

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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| AGENDA TITLE: | Adopting Ordinance No. 901 - Amending Certain Sections of the Shoreline Development Code to Provide for Commercial Space on the Ground Floor of Multifamily Buildings |
| DEPARTMENT: | Planning & Community Development |
| PRESENTED BY: | Steven Szafran, AICP, Senior Planner Cate Lee, AICP, Associate Planner |
| 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 City has experienced an increase in multifamily housing development in the last five years, especially in the North City Business District. While the City requires that the ground floor of new multi-family buildings in commercial and mixed-use zones be constructed to accommodate commercial uses, it does not require commercial uses in that space. This may have led to missed opportunities for commercial development and neighborhood serving commercial uses.

The Shoreline City Council discussed this topic at their annual Strategic Planning Workshop in February 2020. Subsequently on March 16, 2020, the Council directed staff to develop regulations around creating viable commercial spaces in new mixed-use and multifamily buildings. The Council outlined a two-phase approach where Phase 1 includes evaluating requirements for commercial uses in the North City and Ridgecrest neighborhoods. Phase 2 amendments will include other commercial and mixed-use zones in Town Center, Shoreline Place, and the 145th and 185th Light Rail Station Subareas. The proposed amendments being addressed tonight in proposed Ordinance No. 901 (Attachment A) address “Phase 1” of the Council’s two-phase approach.

On September 3rd, following the Planning Commission Public Hearing, the Planning Commission voted to recommend the ground floor commercial Development Code amendments as proposed in Exhibit A to Attachment A.

The City Council discussed proposed Ordinance No. 901 on September 21, 2020 and had comments and/or concerns on some of the amendments. Staff has reflected those comments/concerns in the Discussion section of this report. Tonight, Council is scheduled to adopt proposed Ordinance No. 901.

RESOURCE/FINANCIAL IMPACT:

If Council adopts proposed Ordinance No. 901, the new regulations may slow multifamily redevelopment while developers adjust to the new requirements. This slowdown will be reflected in reduced permit application fee revenue for the City related

to multifamily development. Once the commercial spaces required are filled with tenants this may lead to an increase in commercial tax base.

RECOMMENDATION

Staff recommends that the City Council adopt the Development Code amendments in Exhibit A to proposed Ordinance No. 901 as recommended by the Planning Commission. Staff further recommends that if Council wishes to amend the Planning Commission's recommended Development Code amendments, that Council use the proposed amendatory language in this staff report to make the amendments Council directed staff to prepare during, and subsequent to, the September 21, 2020 Council discussion of this item.

Approved By: City Manager ***DT*** City Attorney ***JA-T***

BACKGROUND

The City has experienced an increase in multifamily housing development in the last five years, especially in the North City Business District. While the City requires that the ground floor of new multi-family buildings in commercial and mixed-use zones be constructed to accommodate commercial uses, it does not require commercial uses in that space. This may have led to missed opportunities for commercial development and neighborhood serving commercial uses.

The Shoreline City Council discussed this topic at their annual Strategic Planning Workshop in February 2020. Subsequently on March 16, 2020, the Council directed staff to develop regulations around creating viable commercial spaces in new mixed-use and multifamily buildings. The Council outlined a two-phase approach where Phase 1 includes evaluating requirements for commercial uses in the North City and Ridgecrest neighborhoods. Phase 2 amendments will include other commercial and mixed-use zones in Town Center, Shoreline Place, and the 145th and 185th Light Rail Station Subareas.

Research conducted by staff in advance of the Council's Strategic Planning Workshop looked at the zoning codes of 21 jurisdictions in the Pacific Northwest for their ground floor commercial space requirements. An online survey was also conducted April 17 to May 17, 2020 to better understand community preferences and priorities regarding ground-floor commercial requirements. A summary of the results, and the full results, are available on the [project webpage](#) and were also presented to the Planning Commission on June 18, 2020. The survey results informed the proposed code amendments, while balancing the feedback from residents and the business community. More information on the background of these amendments are further detailed in staff reports, and their associated attachments, to the Planning Commission.

Planning Commission Review

The Planning Commission held two study sessions on this topic on June 18 and August 6, 2020, and a Public Hearing on September 3, 2020. Staff reports for these Planning Commission agenda items, along with the meeting minutes and public comments, can be found at the following links:

- June 18th:
<https://www.shorelinewa.gov/Home/Components/Calendar/Event/15496/182?toggle=allpast>.
- August 6th:
<https://www.shorelinewa.gov/Home/Components/Calendar/Event/15502/182?toggle=allpast>.
- September 3rd:
<https://www.shorelinewa.gov/Home/Components/Calendar/Event/15506/182?toggle=allpast>.

At the August 6th Planning Commission meeting, the Commission discussed excluding the following uses from eligibility in the required ground floor commercial spaces: vape/tobacco stores, marijuana uses, and adult use facilities, because the Commission believed these uses are not family-friendly. The Commission stated marijuana uses are

already over-saturating the North City neighborhood, which was reflected in the online public survey.

Given this direction, the draft code amendments presented to the Commission at the September 3rd Public Hearing excluded these uses. Prior to the September 3rd Public Hearing, a written public comment was received requesting the following additional uses be excluded: check-cashing businesses and pawnshops. At the September 3rd Public Hearing the Commission discussed adding these uses in the list of uses to be excluded from eligibility in the required ground floor commercial space. The Commission stated these uses do not contribute to place-making and are not family-friendly, as the reasons for exclusion.

On September 3rd, following the Public Hearing, the Planning Commission voted 7-0 to recommend the proposed ground floor commercial Development Code amendments as proposed in Exhibit A to proposed Ordinance No. 901, with a sub-motion for additional language to be added. The Planning Commission voted 6-1 to recommend excluding additional uses from eligibility in the ground floor commercial space (Check-Cashing Services, Payday Lending and Pawn Shop).

September 21, 2020 City Council Review

The City Council discussed the proposed Development Code amendments on September 21, 2020. 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/2020/staffreport092120-9a.pdf>.

The Council had comments and/or concerns on some of the amendments, specifically relating to excluding specific uses from eligibility in the required ground floor commercial spaces, and parking requirements. Email communications with Councilmember Roberts, subsequent to this Council meeting, also included other concerns, one of which staff has reflected in the Discussion section of this report below.

Tonight, Council is scheduled to discuss and adopt proposed Ordinance No. 901. If Council desires to amend the Planning Commission's recommendation, staff has provided the Council with proposed motion language.

DISCUSSION

Council identified questions and/or concerns on several of the amendments that may result in modifications by the City Council to the Planning Commission recommendation. Staff has included amendatory language for three proposed amendments. These amendments would:

1. Remove the limitation on certain commercial uses being allowed in the commercial spaces, which also means further defining these terms is not necessary;
2. Clarify that buildings subject to these standards are eligible for parking reductions; and

3. Clarify that if an amenity of a multifamily building, such as a fitness center, is also open to the general public, it is not included in the limitation that only 25 percent of the linear frontage can consist of facilities associated with the multifamily use.

Staff has provided Council the amendatory language for these amendments in the following section. The amendments are organized as follows:

- Development Code section;
- Justification; and
- Amendatory language.

1. Development Code Sections: 20.20.014 C definitions; 20.20.040 P definitions; 20.20.048 T definitions; and 20.40.465 Multifamily

Justification

At the September 21st Council Meeting, Mayor Hall raised concerns about excluding certain uses in the commercial space. Mayor Hall's concerns were based on the fact that the exact same use could locate next door in a commercial only building, that it may be difficult to fill these spaces initially, and vacant commercial storefronts are not desirable.

To address Mayor Hall's concerns, the proposed definitions of Check Cashing Services and Payday Lending, Pawnshop, and Tobacco/Vape Store would be deleted in their entirety. The exception language proposed for SMC 20.40.465(B), including the prohibition on residential dwellings in commercial spaces would be stricken because the ground floor residential restriction is also addressed at SMC 20.50.250 C 3.

Amendatory Motion

If Council would like to remove the limitation on certain commercial uses being allowed in the commercial spaces, a Council member would need to move to modify the Planning Commission's recommendation as follows:

I move to modify the Planning Commission's recommendation regarding the restriction of certain uses within the required commercial space by deleting the proposed definitions of "Check-Cashing Services and Payday Lending," "Pawnshop," "Tobacco/Vape Store"; and deleting the exception clause at the end of SMC 20.40.465(B) as well as the prohibition on residential dwelling units.

2. Development Code Section: 20.40.465 Multifamily

Justification

At the September 21st Council Meeting, Councilmember Roberts raised concerns about parking for the required commercial spaces. Councilmember Roberts suggested

clarifying that buildings subject to the proposed ground flood commercial standards are still eligible for parking reductions under SMC 20.50.400.

Amendatory Motion

If Council would like to clarify eligibility for parking reductions, a Council member would need to move to modify the Planning Commission's recommendation as follows:

I move to modify the Planning Commission's recommendation by adding a new sentence to proposed SMC 20.40.465(C) which reads: "Buildings subject to these standards are also eligible for the parking reductions available in SMC 20.50.400."

3. Development Code Section: 20.50.250(C) Building design – Ground Floor Commercial.

Justification

Councilmember Roberts expressed concerns via email with staff subsequent to the September 21st Council Meeting that some ground floor amenities such as fitness centers may actually be used by both the building's residents and the general public. Amending proposed SMC 20.50.250(C)(3) would clarify that spaces available to the general public are not to be included in the maximum 25 percent restriction of lineal frontage for residential uses.

Amendatory Motion

If Council would like to add the language clarifying that building amenities open to the public are not included in the 25 percent limitation on lineal frontage of residential uses, a Council member would need to move to modify the Planning Commission's recommendation as follows:

I move to modify the Planning Commission's recommendation to add a sentence to proposed SMC 20.50.250(C)(3) which reads: Amenities, such as fitness centers that offer memberships to the general public, shall not be included in the maximum 25 percent lineal frontage limitation."

Development Code Amendment Decision Criteria

In accordance with SMC 20.30.350.A, an amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

The Planning Commission makes a recommendation to the City Council, which is the final decision-maker on whether to approve or deny an amendment to the Development Code. The following are the Decision Criteria used to analyze a proposed amendment:

1. The amendment is in accordance with the Comprehensive Plan

Staff has determined that the proposed amendments are consistent with the following Comprehensive Plan Goals and Policies:

Goal LU I: Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods;

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

Goal ED II: Promote retail and office activity to diversify sources of revenue, and expand the employment base; and

ED7: Enhance existing neighborhood shopping and community nodes to support increased commercial activity, neighborhood identity, and walkability.

Staff Analysis: The proposed amendments will require commercial uses in the ground floor of Multifamily buildings in the North City and Ridgecrest neighborhoods. This requirement will enhance neighborhood shopping and promote retail and office activity.

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

The proposed amendment will not adversely affect the public health, safety, or general welfare of the residents of Shoreline. It will promote the general welfare by providing additional opportunities for commercial uses and employment in the neighborhoods.

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

The proposed amendments are not contrary to the best interest of the residents and property owners of the City of Shoreline. Community members that participated in the survey overwhelmingly expressed support for the requirement that commercial uses be provided on the ground floor of new multi-family buildings. These changes will support more active and vibrant neighborhoods, consistent with the goals of the Comprehensive Plan.

RESOURCE/FINANCIAL IMPACT

If Council adopts proposed Ordinance No. 901, the new regulations may slow multifamily redevelopment while developers adjust to the new requirements. This slowdown will be reflected in reduced permit application fee revenue for the City related

to multifamily development. Once the commercial spaces required are filled with tenants this may lead to an increase in commercial tax base.

RECOMMENDATION

Staff recommends that the City Council adopt the Development Code amendments in Exhibit A to proposed Ordinance No. 901 as recommended by the Planning Commission. Staff further recommends that if Council wishes to amend the Planning Commission's recommended Development Code amendments, that Council use the proposed amendatory language in this staff report to make the amendments Council directed staff to prepare during, and subsequent to, the September 21, 2020 Council discussion of this item.

ATTACHMENTS

Attachment A – Proposed Ordinance No. 901

Attachment A, Exhibit A – Proposed Development Code Amendments

ORDINANCE NO. 901

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL
CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, CHAPTERS
20.20, 20.40, AND 20.50.**

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, Chapter 36.70A RCW; and

WHEREAS, a privately-initiated comprehensive plan amendment was submitted for the 2020 Comprehensive Plan Docket requesting an amendment to the Land Use Element to include a policy requiring commercial uses within the City's commercial and mixed-use zoning districts; and

WHEREAS, the City Council determined that the Comprehensive Plan already contained goals and policies that would support implementation of a commercial use requirement and, therefore, directed Planning Staff to develop implementing development regulations applicable only to the non-residential zoning districts in the North City and Ridgecrest neighborhoods; and

WHEREAS, amendments are needed for SMC Chapters 20.20, 20.40, and 20.50 to implement Comprehensive Plan Goals and Policies Goals LU I, LU VII, and ED II and Policy ED 7 so as to facilitate the City Council's direction and ensure consistency between the City's Comprehensive Plan and development regulations as required by RCW 36.70A.040; and

WHEREAS, on June 18, 2020 and August 6, 2020, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on September 3, 2020, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments virtually via Zoom so as to receive public testimony; and

WHEREAS, at the conclusion of the public hearing, the City of Shoreline Planning Commission deliberated and recommended that the proposed Development Code amendments be forwarded to the City Council for approval; and

WHEREAS, on September 21, 2020, the City Council held a study session on the Planning Commission's recommended Development Code amendments virtually via Zoom; and

WHEREAS, the City Council has 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 proposed Development Code amendments and the public hearing as provided in SMC 20.30.070; 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 proposed Development Code amendments; and

WHEREAS, the environmental impacts of the proposed Development Code amendments resulted in the issuance of a Determination of Non-Significance (DNS) on July 9, 2020; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serve the purpose of the Unified Development Code as set forth in SMC 20.10.020;

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

Section 1. Amendment. Chapters 20.20, 20.40, and 20.50 of Title 20 of the Shoreline Municipal Code, Unified Development Code, are amended as set forth in Exhibit A to this Ordinance.

Section 2. Transmittal of Amendment to Washington State Department of Commerce. As required by RCW 36.70A.106, the Director of Planning and Community Development or designee shall transmit a complete and accurate copy of this Ordinance and Exhibit A to the Washington State Department of Commerce within ten (10) calendar days of the date of passage.

Section 3. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this Ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 4. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any person or situation.

Section 5. 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 OCTOBER 19, 2020.

Mayor Will Hall

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2020
Effective Date: , 2020

20.20.014 C definitions.

Check-Cashing Services and Payday Lending

Any person or entity engaged in the business of high interest short term lending, cashing checks, drafts, or money orders for a fee, service charge, or other consideration.

20.20.040 P definitions.

Pawnshop

Every person who takes or receives by way of pledge, pawn, or exchange goods, wares, or merchandise or any kind of personal property whatever, for the repayment of security of any money loaned thereon, or to loan money on deposit of personal property, or who makes a public display of any sign indicating that they have money to loan on personal property on deposit or pledge.

20.20.048 T definitions.

Tobacco/Vape Store

Any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, or tobacco paraphernalia; including electronic nicotine delivery systems and associated nicotine products provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells tobacco products or paraphernalia as an ancillary sale shall not be defined as a “tobacco/vape store.”

20.40.120 Residential uses.

Table 20.40.120 Residential Uses

| NAICS # | SPECIFIC LAND USE | R4-R6 | R8-R12 | R18-R48 | TC-4 | NB | CB | MB | TC-1, 2 & 3 |
|----------------------------|-------------------------|-------|--------|---------|------|-----|-----|-----|-------------|
| RESIDENTIAL GENERAL | | | | | | | | | |
| | Accessory Dwelling Unit | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |
| | Affordable Housing | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |
| | Apartment | | C | P | P | P | P | P | P |

| NAICS # | SPECIFIC LAND USE | R4-R6 | R8-R12 | R18-R48 | TC-4 | NB | CB | MB | TC-1, 2 & 3 |
|--------------------------|-------------------------------------|-------|----------|----------|----------|----------|------------|----------|-------------|
| | Home Occupation | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |
| | Manufactured Home | P-i | P-i | P-i | P-i | | | | |
| | Mobile Home Park | P-i | P-i | P-i | P-i | | | | |
| | <u>Multifamily</u> | | <u>C</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P-i</u> | <u>P</u> | <u>P</u> |
| | Single-Family Attached | P-i | P | P | P | P | | | |
| | Single-Family Detached | P | P | P | P | | | | |
| GROUP RESIDENCES | | | | | | | | | |
| | Adult Family Home | P | P | P | P | | | | |
| | Boarding House | C-i | C-i | P-i | P-i | P-i | P-i | P-i | P-i |
| | Residential Care Facility | C-i | C-i | P-i | P-i | | | | |
| 721310 | Dormitory | | C-i | P-i | P-i | P-i | P-i | P-i | P-i |
| TEMPORARY LODGING | | | | | | | | | |
| 721191 | Bed and Breakfasts | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |
| | Homeless Shelter | | | | | | P-i | P-i | P-i |
| 72111 | Hotel/Motel | | | | | | P | P | P |
| | Recreational Vehicle | P-i | P-i | P-i | P-i | P-i | P-i | P-i | |
| MISCELLANEOUS | | | | | | | | | |
| | Animals, Small, Keeping and Raising | P-i | P-i | P-i | P-i | P-i | P-i | P-i | P-i |

| | |
|----------------------------|---|
| P = Permitted Use | S = Special Use |
| C = Conditional Use | -i = Indexed Supplemental Criteria |

20.40.465 Multifamily

- A. Applicability. The criteria in this subsection apply only to the CB zoned properties shown in Figure 20.40.465(A) and supplement the standards in Chapter 20.50, Subchapter 4 Commercial and Multifamily Zone Design.



Figure 20.40.465(A) – Areas of required ground-floor commercial

- B. Commercial space shall be constructed on the portion of the building’s ground floor abutting a public right-of-way (ROW) in all multifamily buildings. Commercial space may be used for any use allowed in the CB zone in Table 20.40.130 – Nonresidential uses and Table 20.40.140 – Other uses, except Adult Use Facilities, Marijuana Operations - Retail and the following General Retail Trade/Services: Check Cashing Services and Payday Lending, Pawnshop, and

Tobacco/Vape Store. Residential dwelling units are not allowed in commercial spaces.

- C. In order to accommodate a range of tenants the required parking ratio for any ground floor commercial tenant space shall be 1 parking stall per 400 square feet of floor area. Square footage refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

- D. Available Incentives. All buildings subject to these indexed criteria are eligible for a height bonus. An additional eight (8) feet in height is granted through this bonus. The eight (8) feet is considered base height and shall be measured in accordance with SMC 20.50.050.

- E. Restaurant Ready are a preferred use in commercial spaces. Restaurant Ready spaces are constructed to accommodate a restaurant by including the following components:
 - 1. ADA compliant bathrooms (common facilities are acceptable);
 - 2. A central plumbing drain line;
 - 3. A grease interceptor; and
 - 4. A ventilation shaft for a commercial kitchen hood/exhaust.

- F. The following incentives are available when the ground floor commercial space is constructed to accommodate a restaurant:
 - 1. Height Bonus. An additional ten (10) feet in height is granted through this bonus. The ten (10) feet is considered base height and shall be measured in accordance with SMC 20.50.050.
 - 2. Hardscape Maximum Increase. An additional five percent (5%) of hardscape is granted through this bonus.

20.50.020 Dimensional requirements.

Table 20.50.020(3) – 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) (5) (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 and the MUR-70' zone | 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, MUR-35' and MUR-45' Zones | 15 ft | 15 ft | 15 ft | 15 ft |
| Base Height (3) | 50 ft | 60 ft <u>(6)</u> | 70 ft | 70 ft |
| Hardscape (4) | 85% | 85% <u>(7)</u> | 95% | 95% |

Exceptions to Table 20.50.020(3):

- (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 rights-of-way, shall be a minimum of 15 feet except on rights-of-way 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.*
- (3) *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 except as provided in subsection (3)(f) of these exceptions. 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. *Steeple, 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.*
 - f. *Base height may be exceeded by 15 feet for rooftop structures such as elevators, arbors, shelters, barbeque enclosures and other structures that provide open space amenities and their access.*
- (4) *Site hardscape shall not include the following:*
- a. *Areas of the site or roof covered by solar photovoltaic arrays or solar thermal collectors.*
 - b. *Intensive vegetative roofing systems.*
- (5) *The exact setback along 145th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.*
- (6) *Base height may be exceeded by 8 feet for properties that qualify for SMC 20.40.465(D) or 18 feet for properties that qualify under SMC 20.40.465(F)(1).*
- (7) *Maximum hardscape may be exceeded by an additional five percent (5%) for properties that qualify under SMC 20.40.465(F)(2).*

Subchapter 4.

Commercial and Multifamily Zone Design

20.50.220 Purpose.

The purpose of this subchapter is to establish design standards for all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB)

and town center (TC-1, 2 and 3), the MUR-35' and the MUR-45' zones for all uses except single-family attached and mixed single-family developments, the MUR-70' zone, and the R-8, R-12, R-18, R-24, R-48, PA 3 and TC-4 zones for all uses except single-family detached, attached and mixed single-family developments. Refer to SMC 20.50.120 when developing single-family attached and detached dwellings in the MUR-35' and MUR-45' zones. Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of this chapter. In the event of a conflict, the standards of this subchapter shall prevail.

20.50.225 Administrative design review.

Administrative design review approval under SMC 20.30.297 is required for all development applications that propose departures from the design standards in this subchapter or sign standards in Chapter 20.50 SMC, Subchapter 8.

20.50.230 Threshold – Required site improvements.

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3, and the MUR-70' zone. This subsection also applies in the following zoning districts except for the single-family attached use: MUR-35', MUR-45', PA 3, and R-8 through R-48. Full site improvement standards for signs, parking, lighting, and landscaping shall be required:

- A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or
- B. When aggregate building construction valuations for issued permits, within any cumulative five-year period, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.
- C. When a single-family land use is being converted to a commercial land use then full site improvements shall be required.

20.50.235 Site planning – Setbacks – Standards.

For developments consisting of three or more units located on a single parcel in the TC-4 zone, the R-8 through R-48 zones, and the MUR-35', MUR-45' and MUR-70' zones, the setback shall be 15 feet along any property line abutting R-4 or R-6 zones.

20.50.240 Site design.

A. Purpose.

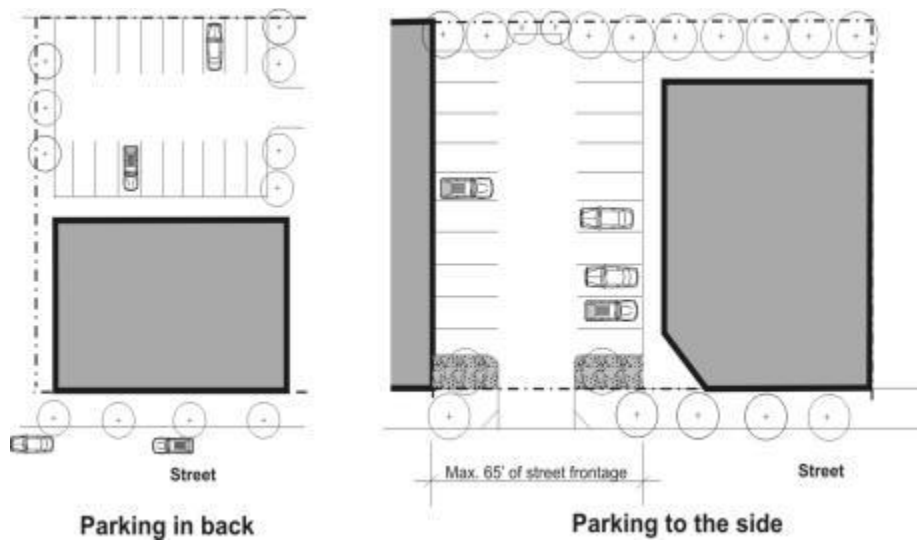
1. Promote and enhance public walking and gathering with attractive and connected development.
2. Promote distinctive design features at high visibility street corners.
3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.
4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for commercial development as expressed in the Comprehensive Plan.

B. Overlapping Standards. Site design standards for on-site landscaping, sidewalks, walkways, public access easements, public places, and open space may be overlapped if their separate, minimum dimensions and functions are not diminished.

C. Site Frontage.

1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45' and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:
 - a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks, except when the required minimum front yard setback is greater than zero (0) feet, in which case the building shall be placed at the minimum setback. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;
 - b. All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Reference dimensional Table 20.50.020(2) and exceptions;
 - c. For properties not subject to SMC 20.40.465, the Mminimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height, measured from finished floor to finished ceiling, and 20-foot depth and built to commercial building code. These spaces may be used for any permitted land use. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;
 - d. Minimum window area shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;

- e. A building’s primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;
- f. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;
- g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot-wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees;
- h. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC 20.50.470 for parking lot landscape standards;



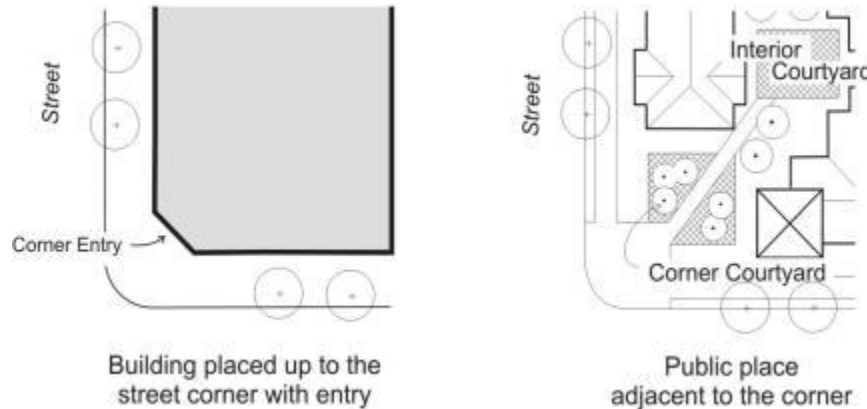
Parking Lot Locations Along Streets

- i. New development in MUR zones on 185th Street, 145th Street, and 5th Avenue NE between NE 145th Street and NE 148th Street shall provide all vehicular access from an existing, adjoining public side street or public/private alley. If new development is unable to gain access from an existing, adjoining public side street or public/private alley, an applicant may provide access from the adjacent right-of-way; and
- j. Garages and/or parking areas for new development on 185th Street shall be rear-loaded.

D. Corner Sites.

1. All building and parking structures located on street corners (except in MUR-35') shall include at least one of the following design treatments on both sides of the corner:

- a. Locate a building within 15 feet of the street corner. All such buildings shall comply with building corner standards in subsection (D)(2) of this section;
- b. Provide a public place at the corner leading directly to building entries;
- c. Install 20 feet of depth of Type II landscaping for the entire length of the required building frontage;
- d. Include a separate, pedestrian structure on the corner that provides weather protection or site entry. The structure may be used for signage.



Street Corner Sites

2. Corner buildings and parking structures using the option in subsection (D)(1)(a) of this section shall provide at least one of the elements listed below to 40 lineal feet of both sides from the corner:

- a. Twenty-foot beveled building corner with entry and 60 percent of the first floor in non-reflective glass (included within the 80 lineal feet of corner treatment).
- b. Distinctive facade (i.e., awnings, materials, offsets) and roofline designs beyond the minimum standards identified in SMC 20.50.250.
- c. Balconies for residential units on all floors above the ground floor.



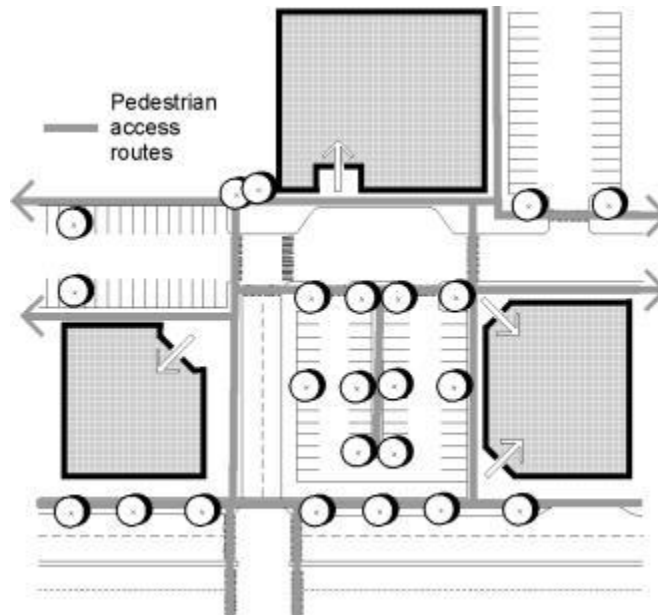
Building Corners

E. Internal Site Walkways.

1. Developments shall include internal walkways or pathways that connect building entries, public places, and parking areas with other nonmotorized facilities including adjacent street sidewalks and Interurban Trail where adjacent (except in the MUR-35' zone).

a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicles or raised six inches and be at least eight feet wide;

b. Continuous pedestrian walkways shall be provided along the front of all businesses and the entries of multiple commercial buildings;



Well-connected Walkways

c. Raised walkways at least eight feet wide shall be provided for every three, double-loaded aisles or every 200 feet of parking area width. Walkway crossings shall be raised a minimum three inches above drive surfaces;

- d. Walkways shall conform to the Americans with Disabilities Act (ADA);



Parking Lot Walkway

- e. Deciduous, street-rated trees, as required by the Shoreline Engineering Development Manual, shall be provided every 30 feet on average in grated tree pits if the walkway is eight feet wide or in planting beds if walkway is greater than eight feet wide. Pedestrian-scaled lighting shall be provided per subsection (H)(1)(b) of this section.

F. Public Places.

1. Public places are required for the commercial portions of development at a rate of four square feet of public place per 20 square feet of net commercial floor area up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.
2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.
3. Buildings shall border at least one side of the public place.
4. Eighty percent of the area shall provide surfaces for people to stand or sit.
5. No lineal dimension is less than six feet.
6. The following design elements are also required for public places:
 - a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;
 - b. Pedestrian access to abutting buildings;
 - c. Pedestrian-scaled lighting (subsection H of this section);
 - d. Seating and landscaping with solar access at least a portion of the day;
 - e. Not located adjacent to dumpsters or loading areas; and
 - f. Amenities such as public art, planters, fountains, interactive public amenities, hanging baskets, irrigation, decorative light fixtures, decorative

paving and walkway treatments, and other items that provide a pleasant pedestrian experience along arterial streets.

g. Accessible potable water and electrical power shall be supplied to a public facing portion of the exterior of high-capacity transit centers, stations and associated parking.



Public Places

G. Multifamily Open Space.

1. All multifamily development shall provide open space.
 - a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;
 - b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

- c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to service areas without full screening; and
- d. Open space shall provide seating that has solar access at least a portion of the day.



Multifamily Open Spaces

H. Outdoor Lighting.

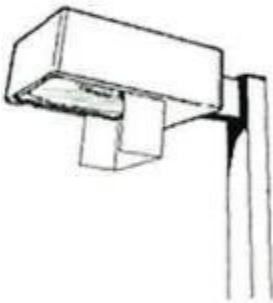
- 1. All publicly accessible areas on private property shall be illuminated as follows:
 - a. Minimum of one-half footcandle and maximum 25-foot pole height for vehicle areas;
 - b. One to two footcandles and maximum 15-foot pole height for pedestrian areas; and
 - c. Maximum of four footcandles for building entries with the fixtures placed below second floor.
- 2. All private fixtures shall be shielded to prevent direct light from entering neighboring property.
- 3. **Prohibited Lighting.** The following types of lighting are prohibited:
 - a. Mercury vapor luminaires.
 - b. Outdoor floodlighting by floodlight projection above the horizontal plane.
 - c. Search lights, laser source lights, or any similar high intensity light.

d. Any flashing, blinking, rotating or strobe light illumination device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel.

Exemptions:

1. Lighting required for emergency response by police, fire, or medical personnel (vehicle lights and accident/crime scene lighting).
2. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
3. Signs and sign lighting regulated by Chapter 20.50 SMC, Subchapter 8.
4. Holiday and event lighting (except for outdoor searchlights or strobes).
5. Sports and field lighting.
6. Lighting triggered by an automatic emergency or security alarm system.

DO THIS



External Shield

DON'T DO THIS



Unshielded
PAR Floodlights



Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures

I. Service Areas.

1. All developments shall provide a designated location for trash, composting, recycling storage and collection, and shipping containers. Such elements shall meet the following standards:
 - a. Located to minimize visual, noise, odor, and physical impacts to pedestrians and residents;
 - b. Paved with concrete and screened with materials or colors that match the building;

- c. Located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, nor require a hauling truck to project into public rights-of-way; and
- d. Refuse bins shall not be visible from the street.



Trash/Recycling Closure with Consistent Use of Materials and Landscape Screening

J. Utility and Mechanical Equipment.

- 1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.



Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment, shall be screened from view by integration with the building’s architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment strictly as a means of screening is not permitted.

20.50.250 Building design.

A. Purpose.

1. Emphasize quality building articulation, detailing, and durable materials.
2. Reduce the apparent scale of buildings and add visual interest for the pedestrian experience.
3. Facilitate design that is responsive to the commercial and retail attributes of existing and permitted uses.
4. Create an active and inviting space for pedestrians with visually interesting storefronts and seamless transitions between public rights-of-way and private space.

B. Building Articulation.

1. Commercial buildings fronting streets other than state routes shall include one of the two articulation features set forth in subsections (B)(2)(a) and (b) of this section facing a street, parking lot, or public place. Parking structure facades fronting public streets shall apply to this subsection only as material, color, texture, or opening modulations and not as offset modulations. Building facades less than 60 feet wide are exempt from this standard.



Building Facade Articulation

2. Commercial buildings fronting streets that are state routes shall include one of the two articulation features below no more than every 80 lineal feet facing a street, parking lot, or public place. Building facades less than 100 feet wide are exempt from this standard. Parking structure facades fronting public streets shall apply to this subsection only as material, color, texture, or opening modulations and not as offset modulations.

a. For the height of the building, each facade shall be offset at least two feet in depth and four feet in width, if combined with a change in siding materials. Otherwise, the facade offset shall be at least 10 feet deep and 15 feet wide.

b. Vertical piers at the ends of each facade section that project at least two inches from the facade and extend from the ground to the roofline.

3. Multifamily buildings or residential portions of a commercial building shall provide the following articulation features at least every 35 feet of facade facing a street, park, public place, or open space. Parking structure facades fronting public streets shall apply to this subsection only as material, color, texture, or opening modulations and not as offset modulations:

a. Vertical building modulation 18 inches deep and four feet wide, if combined with a change in color or building material. Otherwise, the minimum depth of modulation is 10 feet and the minimum width for each modulation is 15 feet. Balconies may be used to meet modulation; and

b. Distinctive ground or first floor facade, consistent articulation of middle floors, and a distinctive roofline or articulate on 35-foot intervals.



Multifamily Building Articulation



Multifamily Building Articulation

4. Rooflines shall be modulated at least every 120 feet by emphasizing dormers, chimneys, stepped roofs, gables, or prominent cornices or walls. Rooftop appurtenances may be considered a modulation. Modulation shall consist of a roofline elevation change of at least four feet every 50 feet of roofline.

5. Every 150 feet in building length along the streetfront shall have a minimum 30-foot-wide section that is offset by at least 20 feet through all floors.



Facade Widths Using a Combination of Facade Modulation, Articulation, and Window Design

6. Buildings shall recess or project individual windows above the ground floor at least two inches from the facade or use window trim at least four inches in width.



Window Trim Design

7. Weather protection of at least three feet deep by four feet wide is required over each secondary entry.



Covered Secondary Public Access

8. **Materials.**
 - a. Metal siding shall have visible corner moldings or trim and shall not extend lower than four feet above grade. Masonry, concrete, or other durable material shall be incorporated between the siding and the grade. Metal siding shall be factory finished with a matte, nonreflective surface.



Masonry or Concrete Near the Ground and Proper Trimming Around Windows and Corners

- b. Concrete blocks of a singular style, texture, or color shall not comprise more than 50 percent of a facade facing a street or public space.



- c. Stucco must be trimmed and sheltered from weather by roof overhangs or other methods and shall be limited to no more than 50 percent of facades containing an entry. Stucco shall not extend below two feet above the grade.



- d. The following exterior materials are prohibited:
 - i. Chain-link fencing that is not screened from public view. No razor or barbed material shall be allowed;
 - ii. Corrugated, fiberglass sheet products; and
 - iii. Plywood siding.

C. Ground Floor Commercial.

- 1. New buildings subject to SMC 20.40.465 shall comply with these provisions.
- 2. These requirements apply to the portion of the building's ground floor abutting a public right-of-way (ROW).
- 3. A minimum of 75 percent of the lineal frontage shall consist of commercial space. Up to 25 percent of the lineal frontage may consist of facilities associated with the multifamily use, such as lobbies, leasing offices, fitness centers and community rooms.
- 4. All ground-floor commercial spaces abutting a ROW shall be constructed at a minimum average depth of 30 feet, with no depth less than 20 feet, measured from the wall abutting the ROW frontage to the rear wall of the commercial space.

5. All ground-floor commercial spaces shall be constructed with a minimum floor-to-ceiling height of eighteen feet (18'), and a minimum clear height of fifteen feet (15').