAR. However, as currently proposed, the language could result in a 10-acre parcel having the same open space requirement as a 1-acre parcel because it would be based on FAR regardless of parcel size. He suggested the issue could be addressed by establishing an open space requirement of 1,000 square feet per FAR per acre. Mr. Cohn agreed that was his intent.

Chair Hall recalled the Commission's earlier discussion about the need to be cautious not to create an incentive for all of the properties to be developed as residential. As currently written, the amendment does not make a preference clear. He referred to the third bullet in Section 20.50.020(2)3cii, which requires that there be 800 square feet of common recreational space provided for developments of 5-20 units and 40 square feet of recreational space per unit for developments over 20 units. He observed that requiring an open space that is based on the number of residential units would address the issue of open space proportionality. He inquired if this requirement would be in addition the requirement of 1,000 square feet per 1.0 FAR. He suggested they strike Section 20.50.020(3)b entirely and require open space on a per unit basis for residential development and give an incentive for people to develop more intense commercial uses by eliminating the open space requirement. They would lose the potential for public plazas, etc., but they would gain the ability to use the land more efficiently for commercial development by requiring the residential development to provide the open space and amenities. He summarized that he is not as concerned about "green" open space because the Interurban Trail runs right through most of the RB zones.

Commissioner Behrens agreed there is more need for open space and recreational space for residential development, but it would also be an attractive element for a company to offer some open space for their workforce to enjoy. He expressed concern that there seems to be confusion amongst the various terms (recreational space, open space, green space), and he would like the language to be better defined. He is not opposed to removing the open space requirement for strictly commercial developments, but he would like to see the open space concept consistently defined throughout the amendment.



Commissioner Kaje referred to Section 20.50.020(2)3cii and emphasized that the term "common recreational space" means for the residents of the building. This has nothing to do with the open space incentive that was discussed earlier by the Commission. This is an important distinction when talking about requiring different levels of public amenities for different types of uses.

**CHAIR HALL MOVED TO AMEND THE MAIN MOTION TO STRIKE SECTION 20.50.020(2)3b, WHICH READS "ALL DEVELOPMENTS IN GMU AND NMU ZONES ARE SUBJECT TO PROVIDING PUBLIC GATHERING SPACES. PUBLIC GATHERING SPACES SHALL BE PROVIDED AT A RATE OF 1,000 SQUARE FEET PER 1.0 FAR OF BUILDING. 80% OF THE PUBLIC SPACE SHALL BE CONTIGUOUS, WITH A MAXIMUM CONTIGUOUS REQUIREMENT OF 1,600 SQUARE FEET." COMMISSIONER PIRO SECONDED THE MOTION.**

Chair Hall explained that nearly all of the RB zones in the City are located right on the Interurban Trail, which is a tremendous community asset and open space. While it is wonderful for office buildings and commercial buildings to provide open space, most architects would incorporate open space because it provides amenities to their future tenants. Chair Hall said he is also concerned about the efficient use of land, and they have heard testimony about underutilized land. They have a 150-foot wide Interurban Trail and utility easement running through the RB zone that would not be developed in the foreseeable future as commercial or residential space because of the above ground power lines. He concluded that while requiring a common recreational space for the residents would be an appropriate amenity that adds to their health and quality of life, requiring this same amount of space for a business zone could sometimes be counterproductive. When thinking about a main street approach that is very pedestrian friendly, each of the individual developments would go lot line to lot line. He referred to downtown Edmonds and noted that the character and sense of downtown would be lost if 1,000 square feet of open space was required for each of the commercial developments. He expressed concern that Section 20.50.020(2)3b could work against the Commission's intent. The buildings would be spaced further apart, and the district would be auto rather than pedestrian oriented.

Commissioner Piro asked how the proposed requirement for public gathering places matches up with the adopted language for the Ridgecrest proposal. Mr. Cohn said the Ridgecrest proposal included a requirement of 2,500 square feet of gathering space per 2.5 FAR of building. Commissioner Piro questioned how the Commission could address the open space issue with more flexibility than provided by the formulaic concept recommended by staff.

Commissioner Kaje spoke against the amendment. He felt it is important to have public open space as an incentive in the RB zones, which is something that is currently lacking. While Aurora Avenue North is a major example of RB zoning, there are other RB zones in the City. He suggested that in a future step (Town Center Subarea Plan), the Commission could implement flexibility in creative ways. Commissioner Pyle agreed

with Commissioner Kaje. However, he suggested they could include flexibility in the proposed language by providing an alternative that would allow the developer to pay a fee in lieu of providing the space, which could be used to improve existing space and connectivity.

Commissioner Behrens agreed this is a good conversation. Hopefully, when the Commission's recommendation is forwarded to the City Council, they will be able to read the minutes and pick up on the Commission's ideas. He summarized that while open space would not be as important for commercial development in RB zones along the Aurora Avenue North corridor, it is important to keep in mind there are other RB zones in the City that do not have access to open walkways or open space.

Chair Hall expressed his view that the way the open space language has been drafted, it is difficult for him to think of it as an incentive. Today there is no requirement for open space in the RB zone, and the proposed requirement would not be affiliated with a height or density bonus. It would be a brand new requirement that would affect all development in the RB zone. He agreed there are other pockets of RB zoning, but it is not all over the City. He recalled his previous comment that the RB zoning be flexible enough for application in other areas of the City.

Commissioner Pyle referred to Item 6 in the Appendix of the Staff Report, which refers to the term "common open space and Section 20.50.020(2)3b, which refers to "public gathering spaces." He asked if this space would be open or closed to the general public. Mr. Cohn said the intent is that the spaces would not be open to the public.

Commissioner Perkowski questioned how removing Section 20.50.020(2)3b would impact the base height limit of 35 feet for residential development. He noted that the recreational space requirement would only be applicable for developments at the maximum building height of 55 feet. There would be no open space requirement for residential development that is 35 feet or less in height. Mr. Cohn pointed out that, as proposed, 400 square feet of common open space would be required for residential development of 35 feet or less in height. The requirement would be more than double in order to obtain the maximum height.

**COMMISSIONER PIRO OFFERED A SUBSTITUTE TO THE MOTION TO AMEND THE MAIN MOTION TO RETAIN SECTION 20.50.020(2)3b, BUT INSERT A NEW SENTENCE THAT WOULD READ, "WHERE EXISTING PUBLIC SPACE IS LOCATED ADJACENT TO A DEVELOPMENT, A FEE-IN-LIEU PAYMENT COULD BE MADE FOR IMPROVEMENTS TO SUCH PUBLIC SPACES. OTHERWISE, PUBLIC GATHERING SPACES SHALL BE PROVIDED AT A RATE OF . . ." COMMISSIONER PYLE SECONDED THE MOTION.**

Commissioner Piro suggested his motion would accommodate the issues raised by Chair Hall and would introduce some flexibility, particularly for properties that are adjacent to existing public gathering spaces. Mr. Tovar pointed out that the City does not currently

have a fund that would allow them to receive in-lieu-of payments. He noted the draft amendment also includes an administrative design review process, including design departures, which would be the best place to address the alternatives suggested by the Commission.

#### **COMMISSIONERS PIRO AND PYLE WITHDREW THEIR SUBSTITUTE MOTION.**

Commissioner Wagner spoke in support of Chair Hall's motion to amend. As an example, she said it would not be appropriate and/or practical to put a 4,000 square foot children's play area on the Costco site. While the idea of open space is good, she agrees with Chair Hall's thought process for why it would not be appropriate for commercial development.

Commissioner Behrens once again voiced his discomfort and confusion about the use of terms such as common open space, public access, etc. He summarized staff's intent that the common open space referenced in Item 6 of the Appendix would be open to everyone in the City. Chair Hall pointed out that the Appendix is part of the staff's memorandum to the Commission. He encouraged the Commission to focus on the draft regulatory language that is found on Pages 32 through 36 of the staff report. The draft language uses the term "public gathering spaces."

Commissioner Behrens referred to the Ballinger Commons Complex, which provides a tennis court, swimming pool, basketball courts, etc. All of these amenities are held for the residents that live there and are not common open spaces for City residents to use. He said he would like the language to be written in a clear enough fashion to delineate the difference between common open space for everyone in the City to have access to and the common space or recreational space that is reserved only for those people in the development. Chair Hall pointed out that if the motion to amend is approved, the requirement for public gathering space would be eliminated for commercial development. They would be left with a requirement for common recreational space, which staff has clarified would not be open to the public.

Commissioner Pyle observed that if mixed-use projects are done right through an administrative design review process, the open space would be integrated into the project and building to provide courtyards and amenities for people who are using the space. Because staff does have some administrative review authority, they can encourage architects to push the open space into the development. Open space is important to create a quality development that is attractive to the community and ultimately enhances the useable retail space in the City.

Commissioner Kaje agreed that the "fee-in-lieu-of" concept is good, but they do not currently have a vehicle for implementation. He suggested the Commission forward their recommendation to the City Council, along with the record outlining the ideas they discussed for addressing odd situations. However, he would be opposed to eliminating Section 20.50.020(2)3b because he felt it was one of the more important additions to the

draft language. There will be future opportunities to address Chair Hall's concern in the future.

Chair Hall referred to Shoreline Bank, Watermark Credit Union, and other developments that have been talked about as good examples of redevelopment, yet they do not provide any public open space. He cautioned that they are too focused on imagining they would get a lot of 5-story mixed-use buildings. He said he would be opposed to requiring public open space for all commercial development.

**THE MOTION TO AMEND THE MAIN MOTION FAILED 3-4, WITH CHAIR HALL, VICE CHAIR WAGNER AND COMMISSIONER PIRO VOTING IN FAVOR AND COMMISSIONERS BEHRENS, KAJE, PERKOWSKI AND PYLE VOTING IN OPPOSITION.**

Commissioner Kaje referred to Section 20.50.020(2)3b and pointed out that the issue of proportionality can go both ways. It is important to not just extract more out of larger developments but to limit the obligation of smaller developments.

**COMMISSIONER KAJE MOVED TO AMEND THE MAIN MOTION TO REPHRASE THE TEXT IN SECTION 20.50.020(2)3b TO READ "ALL DEVELOPMENTS IN GMU AND NMU ZONES ARE SUBJECT TO PROVIDING PUBLIC GATHERING SPACES. PUBLIC GATHERING SPACES SHALL BE PROVIDED AT A RATE OF 1,000 SQUARE FEET PER 1.0 FAR OF BUILDING PER ACRE OF THE SITE. 80% OF THE PUBLIC SPACE SHALL BE CONTIGUOUS, WITH A MAXIMUM CONTIGUOUS REQUIREMENT OF 1,600 SQUARE FEET." COMMISSIONER PIRO SECONDED THE MOTION.**

Mr. Cohn pointed out that the Ridgcrest code requires 2,000 square feet of open space per acre. If the current proposal were applied to the Ridgcrest area, it would require 6,250 square feet of open space for a 2 acre site. He suggested they consider cutting the requirement to 500 square feet per FAR acre.

Commissioner Kaje said the main point is to require proportionality, but he agreed a different number might be appropriate. The concept of basing the open space requirement on FAR per acre is important. He noted that 6,250 square feet is only 7% of a 2 acre site, which he is okay with at this point. Mr. Tovar reminded the Commission that the administrative design review process is also part of the proposed amendment. If a developer feels the FAR requirement is too much, they could ask for a departure from the standard, but they would need to show how they could meet the intent of the requirement in a superior way. He summarized that flexibility has been built into the language because every development proposal in the RB zone would be required to go through the administrative design review process.

Commissioner Kaje recalled the Commission's earlier question about whether setbacks and other required space could be used to satisfy the open space requirement, and the answer was yes. He recalled that Commissioner Broili suggested a developer should be

allowed to capture more than one function in a space and end up with a true amenity. He emphasized that the 1,000 square foot open space requirement would not be completely separate from other site requirements such as pervious surface, setbacks, etc. He rejected staff's suggestion to change the number from 1,000 to 500.

Chair Hall said he would not support the proposed amendment, but he agreed with Commissioner Kaje's concern that basing open space on FAR doesn't work well with very large and very small sites. If the motion fails, he would recommend a follow up motion that would change the language to read "at a rate of 1,000 square feet pre acre of the site." This would scale the open space requirement based on the size of the site rather than the size of the building. In order to encourage more efficient use of the land, multi-story buildings should be encouraged and not penalized. As proposed in the amendment, it would be a disincentive to use the site more efficiently since there would be a penalty for increasing the FAR.

**THE MOTION TO AMEND THE MAIN MOTION FAILED 3-4, WITH COMMISSIONERS BEHRENS, KAJE AND PYLE VOTING IN FAVOR AND CHAIR HALL, VICE CHAIR WAGNER AND COMMISSIONERS PERKOWSKI AND PIRO VOTING IN OPPOSITION.**

**CHAIR HALL MOVED TO AMEND THE MAIN MOTION TO ADD TEXT TO 20.50.020(2)3b TO READ, "ALL DEVELOPMENTS IN THE GMU AND NMU ZONES ARE SUBJECT TO PROVIDING PUBLIC GATHERING SPACES. PUBLIC GATHERING SPACES SHALL BE PROVIDED AT A RATE OF 1,000 SQUARE FEET PER 1.0 FAR OF BUILDING ACRE OF THE SITE. 80% OF THE PUBLIC SPACE SHALL BE CONTIGUOUS, WITH A MAXIMUM CONTIGUOUS REQUIREMENT OF 1,600 SQUARE FEET. COMMISSIONER PIRO SECONDED THE MOTION.**

Chair Hall once again expressed concern about requiring open space for commercial development. However, if it is a requirement, he would prefer it be done on a proportional basis with the site. A larger site or development would have more open space, but additional public open space should not be required for taller buildings. He noted that residential development would require a sliding scale of common recreational space.

Commissioner Pyle said he likes the idea of not being too burdensome since the idea is to attract more mixed-use development. However, he expressed his belief that the larger a building gets, the more potential burden it could have on the neighborhood and community. He suggested it would be appropriate to integrate the public open space into the building. As proposed by the amendment, only 1,000 square feet of open space would be required for a 1-acre parcel that is developed with 150 residential units. He felt this requirement would be too little.

Vice Chair Wagner said it is important to put the proposed language into a practical use. She expressed concern about requiring a developer to provide a courtyard in the middle

of the development that would allow general public access. While she can understand the need for distance and space between the buildings, she would be opposed to allowing public access to private property.

**THE MOTION TO AMEND THE MAIN MOTION PASSED 4-3, WITH CHAIR HALL, VICE CHAIR WAGNER AND COMMISSIONERS PERKOWSKI AND PIRO VOTING IN FAVOR AND COMMISSIONERS BEHRENS, KAJE AND PYLE VOTING IN OPPOSITION.**

Commissioner Pyle referred to Section 20.50.410, which outlines the parking design standards. He observed that one of the biggest problems with mixed-use developments throughout the community is that their overflow parking spills over into the adjacent single-family residential communities. This occurs because developers construct buildings to meet the parking requirements, but they rent the parking for an additional rate.

**COMMISSIONER PYLE MOVED THE COMMISSION AMEND THE MAIN MOTION TO ADD TEXT TO SECTION 20.50.410(B) TO READ, "ALL VEHICLE PARKING AND STORAGE FOR MULTIFAMILY AND COMMERCIAL USES MUST BE ON A PAVED SURFACE, PERVIOUS CONCRETE OR PAVERS. ALL VEHICLE PARKING IN THE GMU AND NMU ZONES SHALL BE LOCATED ON THE SAME PARCEL OR SAME DEVELOPMENT AREA THAT THE PARKING IS REQUIRED TO SERVE AND SHALL BE ASSIGNED TO A UNIT. COMMISSIONER BEHRENS SECONDED THE MOTION.**

Commissioner Pyle expressed his belief that the proposed change should apply to both residential and commercial spaces and should be prorated based on the floor area for the commercial space. He noted that in single-family development, developers are required to provide two on-site parking spaces. The intent of this is to keep the streets clear of parking. If they are going to require a developer to build parking, they should also require that the parking be used for the development. Commissioner Behrens said he would not be opposed to requiring a business person to provide parking spaces for the people who work in the building. This should be the employer's obligation.

Commissioner Piro recalled the Commission previously discussed that 1/3 of the parking should be required to be underground or underbuilding, but the current draft language would leave the location of parking to the discretion of the market. He expressed his belief that in order to implement the type of vibrant, transit-oriented, mixed-use development the Commission is advocating, but the proposed amendment is the wrong approach. The City needs an overall parking strategy that takes on issues of shared parking, district parking, and marking management to keep the parking out of the neighborhoods. Perhaps this program could include incentives such as transit passes, car sharing, etc. He said he would not support the amendment.

Commissioner Kaje suggested the amendment be changed to limit the additional language to residential uses only. He said the biggest issue is that people park their cars in single-family areas overnight. He also noted that it would be difficult to enforce the requirement for commercial space. He summarized that if the amendment includes commercial, he would vote against it, but he would not be opposed to requiring that residential parking be assigned to units.

**COMMISSIONER PYLE MOVED TO AMEND HIS MOTION TO LIMIT THE REQUIREMENT TO RESIDENTIAL DEVELOPMENT AND TO ADD THE FOLLOWING, "UNTIL SUCH A TIME AS THE CITY COMPLETES A PARKING MANAGEMENT PROGRAM FOR THE AREA AFFECTED BY THE PROPOSED DEVELOPMENT."**

Vice Chair Wagner questioned what process would be required to remove the restrictions once a parking management plan has been adopted. She said she would support the amendment that would require the parking to be made available on a per residential unit basis, but she would not support it being contingent upon some external factor in the Development Code.

Chair Hall agreed it is very important to avoid spill over into single-family neighborhoods. He noted the Commission has received a lot of feedback from the public regarding this issue. They know the City needs to do more to address the concern, perhaps via a parking management plan. He noted the City does require a certain number of parking spaces per unit and per square foot for other uses. However he does not support a requirement that they be assigned to a particular unit. He reviewed that the idea in a mixed-use building is to share the parking. When residents are gone from the building during the day parking would be available for the commercial uses and visa versa. He expressed his belief that the proposed amendment would limit a developer's ability to utilize parking in a creative fashion. He reminded the Commission of the bus rapid transit program that will be in place in the near future on Aurora Avenue North with a bus every 10 minutes. Finally, there will be a place in the City where people can more effectively use transit, and the new program would provide an incentive for people to get out of their cars.

Commissioner Kaje noted that the current amendment is especially relevant in the NMU zone where there will not be any bus rapid transit service. These areas are where parking spill over into single-family neighborhoods can really be a problem. There would be a significant hurdle for residents along Aurora to park in the neighborhoods that are a few blocks away. There would not be a lot of on-street parking available, and in order to make the residential units attractive, the developer would likely provide on-site parking space. He felt the amendment would be appropriate for the NMU zone.

Commissioner Piro referred to the transit-oriented project that was recently developed in the Overlake area. It is a mixed-use project that is served by high-capacity transit. Instead of the typical 2.5 parking stalls per unit that is common for multi-family development, the requirement at that project is only 1 parking stall per unit. However,

the actual use is .6 stalls per unit. While he appreciates the concern, he felt it would be a wrong solution to assign parking spaces per unit. He said he trusts these issues could be further addressed in the future.

**COMMISSIONER PYLE MOVED THE COMMISSION AMEND THE MOTION TO CHANGE THE TEXT IN SECTION 20.50.410(B) TO READ, "ALL VEHICLE PARKING AND STORAGE FOR MULTIFAMILY AND COMMERCIAL USES MUST BE ON A PAVED SURFACE, PERVIOUS CONCRETE OR PAVERS. ALL VEHICLES PARKING IN THE GMU AND NMU ZONES SHALL BE LOCATED ON THE SAME PARCEL OR SAME DEVELOPMENT AREA THAT THE PARKING IS REQUIRED TO SERVE. PARKING STALLS SHALL BE ASSIGNED TO RESIDENTIAL UNITS IN NMU ZONE UNLESS THE SITE IS MANAGED BY A PARKING PLAN ACCEPTED BY THE DIRECTOR." COMMISSIONER BEHRENS ACCEPTED THE CHANGE. THE MOTION CARRIED 6-1, WITH VICE CHAIR WAGNER AND COMMISSIONERS BEHRENS, KAJE, PERKOWSKI, PIRO AND PYLE VOTING IN FAVOR AND CHAIR HALL VOTING IN OPPOSITION.**

**COMMISSIONER PIRO MOVED THAT THE MAIN MOTION BE AMENDED TO ADD A NEW ITEM E TO SECTION 20.50.410 TO REQUIRE THAT ONE BICYCLE RACK BE REQUIRED FOR EVERY 15 PARKING SPACES. VICE CHAIR HALL SECONDED THE MOTION.**

Mr. Cohn inquired if the intent is to lessen the current code requirements. At this time, the code requires one bicycle rack for every 15 parking spaces.

**COMMISSIONER PIRO WITHDREW THE MOTION.**

Commissioner Kaje expressed his belief that one of the more valuable incentives identified in the proposed language was related affordable housing.

**COMMISSIONER KAJE MOVED THE COMMISSION AMEND THE MAIN MOTION TO ADD THE FOLLOWING TEXT TO 20.50.020(2)3cii (2<sup>ND</sup> BULLET) "AVERAGE NUMBER OF BEDROOMS IN AFFORDABLE UNITS MUST BE SIMILAR TO THE AVERAGE NUMBER OF BEDROOMS IN MARKET RATE UNITS AT THE DIRECTOR'S DISCRETION. COMMISSIONER PIRO SECONDED THE MOTION.**

Commissioner Kaje said he does not think the portion of the community that needs affordable units would be well served by only one-bedroom units. As proposed by the motion, 15% of the affordable units in a complex that includes 2, 3 and 4 bedroom units would have to be a similar average. He said it is reasonable to say that the affordable units do not have to be as large in square footage, but the average number of bedrooms should be similar. Commissioner Piro agreed with Commissioner Kaje's logic and the word "similar" allows for appropriate flexibility.



Commissioner Pyle said he would support the amendment, but he recommended it be changed to include that the affordable units must be equally distributed throughout the development. Commissioner Kaje indicated he would support the proposed change.

Mr. Cohn requested clarification of the term "at the Director's discretion." Mr. Kaje clarified that the similarity of the average bedroom number would be at the Director's discretion. Mr. Cohn suggested that the term "similar" would be clear enough, and the words "at the Director's discretion" would not be needed. The issue would be addressed through design review. Commissioner Kaje concurred.

Commissioner Behrens said the City of Seattle has similar language, but 15% of the units must be rentable at a reduced rate, and they must be 2 and 3 bedroom units. An important part of creating a good community is providing stability that allows families to stay in an apartment long enough to put their children through school.

**CHAIR HALL REVIEWED THAT THE MOTION ON THE TABLE IS TO AMEND THE MAIN MOTION TO ADD THE FOLLOWING TEXT TO SECTION 20.50.020(2)3cii (2<sup>ND</sup> BULLET) "AVERAGE NUMBER OF BEDROOMS IN AFFORDABLE UNITS MUST BE SIMILAR TO THE AVERAGE NUMBER OF BEDROOMS IN MARKET RATE UNITS AND DISTRIBUTED THROUGHOUT THE DEVELOPMENT. THE MOTION CARRIED UNANIMOUSLY.**

Vice Chair Wagner referred to the 1<sup>st</sup> bullet in Section 20.50.020(2)3cii, and suggested the language should be more specific about how many electric vehicle stations would be required. Mr. Tovar said a lot of research is going into this issue right now, and legislative changes are currently being considered. At this time, staff doesn't have a number to suggest. He recommended the Commission direct staff to develop a standard through an administrative order process.

**VICE CHAIR WAGNER MOVED THE COMMISSION AMEND THE MAIN MOTION TO ADD TEXT TO SECTION 20.50.020(2)3cii (FIRST BULLET) THAT READS: "THE DEVELOPMENT INCLUDES INFRASTRUCTURE FOR ELECTRICAL VEHICLE RECHARGING. THE DIRECTOR IS AUTHORIZED TO ADOPT GUIDELINES FOR THIS REQUIREMENT." COMMISSIONER PIRO SECONDED THE MOTION.**

. He noted that every type of electric car on the market has different requirements for charging. The City would not actually require that a developer build the charging unit, but that the wiring is put in place so they could connect a type of unit at a later date. Chair Hall suggested that the motion allows the Director to create guidelines, leaving it up to the professional staff to define "infrastructure."

**THE MOTION CARRIED UNANIMOUSLY.**

**COMMISSIONER KAJE MOVED TO AMEND THE MAIN MOTION TO SHIFT THE REGULATION ON VEHICLE RECHARGING FROM SECTION**

**20.50.020(2)3cii TO SECTION 20.50.020(2)3ci. COMMISSIONER PYLE  
SECONDED THE MOTION.**

Commissioner Kaje agreed that the City would receive a lot of guidance regarding this topic in the future, and it would be a reasonable and low-cost incentive. Commissioner Piro concurred and suggested that the City would be ahead of the game by following through with the amendment. Commissioner Pyle agreed the incentive would not be unusually burdensome. Typically, people who own electric cars purchase a specific charger they install themselves. All a developer would be required to provide would be conduit and wiring.

**THE MOTION CARRIED UNANIMOUSLY.**

Commissioner Pyle referred to the first bullet in Section 20.50.020(2)3ci and questioned why the requirement would be limited to ground floor retail. He observed that the current architectural trend is moving towards modular space that could be converted from residential to commercial and visa versa. People are looking at opportunities to adapt space based on the market. For example, he questioned why a restaurant on the top floor of a structure would not satisfy the retail space requirement.

**COMMISSIONER PYLE MOVED TO STRIKE "GROUND FLOOR" FROM  
SECTION 20.50.020(2)3ci (FIRST BULLET). COMMISSIONER BEHRENS  
SECONDED THE MOTION.**

Commissioner Pyle said he understands that it is more difficult to access retail space that is not on the ground floor; but in some cases, it may be desirable to locate retail spaces such as a restaurant on the top floor to take advantage of a view.

Commissioner Behrens agreed with Commissioner Pyle that the retail space should not be limited to the ground floor. There are a number of reasons why the upper floor space might be attractive for commercial uses.

Commissioner Piro said his interpretation of this section would not limit retail uses to the ground floor, and it would not preclude retail uses on the upper floors. He expressed concern that removing the words "ground floor" could lose the basic concept of wanting the street/sidewalk level to have active pedestrian-oriented uses. He recalled the Commission's earlier discussions indicated a desire to create a presence and vibrancy at the street level.

Commissioner Pyle noted there are several successful mixed-use developments that have ground floor residential with a courtyard on the front against the sidewalk and a restaurant on the top. These developments are very welcoming and inviting. He expressed concern that, as currently written, retail space would have to be provided on the ground floor in order to reach the maximum height limit. He suggested it should not matter if the retail space is on the ground floor or an upper floor. He observed that, oftentimes, retail space can work within the building without being hidden.

Vice Chair Wagner emphasized that the current proposed language would not require retail uses on the ground floor, but that the development be designed in such a way to accommodate retail space (height, infrastructure, etc.) She agreed with Commissioner Piro that the currently proposed language would not preclude a restaurant or other retail use on the upper floor of a mixed-use development.

Commissioner Kaje questioned the need for the proposed amendment based on Vice Chair Wagner's observation that the proposed language would not require retail uses on the ground floor. He reminded the Commission that the recently adopted Vision Statement speaks to the notion of interactive walking spaces and sidewalks. His understanding is that a developer would have the ability to ask for relief from this specific requirement. Mr. Tovar agreed that would conceivably be possible. Commissioner Kaje said he is comfortable with the current proposed language.

Commissioner Piro recalled that the word "accommodate" was borrowed from the Ridgecrest language, recognizing that they might not have a retail market right away and that residential would be a very appropriate use for the ground floor. The proposed language would not preclude residential on the ground floor.

**THE MOTION FAILED 2-5, WITH COMMISSIONER BEHRENS AND PYLE VOTING IN FAVOR AND CHAIR HALL, VICE CHAIR WAGNER AND COMMISSIONERS KAJE, PERKOWSKI AND PIRO VOTING IN OPPOSITION.**

*Note: In Section 20.50.020(2)3ci (first bullet) the word "retail" should be changed to "commercial."*

Commissioner Perkowski suggested that the language in Section 20.50.020(2)3c is not as clear as the language provided in the Appendix of the Staff Report.

**COMMISSIONER PERKOWSKI MOVED TO AMEND THE MAIN MOTION TO CHANGE SECTION 20.50.020(2)3c TO READ: "A MAXIMUM 35-FOOT BUILDING HEIGHT AND 48 DWELLINGS PER ACRE FOR RESIDENTIAL ONLY BUILDINGS AND A 45-FOOT BUILDING HEIGHT FOR MIXED-USE BUILDINGS IF THE FIRST FLOOR IS BUILT TO GROUND FLOOR COMMERCIAL USE STANDARDS, MAXIMUM DENSITY OF 70 DWELLINGS PER ACRE, AND A FAR (FLOOR AREA RATIO) OF 2.0." COMMISSIONER KAJE SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

**CHAIR HALL MOVED TO AMEND THE MAIN MOTION TO ELIMINATE ALL REFERENCES TO HAVING A SECOND ZONE. VICE CHAIR WAGNER SECONDED THE MOTION.**

Chair Hall provided a zoning map and noted that Regional Business occurs in the following places:

- Along the Aurora Corridor in a nearly contiguous block, almost all of which is either directly on Aurora Avenue North and/or the Interurban Trail.
- The Sears and Costco sites.
- A block of four contiguous parcels on Ballinger Way Northeast that are roughly 800' x 1,000'.
- One small parcel just to the east of 19<sup>th</sup> on Ballinger Way Northeast on a parcel that is approximately 200' x 250'.
- A tiny parcel on 15<sup>th</sup> Avenue which appears to be about 80' x 300'.

Chair Hall noted that the height incentives would only allow a height greater than 45 feet if the property is more than 100 feet from a residential zone. In order to obtain the maximum height, the property must be located at least 200 feet from a residential zone. The smaller sites are not adjacent to residential zones; they are adjacent to Neighborhood and Community Business zones. Therefore, he can see no reason to deny them the incentives for additional height, which can bring into play a lot of good features such as 4 and 5 star construction under Built Green Standards, pre-application meetings to consider the public's concerns, electric vehicle charging infrastructure, etc. He expressed concern about splitting the areas into two zones without a properly noticed legislative rezone hearing.

Commissioner Pyle referred to the Comprehensive Plan Map which identifies additional parcels that could potentially be rezoned to the new zoning designation. Many of these properties are embedded within the residential neighborhoods. Vice Chair Wagner noted that these properties could also be rezoned to Community Business. She said she would support the proposed amendment because it makes sense to address the matter at hand. The proposed language builds in a stepping stone of transition. If needed at some point in the future, it would be appropriate to create a new zone that fits better, but it should not be part of this process of "fixing" the RB zone language.

Commissioner Piro observed that one benefit associated with Chair Hall's amendment would be to keep the language clean and more streamlined and predictable for readers and users of the Comprehensive Plan. The benefit of having two zones would be reassurance to the community that the smaller, mixed-use areas would reflect the values and character of the surrounding neighborhoods. However, he said he does not believe it is necessary to have two zones to accomplish this goal.

Mr. Tovar explained that legislative notice is a published and posted notice. Whether the proposal is an area wide rezone or a code amendment, the notice would be the same; no mailed notice would be required. However, he agreed that amending the zoning map to inform property owners of whether their property would be NMU or GMU could be problematic. One option would be to identify just one zone, and then accept that there might be practical limitations due to the size and location of the smaller parcels. He referred to the areas identified on the Comprehensive Plan Map as appropriate for Regional Business (RB), and noted that once the proposed amendments are adopted, there would be no RB zone. This could potentially preclude future problems. He said

another option would be to create one zone with two standards. One standard would apply to properties that are located with 1,500 feet of a high-capacity transit line, and a different standard would apply to those that are not. If the Commission decided to go this route, they would need to notice a legislative rezone for a future hearing. This would involve a new SEPA process, CTED notice, and Planning Commission hearing.

Mr. Tovar said staff agrees with Chair Hall's description about how having a single zone would not be problematic in the outlying areas. However, the language in the Comprehensive Plan would have to be cleaned up at some point because there would no longer be an RB zoning designation. Therefore, they would not have to worry about the expansion of the more intense mixed-use zone in the outlying places where the Comprehensive Plan identifies RB zoning as appropriate.

Vice Chair Wagner suggested that not only would this option require a Comprehensive Plan amendment to eliminate all the references to RB, it would also require a critical review and update of the Comprehensive Plan Map to consider whether or not the places that are identified as potential RB zoning would also be appropriate for the mixed-use zoning. Mr. Tovar advised that because the Comprehensive Plan still talks about the RB zone, the land use chapter of the Plan would have to be amended at some point in the future to remove the references.

Commissioner Kaje recalled that there were more distinct differences between the two proposed zones the last time the Commission reviewed the language. Apart from the amendment the Commission approved earlier regarding residential parking, there would be no distinction between the two zones. Chair Hall said he assumes this is a typographical error that would have to be corrected unless the current motion on the floor is approved. He recalled that in the previous version, the height incentives were only available in the more intense zone. However, proposed Section 20.50.020(2)3c would allow the height incentives to be available in either the GMU or the NMU zones. Mr. Cohn agreed this was an inadvertent error; the intent is that the greater height only be allowed in the GMU zone.

Chair Hall expressed his belief that simplicity of the zoning code is a key concern. He referred to his email to the Commission which talks about using the new zone in other places of the City. He reminded the Commission that the rezone process would give everyone in the neighborhood an opportunity to voice their concerns, and the Commission has recommended both approval and denial of rezone applications in the past. He said he does not believe a single zone would result in a problem on small sites, and the environmental incentives should be offered to everyone.

Commissioner Piro regretted that legal counsel was not present to advise the Commission, and perhaps direction should be provided before the item is forwarded to the City Council. He questioned if the nuance between the mixed use zones that are more adjacent to high capacity transit versus those that are not is within the same spirit the Commission has been discussing for the past several months or if the distinction goes beyond some of the modifications and adjustments and is truly in the arena of rezoning.

Chair Hall reminded the Commission that prior to the emergency interim ordinance, the RB zone allowed a 65-foot building, straight up at the lot line, with unlimited density. If the City Council does not take action within the next month, the interim ordinance would expire and the existing RB language would once again be applicable. Regardless of location, the proposed ordinance is much more transition oriented and compatible with surrounding neighborhoods. The proposed language would require an upper floor step back of 100 feet for every 10 feet of additional height. A person would have to be 400 feet away from the site to even see the portion a building over 45 feet. He summarized his belief that the proposed language is much better than what they had and addresses the issue of compatibility. He urged the Commission to not make it too complicated by creating two zones.

Commissioner Kaje clarified that eliminating all reference to having a second zone would require the Commission to revisit the previously approved amendment to the NMU language related to residential parking. The remainder of the Commission concurred.

Commissioner Behrens recalled the Commission initially agreed there was no such thing as a common RB zone. They wanted to come up with a system that allowed the City to address the properties based on their location and size. He voiced his concern about eliminating all reference to having a second zone. He agreed some properties have a lot of open space, are dead center in the middle of town, and have all of the elements that make them amenable to high-density development. However, there are other properties that do not meet these goals and do not have the needed infrastructure support. Having two zones would allow the City to delineate between the two, and it is important to identify which pieces of property are most appropriate for high density such as the Aurora Corridor and the Ballinger Neighborhood. He noted this concept is identified in the recently adopted Vision Statement and Framework Goals. If they do not specify where the high-density is and is not appropriate they will be missing an opportunity to solve the problem they were asked to fix.

Vice Chair Wagner reminded Commissioner Behrens that his concerns would be addressed as part of the Commission's work on the Town Center Subarea Plan. She said she does not believe the Vision Statement implies that Aurora Avenue is the only place for high-intensity development. She disagreed with Commissioner Behrens' characterization that high-intensity uses would be inappropriate for other properties already identified as RB.

Mr. Tovar suggested the Commission could recommend two alternatives to the City Council, and they could make the final decision. The majority of the Commission agreed they would prefer to forward a single recommendation, recognizing the City Council would have an opportunity to review the record and note the Commission's concerns and discussion.

**THE MOTION TO AMEND THE MAIN MOTION TO ELIMINATE ALL REFERENCES TO HAVING A SECOND ZONE WAS APPROVED 5-1-1, WITH**

**CHAIR HALL, VICE CHAIR WAGNER, AND COMMISSIONERS KAJE, PERKOWSKI, AND PYLE VOTING IN FAVOR. COMMISSIONER BEHRENS VOTED IN OPPOSITION, AND COMMISSIONER PIRO ABSTAINED.**

Commissioner Piro said he decided to abstain from the vote because he was disappointed the Commission did not obtain a legal position prior to making a decision. Legal guidance would have helped the Commission work through the proposal without so much uncertainty.

**COMMISSIONER PIRO MOVED TO RENAME THE ZONE FORMERLY KNOWN AS REGIONAL BUSINESS (RB) TO MIXED-USE ZONE (MUZ). VICE CHAIR WAGNER SECONDED THE MOTION. THE MOTION CARRIED UNANIMOUSLY.**

The Commission referred back to the parking design standards and reconsidered their previous motion to amend Section 20.50.410(B) in light of their decision to eliminate all reference to a second zone. Commissioner Piro suggested that if this change is eliminated, the Commission should also review every other place where "GMU" and "NMU" are cited. He suggested Commission cannot make a motion to unwind a motion. Chair Hall disagreed. He explained that when the Commission voted to eliminate the reference to the NMU zone, it was unclear as to whether that means they want the parking management plan required everywhere or nowhere. He asked that someone make a motion to either pull the language out or modify the language so that it applies everywhere in the MUZ zone.

**COMMISSIONER PIRO MOVED TO AMEND THE MAIN MOTION TO REMOVE LANGUAGE PREVIOUSLY PASSED BY THE PLANNING COMMISSION TO ADD ON TO SECTION 20.50.410(B) – "PARKING STALLS SHALL BE ASSIGNED TO RESIDENTIAL UNITS IN NMU (NOW REPLACED BY MUZ) UNLESS THE SITE IS MANAGED BY A PARKING PLAN ACCEPTED BY THE DIRECTOR." CHAIR HALL SECONDED THE MOTION.**

Commissioner Piro said his preference would have been to invite Commissioner Pyle to propose new language in light of the decision to create just one zone. He summarized that he was only willing to support the previously approved revision to Section 20.50.410(B) if it applied to the more limited NMU zone. He expressed his belief that insisting that there be assigned residential units in the area that had previously been proposed as the GMU zone would undermine the Commission's goal of being conservative and minimizing the amount of parking that is provided. He observed that the current method of maximizing the parking requirements leaves the City with negative impacts such as an overabundance of impervious surface. The only reason he was willing to support the more limited parking standard was knowing that those particular sites were directly integrated into neighborhood type settings.

Commissioner Pyle said he does not believe it is appropriate to propose an amendment that reverses an amendment that was previously passed by the Commission. He observed

that the previously approved amendment to rename the zone known as RB to MUZ did not include a proposal to modify any other text in the main motion at hand. The motion was to replace all references to NMU and GMU with MUZ. The approved amendment relating to the parking standard would still be affective with the term MUZ. He said he would like a legal interpretation as to whether the Commission could move to undo a previously approved motion.

Commissioner Kaje agreed with Commissioner Pyle. He said the proposed amendment appears to be a very back door approach to changing the Commission's previously approved motion, which makes him uncomfortable. He suggested the Commission review Roberts Rules of Order to determine the correct approach.

Chair Hall emphasized that he is not forcing the issue one way or the other, but it is important for the Commission to have a clear interpretation of the language before it is forwarded to the City Council.

Commissioner Piro agreed that the first two sentences in Section 20.50.410(B) could be applied to the new MUZ zone. However, the last sentence added by the Commission was intended to apply only to the NMU zoned properties, which is no longer a zoning option.

Chair Hall recalled that Commissioner Piro voted in favor of the motion to amend Section 20.50.410(B). Therefore, his current motion could be viewed as a move to reconsider. Since he voted on the prevailing side, he would have that right. Commissioner Kaje pointed out the Commission could also move to reconsider the motion they just passed to rename the NMU and GMU zones to MUZ.

Vice Chair Wagner said that when the Commission voted to change the name of the zone to MUZ, she thought the amendment related to the parking standards would be applicable to the new zone. Given the concern amongst the public and the Commission, she expressed her belief that a parking management plan requirement would be appropriate. She reminded the Commission that there is already a problem with cars parking on the streets in single-family residential zones. The parking amendment would be perfectly appropriate in the MUZ zone, and would not be too burdensome. She observed that the Director would have the ability to make a distinction in the parking requirements for developments that are located close to rapid transit service.

Commissioner Behrens agreed that parking is a significant concern. If the City doesn't require adequate parking for large mixed-use developments people will park on the streets. In these particular areas there is no space for on-street parking. As a common sense approach, he said the City should require developers to provide parking so their developments do not further impact neighborhoods.

Commissioner Piro agreed with the need to be sensitive to neighborhood impacts, and he is not advocating the City ignore the issue. However, for decades the country has had a pattern of overbuilding parking, and he appreciated Vice Chair Wagner's point that the Director would have the discretion to modify the parking requirement. He summarized



that he believes the City's current parking requirements are bloated and create a detriment. Chair Hall agreed and expressed his belief that parking requirements should be addressed more comprehensively through a parking management approach. Although he seconded the motion, he said he would vote against the motion in order to further protect the neighborhoods.

**THE MOTION FAILED 2-5, WITH COMMISSIONERS PERKOWSKI AND PIRO VOTING IN FAVOR AND CHAIR HALL, VICE CHAIR WAGNER, AND COMMISSIONERS BEHRENS, KAJE AND PYLE VOTING IN OPPOSITION.**

It was noted that approval of the motion would result in altering the last sentence of Section 20.50.410(B) by replacing NMU with MUZ.

Chair Hall thanked the Commissioners for working hard over two long meetings to come up with a proposal to recommend to the City Council that is far better than what previously existed.

**Closure of Public Hearing**

(I don't think the public hearing was ever closed.)

**Vote by Commission to Recommend Approval or Denial or Modification**

**THE MAIN MOTION PASSED UNANIMOUSLY TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF STAFF'S REVISED PROPOSAL, AS AMENDED, (INCLUDING ADDITIONAL REVISIONS TO PAGE 36 OF THE STAFF REPORT) FOR MODIFYING THE DEVELOPMENT CODE WITH NEW MIXED-USE REGULATIONS FOR THE ZONE FORMERLY KNOWN AS REGIONAL BUSINESS (RB). COMMISSIONER PYLE SECONDED THE MOTION.**

I have some thoughts I want to share about staff's proposal, but first let me say that in considering form-based code, before hiring a consultant, it might be well worth some time looking at the code that has been developed for Bellingham.

First let me say that if the base standard is 48 units, that it makes sense to me that the second and third options would be 96 (48 x2) and 144 (48x 3)

GMA requires that all development fully mitigate impacts. One of the biggest is the social impact (including crime) that occurs when there are more people (thus more anonymity). I believe that one of the best ways to address this is with open space. Shoreline is way behind the curve in open space acreage/1000. Our park system, good as it is, must be increased. Right now we have acreage that is similar to Las Vegas and Detroit; both known to be very desirable family oriented cities, right? There are only a very few ways to increase our open space and requiring those who add to the density of the City is a good one. It should be calculated on the "worst case scenario" for each development, recognizing that even though it may be initially intended for use as one business, that it may just as easily become housing or offices in the years ahead and there should be open space available to accommodate all potential uses. Mr. Tovar mentioned that our existing requirements are quite conservative compared to the demands of other cities. Therefore, I would encourage the Planning staff to develop a means to determine the maximum possible impact on the surrounding community and then apply the most liberal possible requirements for functional open space that is easily accessible to building occupants, visitors and the general public.

Thanks for considering

always,  
Boni

August 18th, 2009

## RB Zoning

Dear Commissioners,

I'm very concerned about the results that will be produced if the current trend in development continues without a more thoughtful look at where we are headed versus what the Visioning Statement has 'envisioned' for the future.

Please look at the thoughts and ideas below and weigh them carefully in your upcoming deliberations on RB zoning.

Thank you,

Boni Biery

### What we don't want to Happen:

- Market driven development based on rental price alone. This drives development with very small housing units and little, if any, outdoor space.
- Un-developed, under-developed, under-utilized RB properties that will remain that way as long as owners are allowed to up-zone additional properties.
- Small businesses being driven away because they can't compete with the desirability of housing for short-term return on investment. However, this is creating ever more housing units without the local businesses needed to serve them.
- RB development sprouting up in neighborhoods for the sole benefit of developer profits

### Goals:

- From the Vision Statement - "a thriving corridor, with a variety of shops, businesses, eateries and entertainment, (*paying business taxes*) and includes clusters of some mid-rise buildings, well-designed and planned to transition to adjacent residential neighborhoods gracefully" So long as housing is deemed to

be more profitable than mixed use and small business and RB can be "created" anywhere in the city, the business corridor will remain underdeveloped and we will continue to add only housing. Housing increases operating costs for the city based on the increased demand for public services: police, fire, medical emergency, which are a natural requirement of increased population. While small businesses offer employment and pay business taxes into the city coffers. Until we can balance the growth rate of housing with small business development the city will continue to have budget gaps with the primary remedy being increased taxes on property owners. Therefore, we need to use properties currently zoned as RB before allowing any additional upgrades. This will encourage the use of under-developed / utilized properties along the Aurora Corridor and keep RB from encroaching on our neighborhoods. This would enhance the business tax base and maintain neighborhood character.

- Existing RB properties to be fully developed and utilized before allowing the creation of more (please see explanation above)
- To define the Market in terms of usage. For example, multi-family housing units should compete for market share not on price alone, but on what amenities (swimming pools, tennis courts, wooded trails, and open play areas) are available on site to residents. For example, the existing character of the City, quality of life and desirability could all be met if the standard for housing developments was more like the Ballinger Commons on N205th at Meridian (if *public open space* were to be added) than Echo Lake. This would create a sense of community where people can play "in their own backyard" rather than being warehoused in small living quarters with total reliance on either the City Parks for opportunities to be outdoors and/or privately owned facilities like the YMCA, gold's Gym etc.
- Incentives for developers to add open space and amenities. For example, for the addition of open public space beyond the required minimum allow a the exterior bulk of the building to increase one cubic foot for each addition square foot of public open space provided.

**From:** Wendy DiPeso [wdipeso@gmail.com]

**Sent:** Sunday, September 27, 2009 9:10 AM

**To:** Plancom; Joe Tovar; Steve Cohn

**Subject:** Comments for Oct 1 meeting

Greetings everyone,

Please include my comments to the Planning Commission regarding the Public Hearing on Regional Business Zoning. I realize that staff has recommended a change in title from Regional Business to General Mixed Use and Neighborhood Use, but for simplicity sake I will refer to business zones in my comments as Regional Business Zones.

Shoreline has Regional Business zoned stock that is currently underutilized. Some of the property owners are interested in redeveloping their property when it becomes financially feasible.

Developers have been choosing to purchase property adjacent to RB zoned land and then request a rezone to RB. When they purchase the property initially it is less expensive because it is not zoned RB. Buying low and rezoning to a higher value is attractive to developers because it allows them to increase their profit margin. I cannot fault developers for this practice.

The result:

- The core of the City Regional Business area remains underutilized
- The neighborhoods are affected by the spread of our business zones into single-family neighborhoods with the associated impacts of traffic and compromise to the environment.
- The cost to the city will continue to rise, if developers are allowed to build high-density housing instead of mixed use or retail. (Costs less to build high density residential)

I recommend that the Planning Commission request staff to draft legislation that will not allow rezoning to Regional Business until the existing Regional Business stock has been fully utilized. Discussion will need to take place to determine how to define "fully utilized". What ever is created will need to be enforceable, understandable to developers so they have certainty, and have enough flexibility such that common sense can be applied to any situation.

This will lay the ground-work for redevelopment of property which will help our existing business adjacent to redeveloped areas and attract new business to Shoreline.

Thank you for your time and attention, and for all the work that you do.

Wendy DiPeso



## COMPREHENSIVE PLAN—GENERAL AMENDMENT APPLICATION

### Planning and Development Services

Amendment proposals may be submitted at any time, however if it is not submitted prior to the deadline for consideration during that annual amendment cycle, ending the last business day in January, the amendment proposal will not be considered until the next annual amendment cycle.

Please attach additional pages to this form, as needed.

#### A. Contact Information

If the proposal is from a group please provide a contact name.

Applicant: Les Nelson

Mailing Address: 15340 Stone Ave North

Telephone: (206) 365-4123 Fax: ( ) E-mail: froggy680@msn.com

- B. **Proposed General Amendment**—This can be either conceptual, a thought or idea, or specific changes to wording in the Comprehensive Plan, but please be as specific as possible so that your proposal can be adequately considered. If specific wording changes are proposed please use underline to indicate proposed additions and strike through to indicate proposed deletions. Please note that each proposed amendment requires a separate application.

See attached word document

- C. **Reference Element of the Shoreline Comprehensive Plan (required) and page number (if applicable)**—(e.g. Land Use, Transportation, Capital Facilities, Housing, etc.)

Land Use, page 30-31

- D. Support for the Amendment** – Explain the need for the amendment. Why is it being proposed? How does the amendment address changing circumstances or values in Shoreline? Describe how the amendment is consistent with the current Shoreline Comprehensive Plan, if inconsistent, explain why. How will this amendment benefit the citizens of Shoreline? Include any data, research, or reasoning that supports the proposed amendment. (A copy of the Shoreline Comprehensive Plan is available for use at the Planning and Development Services Department, Shoreline Neighborhood Police Centers, and the Shoreline and Richmond Beach libraries).

This amendment will remove the confusion and misinterpretation caused by the passage of Ordinance 276 and will allow our current land use planning to conform to the EIS as required by law.

- E. Signature** – An amendment application can not be accepted unless the signature block below has been completed. The applicant certifies that all of the aforementioned statements in this application, any exhibits and/or maps transmitted herewith are true and the applicant acknowledges that any amendment granted based on this application may be revoked if any such statement is false.

*David Nelson*  
Applicant Signature

1-29-09  
Date

**PROPOSED AMENDMENTS WITHOUT THE REQUIRED APPLICATION INFORMATION MAY  
BE REJECTED OR RETURNED FOR ADDITIONAL INFORMATION.**

**Proposed Comprehensive Plan Amendment, January 2009**

The part of the Comprehensive plan that I propose updating is Land Use policy, LU18, the Community Business land use designation. In addition LU19 needs to be clarified as to intent.

LU18 needs to be revised to clarify the intent of the "RB" as an allowed zoning. As the City Council discovered in review of documents in 2008, related to Ord 238, and Ord 276, the intent in 2000 and 2001 was NOT to create a change in the existing base density of 48du/acre density. Historical documents revealed that one approach was to revise the RB zoning to CB zoning, but it was decided that it would be simpler to just allow the (then current) RB zoning to "co-exist" in a CB land use area. This was clarified in a statement made in correspondence that density would not be revised.

The allowance of density higher than 48du/acre was not provided for in the Comprehensive Plan nor planned for in the accompanying EIS, and to date there has not been any additional EIS to address a higher density.

Since the EIS and 1993/2005 Comprehensive Plan there has not been a specific Comprehensive Plan Amendment to revise the density above 48du/acre.

Allowing RB zoning to exist in a CB land use area is not a conflict, so long as the density is limited to that established as acceptable for the underlying land use, "CB" - 48du/acre. This was defined as High Density Residential in the Comprehensive Plan, and carried a base land use maximum of 48 du/acre.

If any clarification of the original intent is needed, then the documentation is available in meeting notes from Council and Planning Commission meetings where Ord 238 in 2000 and Ord 276 in 2001 were discussed.

Additional clarification should be also applied where RB appears as an allowed zoning in the Mixed Use (LU17) and Regional Business (LU19) Land use designations. Again, adding clarification that density may not exceed the base land use intensity for each specific land use area will greatly improve clarity of intent of the Comprehensive Plan.

Clarification of LU19 needs to address why the location of 185th to 192nd was chosen and what specifically is different from this area as opposed to CB land use areas.

The next page provides pertinent sections of the present Comprehensive Plan for reference, where definitions of High density residential, LU17, community Business LU18, and Regional Business LU19, are found. (Pages 30, 31)

Les Nelson  
15340 Stone Ave North  
Shoreline, WA 98133



**2005 City of Shoreline Comprehensive Plan, Land Use designations:**

**Residential Land Use...**

**LU14:** The High Density Residential designation is intended for areas near employment and commercial areas, where high levels of transit service are present or likely, and areas currently zoned high density residential. This designation creates a transition between high intensity uses, including commercial uses, to lower intensity residential uses. All residential housing types are permitted. The permitted base density for this designation will not exceed 48 dwelling units per acre unless a neighborhood plan, subarea plan or special district overlay plan has been approved. Appropriate zoning for this designation is R-12, R-18, R-24 or R-48 Residential.

**Mixed Use Land Use**

**LU17:** The Mixed Use designation applies to a number of stable or developing areas and

to the potential annexation area at Point Wells. This designation is intended to encourage the development of pedestrian oriented places, with architectural interest, that integrate a wide variety of retail, office and service uses with residential uses.

Appropriate zoning designations for the area include, Neighborhood Business, Community Business, Office, Regional Business, Industrial, R-8, R-12, R-18, R-24 and/or R-48.

**Commercial Land Use**

**LU18:** The Community Business designation applies to areas within the Aurora Corridor, North City and along Ballinger Road. This designation provides for retail, office and service uses and high density residential uses. Significant pedestrian connection and amenities are anticipated. Some limited industrial uses might be allowed under certain circumstances. Appropriate zoning designations for this area might include the Neighborhood Business, Community Business, Regional Business, Office, R-12, R-18, R-24, or R-48.

**LU19:** The Regional Business designation applies to an area within the Aurora Corridor north of N 185th St. and south of N 192nd St. This designation provides for retail, office, service, high density residential and some industrial uses. Significant pedestrian connection and amenities are anticipated. Appropriate zoning designations for this area include Community Business, Office, Regional Business, Industrial, R-12, R-18, R-24 or R-48.

### Time line for Land Use and Zoning code

There are two major areas of continued misunderstanding between regional Business Land use (RBLU), Community Business Land Use (CBLU), which are both Comprehensive Plan Land Use designations depicted on the Comprehensive Plan Land Use Map LU-1, and regional Business Property Zoning (RBZ), and Community Business Property Zoning (CBZ).

The following Timeline shows changes/revisions to these starting with the adoption of the 1998 Comprehensive Plan and EIS.

#### ALLOWED MAXIMUM DENSITY in Dwelling Units/Acre, du/ac

		1998	2000	2001	2005
Complan	CBLU	48	48	48	48
Land Use	RBLU	48	48	48	48
Zoning	CBZ	18	48	48	48
Designation	RBZ	36	No Max (1)	No Max (1)	No Max (1)
Action/Date		Nov 1998 Complan adopted	Ord 238 adopted (1) June 2000	Ord 276 Adopted (2) July 2001	2005 Complan adoption to present

#### Notes

(1) When Ord 238 adopted the new development code zoning table was revised to allow CB zoning up to 48 du/ac which agreed with the Complan Land Use max of 48 du/ac. The new "No max" for RB zoning could be in conflict with the Comprehensive plan but only if a proposal was accepted to allow higher than the 48 du/ac allowed as a Base Land Use density.

(2) Ord 276 added "RB" as an allowed Zoning to exist in Community Business Land Use. Since "RB" allows density at 48 units per acre, or less, this would not conflict unless higher densities were permitted on a specific project.

There has never been a Comprehensive Plan amendment increasing CBLU or RBLU above 48 du/ac!!

**Comments on permanent regulations for RB Zones**

Les Nelson, 9-16-09

See attached history and notice that a Comprehensive Plan Amendment has **never been negotiated with the Community** for higher than R48 density.

I submitted a Comprehensive Plan Amendment in 2008 that was misconstrued to claim that I am requesting that 48du/acre is the maximum that should ever be allowed. My amendment asked that Lu-17 and LU-18 be CLARIFIED as to the meaning of RB. What I am saying is that 48du/ac is currently what has been approved by the community. This is also what staff was directed to use by Council when this matter was sent forward. This was apparently ignored by staff, as was the majority of my proposed amendment. What the community decides as appropriate is what we should use; given proper Comprehensive Plan Amendment processes are followed.

As far as I am aware from discussion with "the public" developments like Echo Lake are NOT WHAT OUR COMMUNITY WANTS, meanwhile this is what our City Planners hold up as a goal! I have heard the following descriptions of that development: "Atrocious", "Hideous", "Ridiculous", "Where did the Lake go?", "Who thought that one up?", and "why do we need that?"

Now, we are proposing name changes for the RB zoning, to confuse the issue even more, and without proper public process that would engage the public and make them aware that this might be happening. But, we're holding a public hearing, so what's the problem? The problem is that we are not notifying adjacent property owners of what is being proposed...that is what GMA requires....making sure citizens are aware! Included with the name changes are a list of "hollow incentives". These "incentives" are something that developers would provide regardless, given the height and density limits. We are being led to believe the Community is getting something in return.

I'll give a few examples:

*"Allow 150du/ac if...underground parking is provided for 1/3 of the required parking"*

Now, if you do the calculations, it's really simple ...

If you have 150du's on 1acre, (1acre = 43,560 sq ft), AND the units are required to have windows to the outdoors, the best arrangement you can get is about 50% lot coverage.

Now, you have about 22,000SF of available floor space per floor. At an average of 650sf per unit (fairly small), and given the need for hallways, elevator shafts, etc, you need about 800-850sq ft each per unit which, dividing 22,000 by 850 = 26 units per floor! Assume retail on one

floor, then 5 floors above of residential... ( $5 \times 26 = 130$  units)!!! So, now, where are you going to put the parking? In the air? In the hallways? How about on the 22,000 sf of unused lot space...and assuming no landscaping or other open space...each parking space and associated roadway requires about 200Sq ft per vehicle. Divide the 22,000sq. Ft. by 200 and you get 110 spaces.....where does the remainder go? Underground! Of course!! Where else.

Next: *Provide 15% of units at affordable rates....* what size units?? Two bedroom?? At 75% the affordable units will be required to be rented for higher than Market rate.

As before, our proposed regulations are basically allowing developers to build to higher densities by providing nothing more than they would have to provide anyway. Maybe it looks good on paper, but hopefully you can see through this.

So, why are our planners trying to call these incentives to allow higher density? Probably because they want to avoid being labeled as obstructionist by the developers that they interact with on a daily basis. Remember this, the Community at large is not the Planning Department's Customer, their customer is the developer that comes in and pays the permit fees. Also keep in mind that Planners, in general, like to see stuff built. They see a tree for its value as lumber, not as value to the Community for views.

You, as planning commissioners need to ask:

Where are the real benefits to the Community as a trade off for allowing higher density??

When these gifts (of higher density) are made to a developer, what are the tradeoffs that the community gets??

We do a rezone, for a parcel that a developer purchased, and then by rezoning is able to make a larger profit, tell me how and when the Community benefits from this??

Is it a benefit to the Community to take away greenery, views of trees, for the sake of development?? Even though GMA tells us that the open space and greenery should be incorporated WITHIN the development, where is that a part of these proposed regulations????

I look at what is proposed and see the same thing our planning department and developers have been pushing all along...maximum build out within the height and space restrictions allowed by code. Let's do it all along the Aurora corridor and keep it out of Innis Arden at all costs.

As far as transition to single family zones, this basically calls out regulations similar to what was already approved last year, so nothing new here.

So, let's just continue along this path and eventually all of the Corridor will look as nice as the Echo lake development....Looks great doesn't it? Have you seen the photo on the City webpage of Echo Lake taken from the North end looking south...it was probably taken before Echo Lake was built, or taken at an angle to hide that hideous development? The answer our City planners have for why that development happened: Well, that was done before I got here! I've heard that phrase used way too often.

So, now it's up to you, Planning Commission, lets see if you can help make this a well planned City. Lets get some really great PLANNED developments....and I don't mean developments came in the door of PDS....I mean doing the planning through the Community first.....developing a Comprehensive Plan,..... following what it says...what a concept!!

**Steve Szafran**

**From:** Steve Cohn  
**Sent:** Thursday, October 01, 2009 4:15 PM  
**To:** Joe Tovar; Steve Szafran  
**Subject:** FW: Perm RB regs

-----Original Message-----

**From:** Plancom  
**Sent:** Thursday, October 01, 2009 2:42 PM  
**To:** Will Hall; Ben Perkowski; David Pyle; Jessica Simulcik Smith; John Behrens; Michael Broilli; Michelle Linders Wagner; Rocky Piro; Sid Kuboi; Steve Cohn; Jänne Kaje  
**Subject:** FW: Perm RB regs

**From:** Les Nelson[SMTP:FROGGY680@MSN.COM]  
**Sent:** Thursday, October 01, 2009 2:42:23 PM  
**To:** Plancom  
**Subject:** Perm RB regs  
**Auto forwarded by a Rule**

I have only done a minimal review but have the following comments:

1. I don't see a map or other definition of where GMU or NMU properties would be located.....and this is important to know if the intent would be to allow GMU next to single family neighborhood zones like R4, R6.....as the perviously negotiated "transition Regulations" may overlap.
2. I would hope that the intent is to NOT Allow the high density, height, next to R6 neighborhoods.
3. The 500 sf per 1.0 of FAR is really minimal...think about what this provides:  
500SF = 20 foot X 25 foot space....about the size of a single car garage.  
It reminds me of some of the older apartments that have some kind of "entry courtyard" that really just amounts to a walkway with plants on each side....is this what we are going to look at in the future and say what a beautiful City we have created.  
I suggest you ask PDS staff to show you some designs in other communities that lookreally great to you....then ask how much open space was provided there....
4. Need a definition of what open space is! Is it a walkway that was required anyway? Is there anything special required? Ponds?, Lakes? fountains?, Rock landscaping? Bences? Covered areas?
5. We should be looking at open spaces that require a sacrifice from the developer to compensate the public for the benefit the developer is being granted!

Lets say we have a one acre property, 50% coverage, so that each floor is about 22,000 square feet. Allowing another floor gives the developer another 22,000sf of space....would it be unreasonable to require 50% of that floor space to be provided on the ground as open space? Why not?

If you agree with that, then we're talking about 11,000 sf of open space, where this proposal only provides about 2,500 sf (FAR = 2.5), so my thought is we are far too low on open space requirements....we don't seem to be providing any more than the developer would have done anyway, with normal walkways and landscaping.

6. Also, require that open spaces for adjacent developments be combined where possible, rather than having a bunch of similar "cookie cutter" designs with each having their own tiny open space.

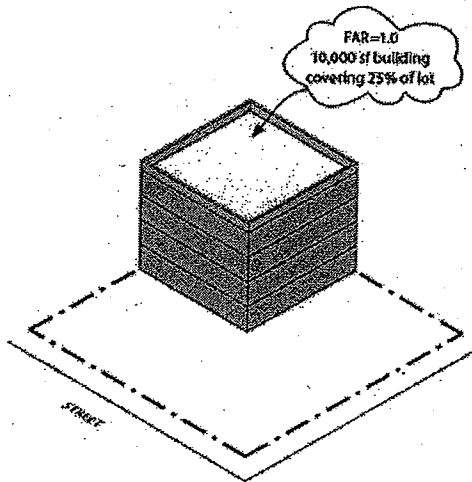
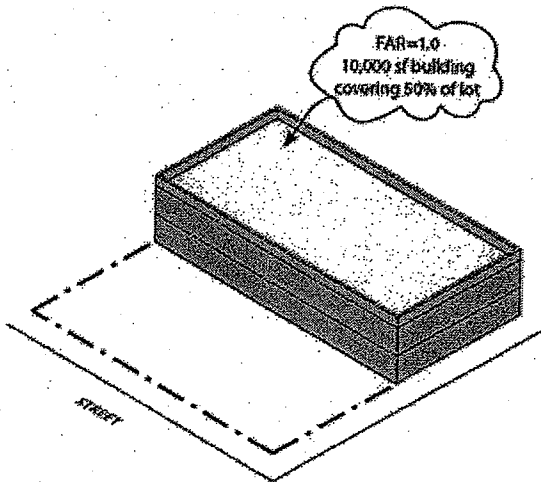
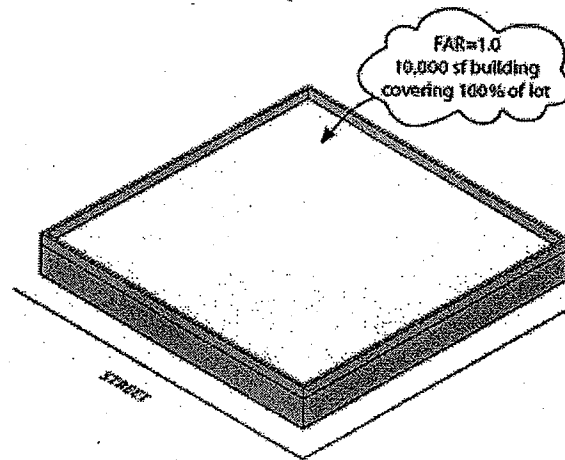
Do the calculations, think about how large a space is the developer getting as a gift, compared to what the public is getting.

Thinking about the development that had been planned South of our neighborhood, all of the open "Courtyard" was into the inside of the building and the "backside" was shoved out to the property edges for the neighborhood to see....not what we should be striving for...looking at the backside! We should be looking for regulations that require the developments to "Integrate" with and increase attractiveness of adjacent properties....at least I hope we are.

Les Nelson

Explanation of FAR (Floor Area Ratio)**Floor Area Ratio (FAR)\***

The floor area ratio (FAR) is the principal bulk regulation controlling the size of buildings. FAR is the ratio of total building floor area to the area of its zoning lot. Each zoning district has an FAR control which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable in a building on the zoning lot. For example, on a 10,000 square-foot zoning lot in a district with a maximum FAR of 1.0, the floor area of a building cannot exceed 10,000 square feet.





## Proposed Mixed Use Zoning

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

Shows amendments through  
January 13, 2009.

### Zoning Designation

- MUZ: Mixed Use
- 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
- PA: Planned Area
- C: Campus
- O: Office
- NB: Neighborhood Business
- CB: Community Business
- NCBD: North City Business District
- I: Industrial
- CZ: Contract Zone
- RB-CZ: Reg. Bus/Contract Zone

### Other Map Features

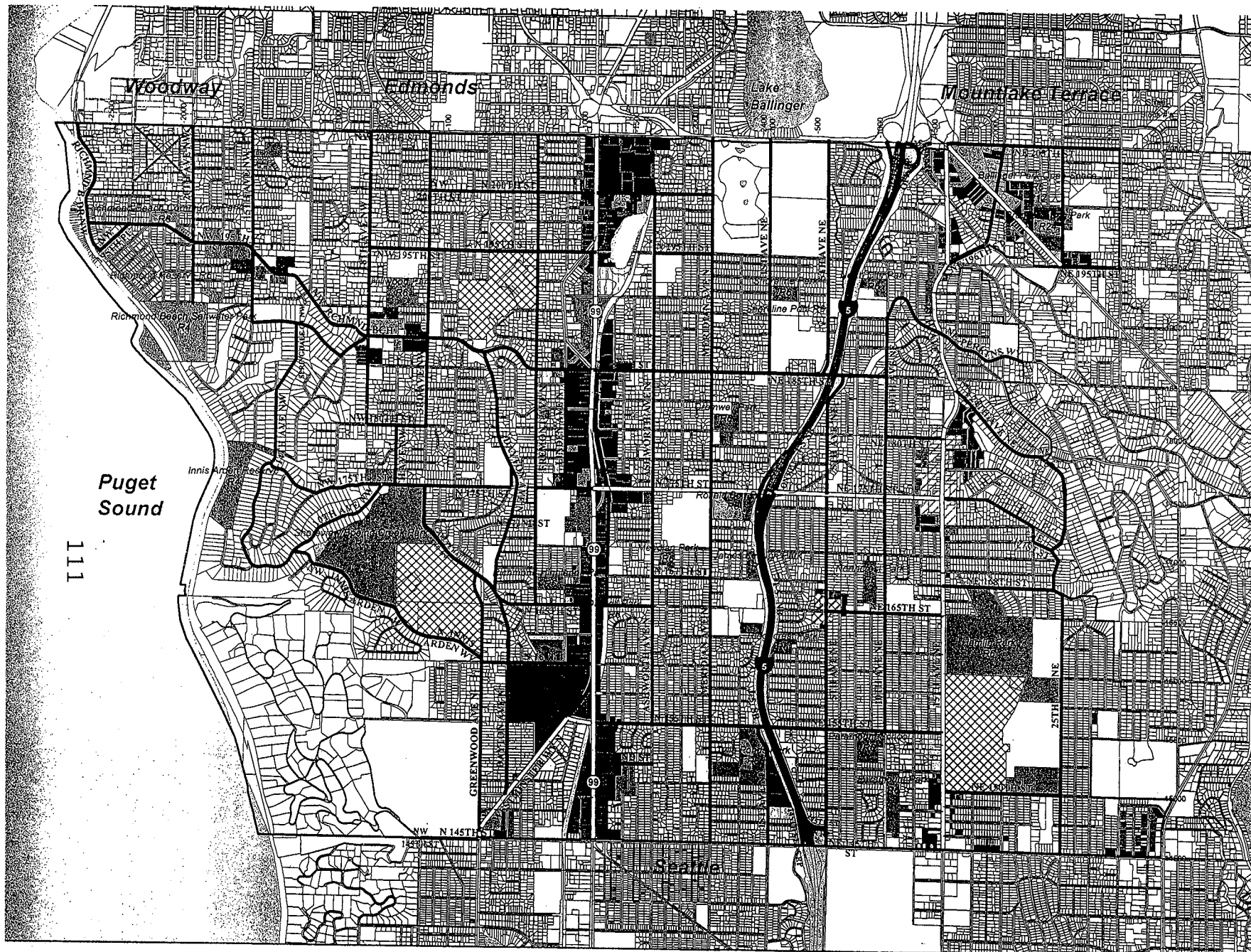
- City Boundary
- Open Water
- Outside Shoreline
- Interstate
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Neighborhood Collector
- Local Street
- Park
- Tax Parcel Boundary
- Unclassified Right of Way

1 inch = 2,000 feet  
0 500 1,000 2,000 3,000 4,000 Feet

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



Filename: Zoning.mxd  
Updated: 10/2009



ORDINANCE NO. 560

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING, A NEW MIXED-USE ZONING DISTRICT TO REPLACE THE REGIONAL BUSINESS ZONING DISTRICT, AMENDING THE CITY'S OFFICIAL ZONING MAP TO REFLECT THE ZONING NAME CHANGE FROM REGIONAL BUSINESS (RB) TO MIXED USE ZONE (MUZ); AND AMENDING SECTION 13.20.050 SMC AND CHAPTERS 20.40 AND 20.50 SMC**

WHEREAS, Ordinance No. 505, as amended and extended, adopted a moratorium on the filing of any application for residential development within the Regional Business (RB) zoning district of the City which exceeded 110 dwelling units per acre, unless the application met specific criteria; and

WHEREAS, the moratorium will expire on November 12, 2009; and

WHEREAS, on October 1, 2009, the Planning Commission recommended permanent regulations to replace the current interim RB regulations;

WHEREAS, a Determination of Non Significance was issued for this proposed ordinance on September 21, 2009; now therefore,

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

**Section 1. New Section.** A new section, Shoreline Municipal Code 20.50.021, *Development in Mixed-Use Zone (MUZ)*, is adopted as set forth in Exhibit A attached hereto and incorporated herein.

**Section 2. Amendment.** SMC 13.20.050, *Undergrounding of existing facilities in commercial and industrial areas – When required*, is amended as set forth in Exhibit A.

**Section 3. Amendment.** Chapter 20.40 SMC, *Zoning and Use Provisions*. Sections 20.40.020, 20.40.040, 20.40.120, 20.40.130, 20.40.140, 20.40.350, 20.40.505, 20.40.600 and Table 20.40.600(2) are amended as set forth in Exhibit A.

**Section 4. Amendment.** Chapter 20.50 SMC, *General Development Standards*. Sections 20.50.020(1) Table – Exceptions, Table 20.50.020(2), 20.50.230, 20.50.310, 20.50.410, 20.50.470, 20.50.540, 20.50.550, and 20.50.570 are amended as set forth in Exhibit A.

**Section 5. Amendment to Zoning Map.** The Official Zoning Map of the City of Shoreline is hereby amended to change all Regional Business (RB) zoning district designations to Mixed-Use Zone (MUZ).

**Section 6. Publication; Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City and the ordinance shall take effect and be in full force five (5) days after publication.

**PASSED BY THE CITY COUNCIL ON OCTOBER 26, 2009.**

---

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: October 29, 2009  
Effective date: November 3, 2009

## EXHIBIT A

### 13.20.050 Undergrounding of existing facilities in commercial and industrial areas – When required.

The following requirements apply to all areas which are zoned in SMC KCC Title 20 as MUZ (Mixed Use Zone) ~~RB (Regional Business)~~, CB (Community Business), Neighborhood Business (NB), Office (O) and Special Overlay (SO), North City Business District (NCBD) and I (Industrial):

### 20.40.020 Zones and map designations.

The following zoning and map symbols are established as shown in the following table:

ZONING	MAP SYMBOL
RESIDENTIAL	
(Low, Medium, and High Density)	R-4 through 48 (Numerical designator relating to base density in dwelling units per acre)
NONRESIDENTIAL	
Neighborhood Business	NB
Office	O
Community Business	CB
<del>Regional Business</del> <u>Mixed-Use Zone</u>	<del>RB</del> <u>MUZ</u>
Industrial	I
Campus	CCZ, FCZ, PHZ, SCZ1
Special Overlay Districts	SO
North City Business District	NCBD

Planned Area	PLA
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#### 20.40.040 Nonresidential zones.

A. The purpose of the neighborhood business (NB) and the office (O) zones is to allow for low intensity office, business and service uses located on or with convenient access to arterial streets. In addition these zones serve to accommodate medium and higher density residential, townhouses, mixed use types of development, while serving as a buffer between higher intensity uses and residential zones.

B. The purpose of the community business zone (CB) is to provide location for a wide variety of business activities, such as convenience and comparison retail, personal services for local service, and to allow for apartments and higher intensity mixed use developments.

C. The purpose of the mixed-use zone (MUZ) is to encourage the development of vertical and/or horizontal mixed-use buildings or developments primarily along the Aurora and Ballinger corridors. The MUZ uses unique standards to encourage amenities such as public gathering spaces, sustainable buildings, electric vehicle recharging stations, affordable housing, and parking management plans as a trade-off for increased building height and residential density.

D. ~~C.~~ The purpose of the ~~regional business (RB)~~ and Industrial (I) zone is to provide for the location of integrated complexes made up of business and office uses serving regional market areas with significant employment opportunities. Such zones require accessibility to regional transportation corridors. Development of higher buildings and mixed-uses, that are supportive of transit are encouraged in these zones. (Ord. 238 Ch. IV § 1(D), 2000).

#### 20.40.120 Residential type uses.

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	NB & O	CB & NCBD	<del>RB</del> MUZ & I
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#### 20.40.130 Nonresidential uses.

NAICS #	SPECIFIC LAND USE	R4-	R8-R12	R18-R48	NB & O	CB & NCBD	RB MUZ
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		R6					& I
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#### 20.40.140 Other uses.

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	NB & O	CB & NCBD	<del>RB</del> <u>MUZ</u> & I
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#### 20.40.350 Eating and drinking establishments.

Eating and drinking establishments are permitted in residential zones R-4 through R-48 only by conditional use permit and permitted in NB, O, CB, and MUZ ~~RB~~ zones, provided gambling uses as defined in this Code are not permitted. (Ord. 258 § 6, 2000; Ord. 238 Ch. IV § 3(B), 2000).

#### 20.40.505 Secure community transitional facility.

A. Permitted as an SCTF Special Use-Type C action, granted by the city council in the mixed-use zone ~~regional business and industrial zones~~ provided:

#### 20.40.600 Wireless telecommunication facilities/satellite dish and antennas.

A. Exemptions. The following are exemptions from the provisions of this chapter and shall be permitted in all zones:

1. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC).
2. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens and remote control toys.
3. The storage, shipment or display for sale of antenna(s) and related equipment.
4. Radar systems for military and civilian communication and navigation.
5. Handheld, mobile, marine and portable radio transmitters and/or receivers.
6. Wireless radio utilized for temporary emergency communications in the event of a disaster.

7. Licensed amateur (ham) radio stations and citizen band stations.
8. Earth station antenna(s) one meter or less in diameter and located in any zone.
9. Earth station antenna(s) two meters or less in diameter and located in the NB, CB, MUZ RB, O, or I zones.

**Table 20.40.600(2) – Height and Setback Standards for Ground-Mounted Wireless Telecommunication Facilities**

Zone	Maximum Height	Setbacks
All Residential Zones: R-4 – R-48	Maximum height specified for each zone.	Minimum 50 feet from all adjacent residentially zoned properties. Minimum of 30 feet from any public right-of-way.
All Commercial Zones: (NB, CB, <u>MUZ RB</u> and O)	Maximum height specified for each zone.	Minimum 30 feet from all adjacent commercially zoned properties and 50 feet from all adjacent residentially zoned properties. Minimum of 30 feet from any public right-of-way.

**Exceptions to Table 20.50.020(1):**

- (1) Repealed by Ord. 462.
- (2) These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and impervious surface limitations; limitations for individual lots may be modified.
- (3) For exceptions to front yard setback requirements, please see SMC 20.50.070.
- (4) For exceptions to rear and side yard setbacks, please see SMC 20.50.080.
- (5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.130.
- (6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-24, R-48, O, NB, CB, NCBD, MUZ ~~RB~~, I, and CZ zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

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

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB) Zone (2)	Mixed Use Zone (MUZ), Regional Business (RB) and Industrial (I) Zones (2)
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac	See 20.50.021 <del>No maximum</del>
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)	35 ft	60 ft	See 20.50.021 <del>65 ft (2)</del>



Maximum Hardscape Area	85%	85%	95%
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Exceptions to Table 20.50.020(2):

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

(2) Development in CB ~~RB~~ or I zones abutting or across street rights-of-way from R-4, R-6, or R-8 zones shall meet the following transition area requirements:

(a) A 35-foot maximum building height at the required setback and a building envelope within a two horizontal to one vertical slope. However, safety railings with thin or transparent components and whip antennas are allowed above this building envelope. Structures allowed above the maximum height of the zone under Exception 20.50.230(5) may not exceed the building envelope slope, or exceed the maximum building height by more than 10 feet, or four feet for parapet walls.

(b) Property abutting R-4, R-6, or R-8 zones must have a 20-foot setback. No more than 50 feet of building facade abutting this 20-foot setback shall occur without an abutting open space of 800 square feet with a minimum 20-foot dimension. However, the additional open space may be adjusted or combined to preserve significant trees.

(c) Type I landscaping, significant tree preservation, and a solid, eight-foot property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Type II landscaping shall be required for transition area setbacks abutting rights-of-way across from R-4, R-6 or R-8 zones. Patio or outdoor recreation areas may replace up to 20 percent of the landscape area that is required in the transition area setback so long as Type I landscaping can be effectively grown. No patio or outdoor recreation areas in the transition area setback may be situated closer than 10 feet from abutting property lines. Required tree species shall be selected to grow a minimum height of 50 feet. A developer shall provide a Type I landscaping plan for distribution with the notice of application. Based on comments at a public meeting held by staff, the City may approve an alternative landscaping buffer with substitute tree species, spacing and size; provided, that the alternative will provide equal value and achieve equal tree canopy. The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping. Utility easements parallel to the required landscape area shall not encroach into the landscape area.

(d) All vehicular access to proposed development in MUZ, ~~RB~~, CB, or I zones shall be from arterial classified streets unless determined by the Director to be technically not feasible. If determined to be technically not feasible, the developer shall implement traffic mitigation measures, approved by the City Traffic Engineer, which mitigate potential cut-through traffic impacts to single-family neighborhoods.

## **20.50.021 Development in Mixed-Use Zone (MUZ).**

Development in the MUZ zone shall meet the following requirements:

- A. All developments in the MUZ zone are subject to Administrative Design Review as approved by the Director. The Director is authorized to adopt and amend design guidelines by administrative order.
- B. All developments in the MUZ zone are subject to providing public gathering spaces. Public gathering spaces shall be provided at a rate of 1000 square feet per one acre of site. 80% of the public space shall be contiguous, with a maximum contiguous requirement of 1,600 square feet.
- C. A maximum 35-foot building height and 48 dwellings per acre for residential only buildings and 45-foot building height for buildings designed to accommodate commercial uses, maximum density of 70 dwellings per acre, and a FAR (Floor Area Ratio) of 2.0, except:
  - 1. A maximum building height of 55 feet, maximum FAR of 3.2, and maximum density of 110 dwellings per acre is permissible if the development meets the following conditions:
    - a. The development includes infrastructure for electric vehicle recharging. The Director is authorized to adopt guidelines for this requirement; and The building is designed to accommodate ground floor commercial uses; and
    - b. "4-star" construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
    - c. 800 square feet of common recreational space for residents of the development is provided for developments of 5-20 units; 40 square feet of recreational space per unit is provided for developments over 20 units.
  - 2. A maximum height of 65 feet, maximum housing density of 150 dwellings per acre and maximum FAR of 3.6 is permissible if all the conditions under (C)(1) of this subsection are met and the following conditions are met:
    - a. 15% of the units are affordable to households in the 75% King County median income category for a minimum of 30 years. The average number of bedrooms for affordable units shall be similar to the number of bedrooms for market rate units. The affordable housing units shall be distributed throughout the building or development; and
    - b. "5-star" construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
    - c. After the pre-application meeting and prior to submitting an application for construction, the developer must hold a neighborhood meeting with City staff in attendance to identify impacts caused by the new development and propose appropriate mitigation measures. Meetings will be advertised by mailing to property owners and occupants within 500 feet of the property.

D. The maximum building height for developments within 100 feet of the property line from R-4, R-6, R-8, and R-12 is limited to 45 feet and the maximum building height for developments between 100 and 200 feet from R-4, R-6, R-8, and R-12 the property line is 55 feet.

E. Structures allowed above the maximum height of the district under Exception 20.50.230(6) may not exceed the maximum building height by more than 10 feet, or four feet for parapet walls.

F. All conditions under Exception 2(b), (c), and (d) of Table 20.50.020(2) must be met, for development in the MUZ zone abutting or across street ROW from R-4, R-6, R-8, and R-12 zones.

### **20.50.230 Site planning – Setbacks and height – Standards.**

Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB)	Regional Business (RB) <u>Mixed Use Zone (MUZ)</u> and Industrial (I) Zones
Min. Front Yard Setback (Street) (1) (2)	10 ft	10 ft	10 ft
Min. Side and Rear Yard (Interior) Setback from NB, O, CB, <u>MUZ</u> , RB, and I Zones (2)	0 ft	0 ft	0 ft
Min. Side and Rear Yard (Interior) Setback from R-4 and R-6 (2)	20 ft	20 ft	20 ft
Min. Side and Rear Yard (Interior) Setback from R-8 through R-48 (2)	10 ft	10 ft	15 ft
Base Height (6) (5)	35 ft (3)	60 ft	65 ft (4)(5)
Max. Hardscape Area	85%	85%	90%

Exceptions to Table 20.50.230:

- (1) Front yard setback may be reduced to zero feet if adequate street improvements are available or room for street improvements is available in the street right-of-way.
- (2) Underground parking may extend into any required setbacks, provided it is landscaped at the ground level.
- (3) Bonus for mixed-use development in NB and O zones: In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base height may be increased for mixed-use development to four stories or up to 50 feet, if the added story is stepped back from the third story walls at least eight feet, and subject to the following requirement:

Residential dwelling units shall occupy a minimum of 25 percent to a maximum of 90 percent of the total floor area of the building.

- (4) See SMC Table 20.50.020(2), Exception (2), for transition area requirements for CB, ~~RB~~, or I development abutting R-4, R-6, or R-8 zones or across the street rights-of-way from R-4, R-6, or R-8 zones.

- (5) See SMC 20.50.021 for transition area requirements for MUZ development.

- ~~(6)~~ (5) Except as further restricted by SMC Table 20.50.020(2), Exception (2), the following structures may be erected above the height limits in all zones:

- a. Roof structures housing or screening elevators, stairways, tanks, ventilating fans, or similar equipment required for building operation and maintenance, fire or parapet walls, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 15 feet above the height limit of the district, whether such structure is attached or freestanding;
- b. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the height limit of the district. (Ord. 531 § 1 (Exh. 1), 2009; Ord. 500 § 1, 2008; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 4(B-1), 2000).

### **20.50.310 Exemptions from permit.**

A. Complete Exemptions. The following activities are exempt from the provisions of this subchapter and do not require a permit:

5. Removal of trees from property zoned MUZ ~~RB~~ and I, CB and NCBD, and NB and O, unless within a critical area or critical area buffer.

### **20.50.410 Parking design standards.**

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking in the MUZ zone shall be located on the same parcel or same development area that parking is required to serve. Parking for residential units shall be assigned a specific stall until a parking management plan is submitted and approved by the Director.

#### **20.50.470 Street frontage landscaping – Standards.**

A. A 10-foot width of Type II landscaping for all development including parking structures, surface parking areas, service areas, gas station islands, and similar paved surfaces. See 20.50.470(E) for street frontage landscaping standards in the MUZ Zone.

B. A 20-foot width of Type II for institutional and public facilities in residential zone areas.

C. Frontage landscaping can be substituted in multifamily, commercial, office, and industrial zones, except in MUZ Zones, with two-inch caliper street trees 40 feet on center if they are placed in tree pits with iron grates or in planting strips along the backside of curbs. Institutional and public facilities may substitute 10 feet of the required 20 feet with street trees.

D. Trees spacing may be adjusted to accommodate sight distance requirements for driveways and intersections. See SMC 20.50.520(O) for landscaping standards. (Ord. 238 Ch. V § 7(B-2), 2000).

E. Any new development in the MUZ zone shall require all surface parking areas, outdoor storage areas, and equipment storage to be to be screened from the public right-of-way and adjacent residential land uses. Street frontage screening shall consist of locating the above areas behind buildings, in underground or structured parking, or behind a 4-foot masonry wall with a 10-foot width of Type II landscaping between the wall and back of sidewalk. When adjacent to single-family residential, a 20-foot width of Type I landscaping is required.

#### **20.50.540 Sign standards.**

A. No sign shall be located or designed to interfere with visibility required by the City of Shoreline for the safe movement of pedestrians, bicycles, and vehicles.

B. Table.

Table 20.50.540B – Standards for Signs

A property may use a combination of the four types of signs listed below.

	All Residential (R) Zones	NB and O	CB, <u>MUZ</u> <del>RB</del> , and I
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**20.50.550 Prohibited signs.**

A. Spinning devices; flashing lights; pennants.

Exception 20.50.550(A)(1): Traditional barber signs allowed only in NB, O, CB, MUZ ~~RB~~ and I zones.

B. Portable signs.

Exception 20.50.550(B)(1): One sidewalk sandwich board sign per business allowed only in NB, O, CB, MUZ ~~RB~~ and I zones and must be located next to the curb edge of a sidewalk in such manner so not to interfere with the opening of parking car doors. An unobstructed passage of 48 inches shall be maintained for wheelchair travel on a sidewalk.

**20.50.570 Site-specific sign standards – Shopping center/mall type signs in CB, MUZ ~~RB~~, and I Zones.**