

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Reconsideration on Transition Area Setback Amendment
DEPARTMENT: Planning & Community Development
PRESENTED BY: Paul Cohen, Planning Manager
Rachael Markle, AICP, Director

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| <input checked="" type="checkbox"/> Public Hearing | <input type="checkbox"/> Study Session | <input type="checkbox"/> Recommendation Only |
| <input type="checkbox"/> Discussion | <input type="checkbox"/> Update | <input type="checkbox"/> Other |

INTRODUCTION

The City Council adopted the commercial design standard amendments with Ordinance No. 654 on March 18, 2013. In that adoption, they moved and passed a different amendment to the Commission's recommendation as it specifically related to front setbacks of buildings in commercial zones when across the street from single family zones. The Council reduced the recommended setback from 15 feet to 0 feet. In light of the City's adoption of the Town Center code where the transition standard originated with substantial public input, the Council on April 22 reconsidered their decision by remanding only this provision to the Planning Commission for study, public hearing, and a recommendation (Attachment A). The Planning Commission held a study session meeting on September 5, 2013 to discuss the amendment.

BACKGROUND

The development of the Town Center Subarea and Development Code was an approximate three year public process. Toward the end of that process the proposal for the development and design standards was being discussed by the Planning Commission. At that time there was substantial discussion on the subject of transition area requirements where commercial development in the Town Center abutted or occurred across a street to single family zones. With that discussion there was substantial public comment by a few residents who would be directly affected by the proposed requirements. The Town Center adopted code language that required a 15 foot building setback from the right-of-way for development in Town Center when located across a street from R-4, R-6, and R-8 zones.

In early 2012 staff was directed to amend the Development Code to consolidate the commercial zoning, development and design standards based on the work completed for Town Center. In these amendments, the Planning Commission recommended that the building setback for all commercial development when across streets from R-4, R-6, and R-8 zones remained unchanged other than the inclusion of R-8 zones. At the Commission meetings in December 2012 and January 2013 there was discussion and public comment on this provision specifically regarding the Ronald United Methodist Church property. Aside from parking and affordable housing, public comment from advocates of affordable housing on that site requested a reduced street front setback in

the proposed requirements to accommodate more housing and less expensive construction costs. Minutes to those meetings can be linked to:

http://shoreview/portal/server.pt/document/1212043/120612_docx

http://shoreview/portal/server.pt/document/1212044/010313_docx

http://shoreview/portal/server.pt/document/1212084/011713_docx

In March 2013 the City Council discussed the Planning Commission recommendations and adopted the revised language to reduce those setbacks from 15 feet to 0 feet. The general discussion around the revision cited: the adequacy of bulk and scale standards to protect R-4-R-8 properties across right of ways; the need for more affordable housing; development potential in general for Shoreline's commercial districts; and a visual preference for having buildings abutting sidewalks in commercial areas. The minutes discussing this issue can be linked to

http://shoreline.granicus.com/MinutesViewer.php?view_id=4&clip_id=459. In response to the substantial public comment to the revised code amendment, the Council met April 22 to reconsider that decision and decided to remand this provision to the Planning Commission before reconsidering their adoption. The minutes discussing the reconsideration can be linked to

http://shoreline.granicus.com/MinutesViewer.php?view_id=4&clip_id=464.

PROPOSAL & ANALYSIS

The Planning Commission recommended the following provision under SMC 20.50.021.A.

From abutting property, a 35-foot maximum building height at the required setback, a building envelope under 35 feet of height for an additional 30 feet of property depth, and a two to one horizontal to vertical slope up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height at the required 15-foot setback, a building envelope under 35 feet of height for an additional 10 feet of property depth, and a one to one horizontal to vertical slope up to the maximum height of the zone. Parking garages facing Transition Areas with abutting property shall be entirely walled without openings.

The City Council adopted the following provision under SMC 20.50.021.A in Ordinance No. 654.

From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.

Commercial Zones

STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
Min. Front Yard Setback (Street) (1) (see Transition Area setback, SMC20.50.021)	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 (2)	50 ft	60 ft	65 ft	70 ft
Hardscape	85%	85%	95%	95%

See Attachment B to compare a cross-section of the two provisions. The impact from the Council’s revision allows for 15 feet by the width of the property by three stories more development potential. Building separation from single family zones across the street in comparison to single family abutting commercial zones is 80 feet (60-foot R-o-W plus 20-foot single family front yard setback requirement) with 35 feet (20-foot commercial setback plus 15-foot single family rear yard setback).

Criteria for Amending the Development Code

Neither of these provisions is in conflict with the following criteria in SMC 20.30.350 for amendment to the Development Code.

A. Purpose. An amendment to the Development Code (and where applicable amendment of the zoning map) 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.

B. Decision Criteria. The City Council may approve or approve with modifications a proposal for the text of the Land Use Code if:

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 maintaining the adopted 0-foot building front setback.

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.

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.

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.

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

- 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. In comparison, the separation of buildings when commercial property is abutting single family property is 35 feet.

The potential increase of dwelling density through building bulk limits improve the viability of these commercial zones and districts while protecting the adjacent residential neighborhoods. More viable commercial districts can become an amenity that can serve the neighborhoods.

- 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. In comparison, the separation of buildings when commercial property is abutting single family property is 35 feet.

The potential increase of dwelling density through building bulk limits is to improve the viability of these commercial zones and districts while protecting the adjacent residential neighborhoods. More viable commercial districts can become an amenity that can serve the neighborhoods.

PROCEDURE

These Planning Commission meetings and hearing were publically noticed in the Seattle Times, and listed in the City's website. As a courtesy, a notice was sent August 17th to all property owners that are zoned either commercially or R-4, R-6, and R-8 and located directly across a street from each other (Attachment C). The State Department of Commerce was notified August 8, 2013 of the possible amendment.

SEPA review for this action was completed with prior consideration of this amendment in 2012.

RECOMMENDATION

Staff recommends that the Planning Commission hold a public hearing and make a recommendation (Attachment D) that supports the Council's adoption of a 0-foot front setback for all commercial zoned development when across the street from R-4, R-6, or R-8 zones.

This is supported by Council Goal 1: Strengthen Shoreline's economic base and associated action step 2 to "implement efforts to make the permit process predictable, timely and competitive". To allow more development potential will help make the permit process more competitive while not substantially decreasing the overall separation of buildings on both sides of a transition area.

The goals and policies of the Comprehensive Plan relate both to maximizing development in commercial zones especially those served by rapid transit and relate to maintaining, improving and protecting residential areas adjacent to commercial areas. The impact of allowing for a 0-foot setback across a Right of Way from properties zoned Residential 4 to 8 units per acre is more than just 15 feet when it is diminished by the required frontage improvements (street trees), commercial design standards (façade, plazas), and an 80-foot separation of buildings across a Right-of-Way.

ATTACHMENTS

Attachment A – Council April 22 Reconsideration Staff Report

Attachment B – Diagram Comparing the 2 Provisions

Attachment C – Notice of Public Hearing

Attachment D – Draft Commission Recommendation Letter (to be modified based on Commission discussion on October 3)