

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Ordinance No. 682 - Transition Area Setback for Commercial Zone Development Across Streets From Single Family Zones
DEPARTMENT:	Planning and Community Development
PRESENTED BY:	Rachael Markle, Director Paul Cohen, Planning Manager
ACTION:	<input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The purpose of tonight’s meeting is to review proposed Ordinance No. 682 regarding building setbacks in all commercial zones in Transition Areas (SMC 20.50.021(a)) when across streets from R-4, R-6, or R-8 zones.

The Planning Commission met September 5 and held a public hearing October 3 before making their unanimous recommendation to amend the code to require a 15-foot front setback for commercial development in transition areas. The City Council discussed these recommendations on December 2, 2013 and provided direction to staff to return with an ordinance to consider for adoption that would reset the setback requirement for commercial development in transition areas at 15 feet, consistent with the Commission’s recommendation.

Councilmember Robert’s requested that staff review having a 15-foot setback for transition areas except for those commercial areas along principal arterials or properties across from R-4, R-6, or R-8 zoned property that have a Comprehensive Plan designation of Public Open Space. Based on staff’s review, staff recommends that Council adopt the code language with these exceptions.

RESOURCE/FINANCIAL IMPACT:

No financial impacts are anticipated.

RECOMMENDATION

Staff recommends that the Council adopt Ordinance No.682, with the Alternate Exhibit A.

Approved By: City Manager **DT** City Attorney **IS**

BACKGROUND

On March 18, 2013 the Council adopted Ordinance No. 654, which included commercial design standards and zoning consolidation amendments. In those amendments, the Planning Commission recommended Transition Area amendments that the Council discussed, moved to change, and approved regarding the initial building setback from the front property line when across the street from single family zones (R-4, R-6, or R-8). The Commission's recommendation was a 15-foot setback, which was consistent with the adopted Town Center District standards. However, the Council adopted a minimum 0-foot front setback in Transition Areas when across the street from single family zones (R-4, R-6, or R-8 zones).

On April 22, 2013 the City Council was advised by the City Attorney not to change Ordinance No. 654 without remanding the amendment back to the Planning Commission. The City Council moved to remand the amendment to the Planning Commission. The Planning Commission met September 5 and held a public hearing October 3 before making their unanimous recommendation to amend the code to require a 15-foot front setback for commercial builds in Transition Areas. The Planning Commission minutes from these meetings can be found at the following links:

- <http://cosweb.ci.shoreline.wa.us/uploads/attachments/pcd/pc/2013/0905/minutes.pdf>
- <http://cosweb.ci.shoreline.wa.us/uploads/attachments/pcd/pc/2013/1003/minutes.pdf>

The meeting notice for these Planning Commission meetings is attached to this staff report as Attachment A, and the Commission's recommendation following the October 3rd Public Hearing is attached to this staff report as Attachment B. Attachment C to this staff report is a diagram comparing the Planning Commission's recommendation and the current regulations adopted by the City Council on March 18, 2013.

ALTERNATIVE ANALYSIS

15-foot Setback

On December 2, 2013 the majority of the Council provided direction to amend the minimum building setback to 15 feet, consistent with the Planning Commission's recommendation. The staff report for this Council discussion can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2013/staffreport120213-9a.pdf>.

Exhibit A to Proposed Ordinance No. 682 (Attachment D) provides the code language needed to establish the 15-foot setback for the transition areas.

Larger Streets/Public Open Space Exceptions

Councilmember Roberts also suggested an alternative to the Council direction that would provide an exception to the 15-foot setback for properties on larger streets, such as Principal Arterials, or properties across from R-4, R-6, or R-8 zoned property that have a Comprehensive Plan designation of Public Open Space.

If the exception for Transition Areas along *Principal Arterials* and across from *Public Open Space* was adopted by Council, the affected residential properties would be narrowed to parts of:

- Westminster Way – 12 parcels on a 90 to 120-foot R-o-W width;
- N 155th Street – 2 parcels on a 117 to 187-foot R-o-W width;
- 15th Avenue NE – 7 parcels on a 60-foot R-o-W width;
- Ballinger Way NE – 5 parcels on a 80-foot R-o-W width; and
- NE 149th Street – 1 parcel on a 60-foot R-o-W width.

To weigh the extent of this exception, staff has also provided the next lower street classification for comparison - Minor Arterials. Although staff does not recommend including Minor Arterials into this exception, as their inclusion would further impact single family neighborhoods with zero-foot setback development, if *Minor Arterials* are included in addition to *Principal Arterials* and properties across from *Public Open Space*, the following additional residential properties would be affected:

- Dayton Avenue N – 16 parcels on a 90-foot R-o-W width;
- N 160th Street – 7 parcels on a 60-foot R-o-W width; and
- 8th Avenue NW – 1 parcel on a 60-foot R-o-W width.

A map of the affected residential properties for the Large Streets/Public Open Space Exceptions is attached to this staff report as Attachment F.

Staff recommends that Council move forward with the larger streets/public open space exceptions, but that the exception not include Minor Arterials, only Principal Arterials and properties across from Public Open Space Comprehensive Plan designations. The exception of *Principal Arterials* and single family zones with *Public Open Space* designations in Transition Areas further refines the code to allow fuller commercial development along streets that either have ample right-of-way width or are designed for greater traffic capacity, which is correlated and supportive of the City's economic development goals. If Council is interested in pursuing this exception to the code amendment, staff's recommended code language is the *Alternate Exhibit A* to Ordinance No. 682, which is attached to this staff report.

RESOURCE/FINANCIAL IMPACT

No financial impacts are anticipated.

RECOMMENDATION

Staff recommends that the Council adopt Ordinance No.682, with the Alternate Exhibit A.

ATTACHMENTS:

Attachment A – Public Hearing Notice

Attachment B – Planning Commission Transmittal Letter

Attachment C – Diagram Comparing Recommendation and Adoption

Attachment D – Proposed Ordinance No. 682

Attachment F – Map of Affected Residential Properties for Large Streets/Public Open Space Exceptions

Exhibit A – Amendment to Table 20.50.020(2)

Exhibit A *Alternate* – Alternate Amendment to Table 20.50.020(2)

AMENDED

The City of Shoreline Notice of Public Hearing of the Planning Commission

Description of Proposal: Proposed development code amendments to section 20.50.021.A. This section affects property that is commercially zoned (NB, CB, MB, or TC) when directly across the street from single family property zones (R-4, R-6, or R-8). In March 2013 the City Council changed the building setback from the street right-of-way (back of sidewalk) in this situation for commercial zone development from 15 feet to 0 feet. They have asked the Planning Commission to reconsider that new code provision on September 5 and October 3, 2013. September 5th will be a study session and the public hearing will be held on October 3rd. These meetings begin at 7 p.m. in the Council Chambers at City Hall. A SEPA Threshold Determination of Nonsignificance was issued on this proposal on October 3, 2012. You are notified if you want to attend these meetings to comment or send your comments to Paul Cohen, Project Manager, PC&D, 17500 Midvale Ave N. 98133 or email to pcohen@shorelinewa.gov or fax (206) 801-2788. For more information call Paul at (206) 801- 2551.

Written comments must be received at the address, email or fax listed above before **5:00 p.m. October 2, 2013**. Upon request, a copy of the final City Council decision on the proposal.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Thursday, October 3, 2013 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Questions or More Information: Please contact Paul Cohen, Planning & Community Development at (206) 801-2551.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.



Memorandum

DATE: October 30, 2013

TO: Shoreline City Council

FROM: Donna Moss, Shoreline Planning Commission Chair

RE: Commission Recommendation for Code Amendment to Commercial Zones for Front Setbacks in Transition Areas

The Planning Commission held a study session and a public hearing on an amendment to the Development Code regarding commercial zone transition area standards for building front setback. The Commission voted to recommend the attached development regulations.

The Commission concluded its public hearing on October 3, 2013 regarding Development Code regulations regarding transition zones (SMC 20.50.021.A) for front building setbacks for commercial zone development when a across R-o-Ws from R-4, R-6, or R-8 zones and forwarded the attached recommendations.

On March 18, 2013 the City Council gave staff direction to reconsider this code amendment to support Council Goal 1: Strengthen Shoreline's economic base-

1. Improve and streamline the City's development regulations for commercial zones

The Commission believes the Council's 0-foot building front setback adopted March 18, 2013 does not meet the applicable criteria set forth in the City's Code; and does not honor the three year review and adoption process for the Town Center Subarea Plan that included substantial participation and support by residents. The Town Center Subarea Plan adopted a 15-foot setback for front building setbacks for commercial zone development when a across R-o-Ws from R-4, R-6, or R-8 zones and should replace the adopted 0-foot setback.

A. Public Outreach Chronology

- June 20, 2012: Open house to kick-off the public process and receive input from Shoreline residents and commercial property owners on proposed changes to consolidate commercial zones using the core design standards of Town Center. Notice of this open house was published in the June 2012 Currents newsletter and

posted on the City webpage. Additionally, all commercial zoned properties and the surrounding 500 feet of residential properties were mailed a notice of this process.

- June 21, 2012: SE Shoreline Subarea – follow-up related to commercial development discussions in the subarea planning process.
- June 27, 2012: Chamber of Commerce Government Affairs Committee - representing Shoreline business interests
- September 5, 2012: Council of Neighborhoods – representing all neighborhood associations
- October 29, 2012: Commercial Developers focus group – sampling of area developers
- Group email list updates – people participating in the above meetings
- January 17, 2013: Planning Commission held a public hearing on commercial development standards and zone consolidation code amendments.
- March 18, 2013: City Council adopted commercial development standards and zone consolidation code amendments, changing the Commission's recommended 15-foot front setback to 0-feet in the development code standard for commercial zoned areas in transition areas across the street from low density residential property.
- April 22, 2013: City Council reconsidered their decision of their March 18th adoption of a 0-foot front building setback, and directed the Planning Commission to study and hold a public hearing.
- Staff mailed notice of this reconsidered amendment to all commercial zoned property and R-4, R-6, and R-8 zoned property when across a street R-o-W from each other.
- Staff mailed notice of this reconsidered amendment to all corresponding neighbors along Linden Avenue N. concerned with the Ronald Methodist Church development.
- Notice posted on the City webpage regarding this reconsidered amendment.
- September 5, 2013: Planning Commission held a study session regarding revision of the 0-foot setback.
- October 3, 2013: Planning Commission held a public hearing, and upheld their previous recommendation of a 15-foot setback.

B. Development Code Amendment Criteria – 20.30.350

SMC 20.30.350 establishes the following criteria for approval of a Development Code amendment:

1. *The amendment is in accordance with the Comprehensive Plan;*

The following 2012 Comprehensive Plan Land Use, Economic Development, and Community Design goals and policies provide guidance and support for building front setbacks.

Land Use

Goal LU V: Enhance the character, quality, and function of existing residential neighborhoods while accommodating anticipated growth.

Goal LU VI: Encourage pedestrian-scale design in commercial and mixed use areas.

Goal LU VII: Plan for commercial areas that serve the community, are attractive, and have long-term economic vitality.

Goal LU VIII: Encourage redevelopment of the Aurora corridor from a commercial strip to distinct centers with variety, activity, and interest.

Policy LU10: The Mixed Use 1 (MU1) designation encourages the development of walkable places with architectural interest that integrate a wide variety of retail, office, and service uses, along with form-based maximum density residential uses. Transition to adjacent single-family neighborhoods may be accomplished through appropriate design solutions. Limited manufacturing uses may be permitted under certain conditions.

Policy LU11: The Mixed Use 2 (MU2) designation is similar to the MU1 designation, except it is not intended to allow more intense uses, such as manufacturing and other uses that generate light, glare, noise or odor that may be incompatible with existing and proposed land uses. The Mixed Use 2 (MU2) designation applies to commercial areas not on the Aurora Avenue or Ballinger Way corridors, such as Ridgecrest, Briarcrest, Richmond Beach, and North City. This designation may provide retail, office, and service uses, and greater residential densities than are allowed in low density residential designations, and promotes pedestrian connections, transit, and amenities.

Community Design

Goal CD I: Promote community development and redevelopment that is aesthetically pleasing, functional, and consistent with the City's vision.

Policy CD2: Refine design standards so new projects enhance the livability and the aesthetic appeal of the community.

Policy CD4: Buffer the visual impact on residential areas of commercial, office, industrial, and institutional development.

Policy CD35: Encourage buildings to be sited at or near the public sidewalk.

Economic Development

Goal ED I: Maintain and improve the quality of life in the community by: Complementing community character; and maximizing opportunities along Bus Rapid Transit corridors and areas to be served by light rail.

Goal ED VII: Encourage multi-story buildings for efficient land use.

Policy ED1: Improve economic vitality by encouraging increased housing density around commercial districts, especially those served by high capacity rapid transit, to expand customer base; and developing design guidelines to enhance commercial areas with pedestrian amenities, and “protect and connect” adjacent residential areas.

Policy ED9: Promote land use and urban design that allows for smart growth and dense *nodes* of transit-supportive commercial activity to promote a self-sustaining local economy.

Policy ED12: Revitalize commercial business districts, and encourage high-density mixed-use in these areas.

These relevant Comprehensive Plan goals and policies could be viewed as both supporting and opposing the 0-foot setback as adopted by Council earlier this year.

The goals and policies speak of maximizing opportunities by increasing density in commercial districts especially those areas served by rapid transit. By maintaining the 0-foot setback, potentially more density could be accommodated in these areas. On the other hand, there are goals and policies that speak to maintaining, improving and protecting community character and adjacent residential areas.

There has been substantial community input to retain the 15-foot setback, and there is no analysis that shows how the size of a front setback in commercial zones improves pedestrian activity or feasibility for redevelopment to occur in Shoreline.

2. *The amendment will not adversely affect the public health, safety or general welfare;*

The amendment does not adversely affect the public health, safety or general welfare because it only amends the building setback standard when across the R-o-W from single family zones. The difference of a setback of 0 feet and 15 feet for commercial buildings on one side of the street separated by single family buildings on the other side of the street is the difference between 80 feet and 95 feet of total separation.

There has been substantial community input to retain the 15-foot setback, and there is no analysis that shows how the size of a front setback in commercial zones improves pedestrian activity or feasibility for redevelopment to occur in Shoreline.

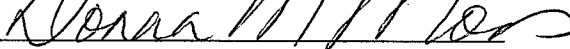
3. *The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.*

The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline because it only amends the building setback standard when across the R-o-W from single family zones. The difference of a setback of 0 feet and 15 feet for commercial buildings on one side of the street separated by single family buildings on the other side of the street is the difference between 80 feet and 95 feet of total separation.

Since there has been substantial community input to retain the 15-foot setback and there is no analysis that shows how the size of a front setback in commercial zones improves pedestrian activity or feasibility for redevelopment to occur in Shoreline.

The Shoreline Planning Commission reviewed the proposal in light of the criteria and concluded that the recommended 15-foot setback meets the criteria for amendment of the Development Code.

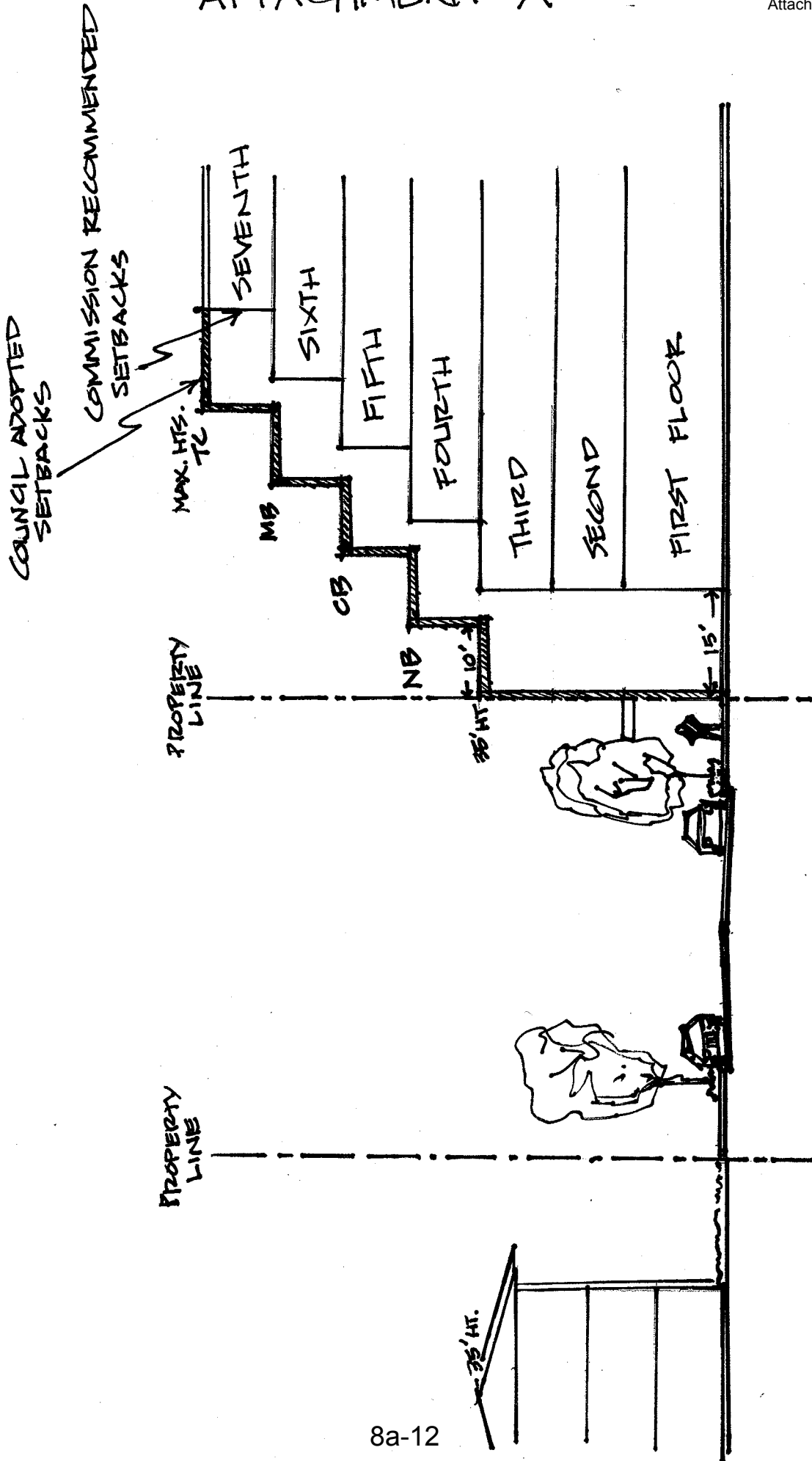
Date: 10/30/2013

By: 
Planning Commission Chair

ATTACHMENT A

Attachment C

COMPARISON OF P.C. RECOMMENDATIONS + C.C. ADOPTION



COMMERCIAL ZONE

60' R-0-W

R-4, R-6, or R-3 ZONE

ORDINANCE NO. 682**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
INCREASING SETBACKS FOR DEVELOPMENT IN COMMERCIAL
ZONE TRANSITION AREAS; AND AMENDING TABLE 20.50.020(2) OF
SHORELINE MUNICIPAL CODE**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70C RCW; and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its development regulations; and

WHEREAS, after a multi-year review process for the Town Center Plan, on March 18, 2013, the City Council adopted Ordinance No. 654 establishing Commercial Design Standards, including those set forth in Table 20.50.020(2); and

WHEREAS, Ordinance No. 654 adopted the Commercial Design Standards recommended by the City of Shoreline Planning Commission with one exception related to front yard setbacks for buildings in commercial zones when across the street from single-family residential zones, referred to as Transition Areas in SMC 20.50.021. The City Council elected to reduce the setback from 15 feet to 0 feet; and

WHEREAS, the environmental impacts of the amendment was previously considered during the City Council's adoption of Ordinance 654, resulting in the issuance of a Determination of Non-Significance (DNS) on October 3, 2012. Pursuant to WAC 197-11-600, the SEPA Responsible Official for the City of Shoreline adopts and incorporates by reference that DNS; and

WHEREAS, on April 22, 2013, the City Council reconsidered its decision to reduce the front yard setbacks and remanded the matter to the City of Shoreline Planning Commission for study, a public hearing, and a recommendation; and

WHEREAS, the City of Shoreline Planning Commission held a study session on September 5, 2013 to consider the amendment and received public testimony; and

WHEREAS, the City of Shoreline Planning Commission held a public hearing on October 3, 2013 to consider the amendment and received public testimony; and

WHEREAS, as in a letter dated October 30, 2013, the Planning Commission recommended that setbacks for commercial zone buildings in transition areas across rights-of-ways from R-4, R-6, and R-8 zones be a minimum of 15 feet; and

WHEREAS, on December 2, 2013, the City Council held a study session to consider the amendment; and

WHEREAS, on January 6, 2014 the City Council considered the entire public record, public comments, written and oral, and the Planning Commission’s recommendation; and

WHEREAS, the City provided public notice of the amendment and the public hearings as provided in SMC 20.30.070; and

WHEREAS, the City Council has determined that the amendment is consistent with and implements the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment. Title 20 of the Shoreline Municipal Code, Table 20.50.020(2) – Dimensions for Development in Commercial Zones, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON JANUARY 6, 2014

Mayor

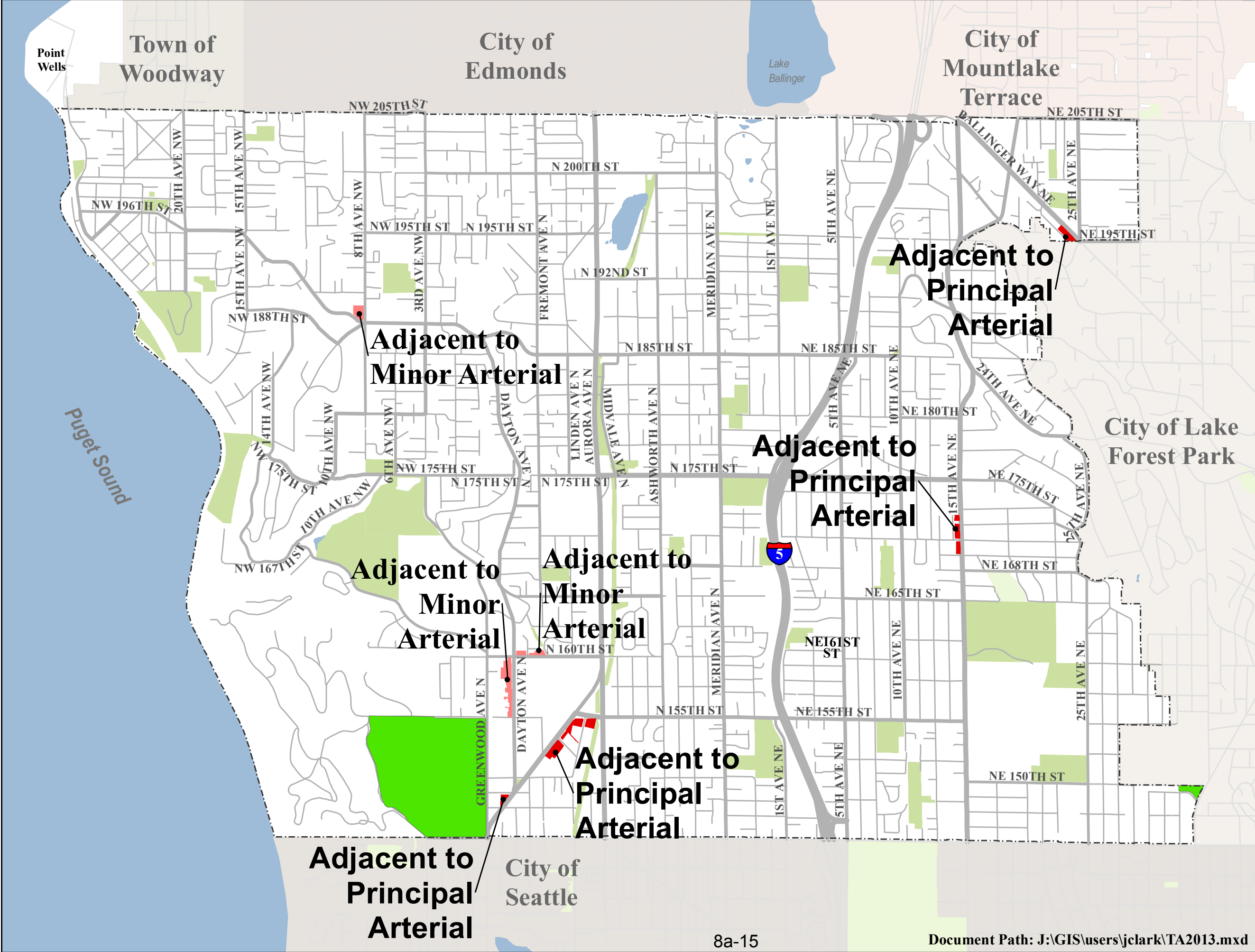
ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk


Ian Sievers
City Attorney

Date of Publication: , 2014
Effective Date: , 2014




Transition Areas


Principal Arterial

 Affected Residential Properties Along Principle Arterials.




Minor Arterial

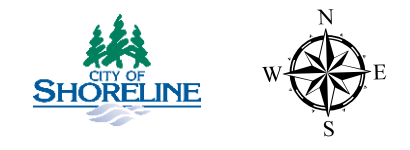
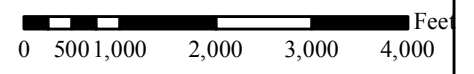
 Affected Residential Properties Along Minor Arterials

Open Space Parcel

 R-4, R-6, or R-8 Zoned Property that has a Comprehensive Plan Designation of Public Open Space.

Other Map Feature

-  City Boundary
-  Other City Park
-  City of Shoreline Park



Adjacent to Principal Arterial

Adjacent to Minor Arterial

Adjacent to Principal Arterial

Adjacent to Principal Arterial

Adjacent to Minor Arterial

Adjacent to Principal Arterial

ORDINANCE NO. 682 EXHIBIT A - Proposed Code Amendment

Table 20.50.020(2) – Dimensions for Development in Commercial Zones

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

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Front Yard Setback (Street) (1) (2) see Transition Area setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones	15 ft	15 ft	15 ft	15 ft
Base Height (23)	50 ft	60 ft	65 ft	70 ft
Hardscape	85%	85%	95%	95%

Exceptions to Table 20.50.020(2):

(1) Front yards may be used for outdoor display of vehicles to be sold or leased.

(2) Commercial zone front yard setbacks shall be a minimum of 15 feet when in Transition Areas (SMC 20.50.021.a) that are directly across rights-of-way from R-4, R-6, or R-8 zones.

(23) The following structures may be erected above the height limits in all commercial zones:

a. Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding. WTF provisions (SMC [20.40.600](#)) are not included in this exception.

b. Parapets, firewalls, and railings shall be limited to four feet in height.

c. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.

d. Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.

e. Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.

ORDINANCE NO. 682 EXHIBIT A – Alternate Proposed Code Amendment

Table 20.50.020(2) – Dimensions for Development in Commercial Zones

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

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Front Yard Setback (Street) (1) (2) see Transition Area setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones	15 ft	15 ft	15 ft	15 ft
Base Height (23)	50 ft	60 ft	65 ft	70 ft
Hardscape	85%	85%	95%	95%

Exceptions to Table 20.50.020(2):

(1) Front yards may be used for outdoor display of vehicles to be sold or leased.

(2) Front yard setbacks, when in Transition Areas (SMC 20.50.021.a) and across right-of-ways, shall be a minimum of 15 feet except on right-of-ways that are classified as Principal Arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.

(23) The following structures may be erected above the height limits in all commercial zones:

- a. Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding. WTF provisions (SMC [20.40.600](#)) are not included in this exception.
- b. Parapets, firewalls, and railings shall be limited to four feet in height.
- c. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.
- d. Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.
- e. Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.