



## **Memorandum**

**DATE:** April 19, 2007

**TO:** Planning Commission

**FROM:** Steve Cohn, Senior Planner  
Steve Szafran, Planner II

**RE:** Continued public hearing on returning development code amendments #9, #13 and #14

At the March 15, 2007 public hearing, the Planning Commission identified four items to be reviewed at an April 19 continued public hearing: proposed development code amendments #9 and #13-15. Staff has reviewed these items and offers the following recommendations:

1. Adopt Amendment #9, as modified.
2. Consider whether Amendments #13 and 14 should include additional language that was developed by staff. Staff is not recommending these modifications be added, but offers them for consideration if the Commission wants to move in that direction.
3. Item #15 is undergoing additional staff review and will be withdrawn from this package of amendments. It will be brought back at a future date.

**Amendment # 9: 20.50.020(2) Density and Dimensions.** The March 15 proposal would modify the code to permit greater residential density in CB zones on and near Aurora Avenue. When proposing the amendment, staff looked at the comprehensive plan and identified several parcels that would potentially be affected (**Attachment 1**, parcels designated as CB or MU with a potential for CB zoning). However, in response to the Commission's question at the last meeting, staff focused on existing zoning (**Attachment 2**) and found only two parcels that would be immediately impacted by the proposed code change: the James Alan Salon site and the Fire Station.

Since the original proposal would only immediately affect two parcels, staff has reconsidered the scope of the amendment and evaluated its applicability in other parts of Shoreline. The revised amendment (**Attachment 3**) expands the number of parcels that would be affected by this amendment. The proposal would affect all CB zoned parcels within 1,300 feet of Aurora Avenue and Ballinger Way. Staff is proposing this change for several reasons:

## Agenda Item 7.1

1. 1,300 feet, or a 15 minute mile walk time, is a standard measurement for a maximum walk time to get to a specific destination.
2. Ballinger Way and Aurora Avenue are Principal Arterials and handle high levels of traffic. Several busses serve Ballinger and Aurora and would provide convenient alternative modes of transportation.
3. There are many parcels along Aurora and Ballinger that have a potential for CB zoning. Most of these parcels are topographically separated from, or not adjacent to, single family areas.

**Amendment # 13: 20.50.420 Vehicle Access and Circulation Standards.** The Planning Commission requested historical information regarding the establishment of a 5-foot setback requirement for driveways. The Commission also asked for Council's discussion on the item prior to remanding it to the Commission for further study. Please see **Attachment 4** for further analysis.

**Amendment #14: 20.70.030(C) (3) (1) Required Improvements.** The Planning Commission was concerned that this code amendment would create the possibility for developers to circumvent required improvements. Please see **Attachment 5** for further analysis.

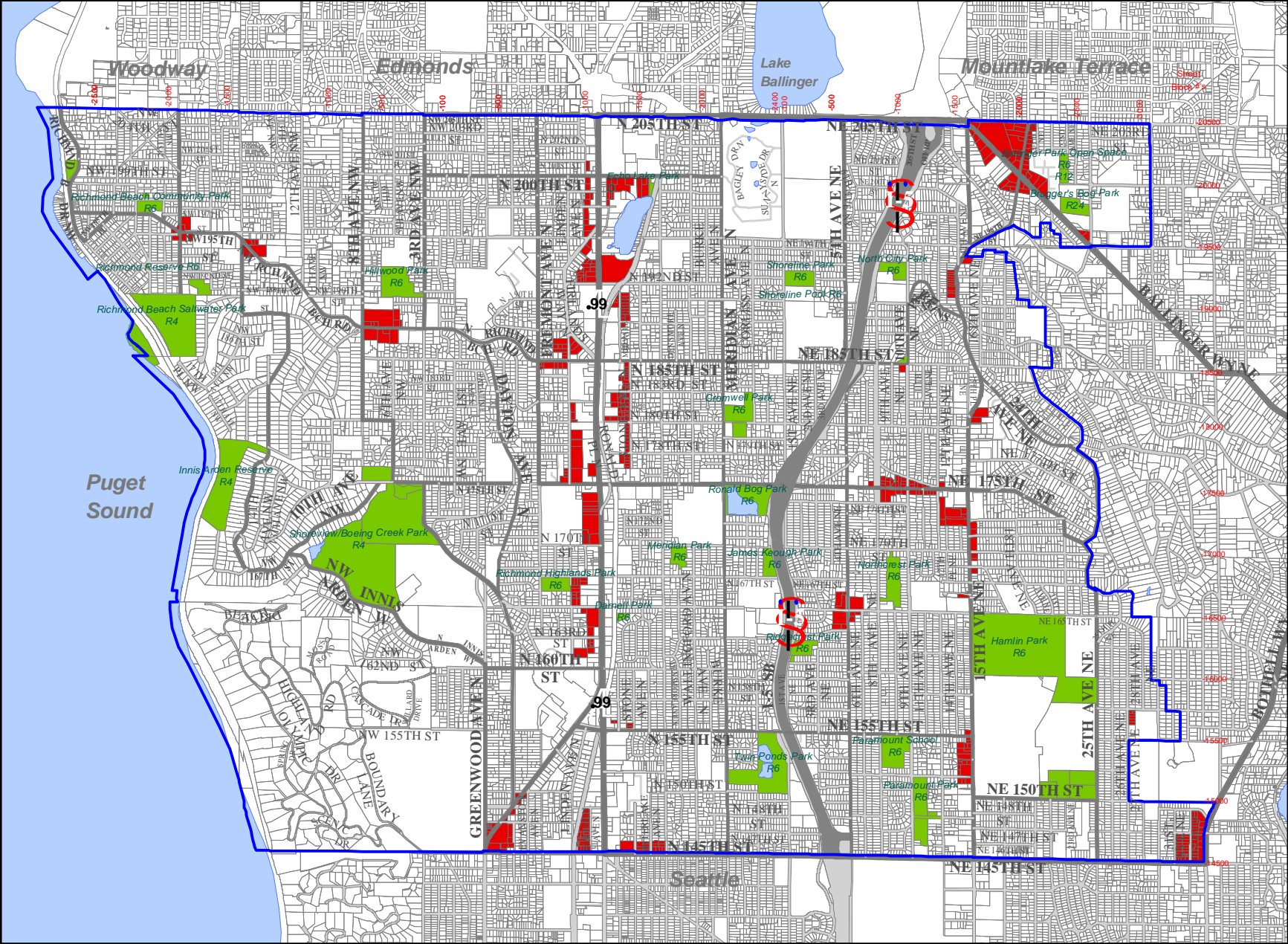
**Amendment #15: 20.80.230 Required Buffer Areas.** This amendment was withdrawn from the March 15 Planning Commission agenda by the City Attorney for language clarification. Staff continues to refine the proposal and will bring it back for review at a future date.

If you have questions about these revised amendments or amendments already considered at the March 15, 2007 meeting, contact Steve Szafran at 206-546-0786

### Attachments:

1. Parcels with CB zoning potential
2. Parcels with existing CB zoning
3. Amendment #9 proposed language
4. Amendment #13 proposed language and background information
5. Amendment #14 proposed language and background information

# Item 7.1 - Attachment 1



**SHORELINE**  
Geographic Information System

**ZONING**  
**Potential**  
**Community Business**

**Zoning Designation**  
**Other Map Features**

- Potential Community Business
- City Boundary
- Open Water
- Park
- Tax Parcel Boundary
- Unclassified Right of Way
- Interstate
- State Route
- Principal Arterial
- Minor Arterial
- Collector Arterial
- Residential Street

1 inch equals 3,075 feet

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

**CITY OF SHORELINE**

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Updated: 3/2/2007



# SHORELINE

Geographic Information System

## ZONING Community Business

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

Shows amendments through  
April 3, 2007.

### Zoning Designation

CB; Community Business

### Other Map Features

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

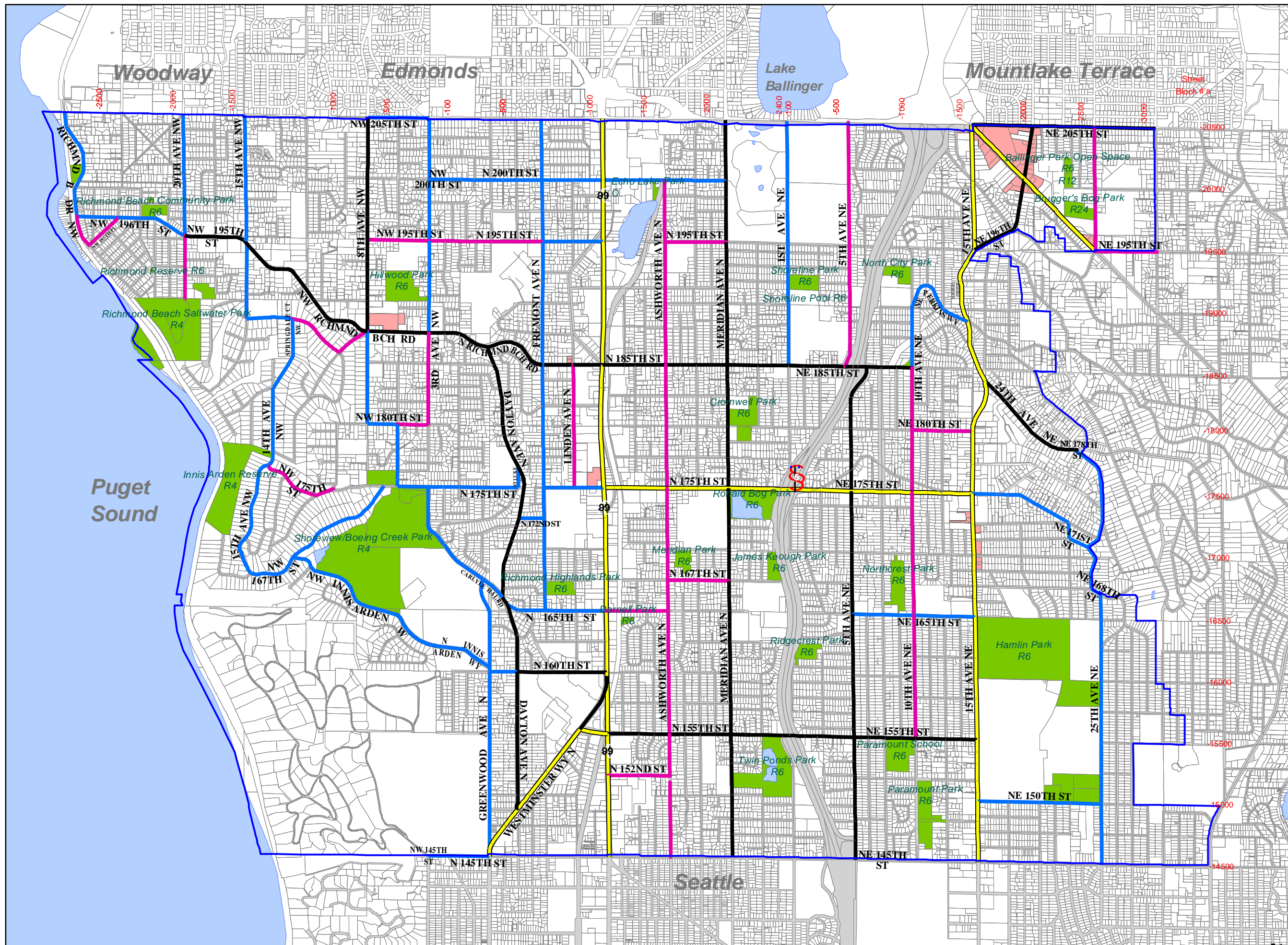
1 inch equals 1,986 feet

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Item 7.1 - Attachment 3

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

<b>STANDARDS</b>	<b>Neighborhood Business (NB) and Office (O) Zones</b>	<b>Community Business (CB) Zone</b>	<b>Regional Business (RB) and Industrial (I) Zones</b>
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac <u>(1)</u>	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height <del>(1)</del> (2)	35 ft	60 ft	65 ft <del>(2)</del> (3)
Maximum Impervious Surface	85%	85%	95%

Exceptions to Table 20.50.020(2):

(1) For all parcels zoned CB within 1300 feet of Aurora Avenue or Ballinger Way, there is no residential density limit. Development is subject to all other requirements of the Shoreline Development Code.

~~(1)~~ (2) See Exception 20.50.230(3) for an explanation of height bonus for mixed-use development in NB and O zones.

~~(2)~~(3) For all portions of a building in the I zone abutting R-4 and R-6 zones, the maximum height allowed at the yard setback line shall be 35 feet, 50-foot height allowed with additional upper floor setback (transition line setback) of 10 feet. To 65 feet with additional upper floor setback (transition line setback) of 10 feet after 50-foot height limit. Unenclosed balconies on the building are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.

**Amendment #13: 20.50.420 Vehicle Access and Circulation Standards**

**20.50.420 Vehicle access and circulation – Standards.**

- A. Driveways providing ingress and egress between off-street parking areas and abutting streets shall be designed, located, and constructed in accordance with the adopted engineering manual.
- ~~B. Access for single family detached, single family attached, and multifamily uses is not allowed in the required yard setbacks (see Exceptions 20.50.080(A)(1) and 20.50.130(1)).~~
- ~~C. Driveways for single family detached dwellings, single family attached, and multifamily uses may cross required yard setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 15 percent of the required landscaping or yard setback area is displaced by the driveway.~~
- ~~D.~~B. Driveways for non-single family residential development may cross required setbacks or landscaped areas in order to provide access between the off-street parking areas and the street, provided no more than 10 percent of the required landscaping is displaced by the driveway.
- ~~E.~~C. Direct access from the street right-of-way to off-street parking areas shall be subject to the requirements of Chapter 20.60 SMC, Adequate Public Facilities.
- ~~F.~~D. No dead-end alley may provide access to more than eight required off-street parking spaces.
- ~~G.~~E. Businesses with drive-through windows shall provide stacking space to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas. Stacking spaces for drive-through or drive-in uses may not be counted as required parking spaces.
- ~~H.~~F. A stacking space shall be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.

I.G. Uses providing drive-up or drive-through services shall provide vehicle stacking spaces as follows:

1. For each drive-up window of a bank/financial institution, business service, or other drive-through use not listed, a minimum of five stacking spaces shall be provided.
2. For each service window of a drive-through restaurant, a minimum of seven stacking spaces shall be provided.

J.H. Alleys shall be used for loading and vehicle access to parking wherever practicable. (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 6(B-4), 2000).

**Staff analysis:**

The Commission asked for historical context about the 5' setback requirement for driveways since staff is proposing its removal only a few years after it was enacted. Also, the Commission requested a summary of the Council discussion that resulted in a remand for additional consideration.

History: 20.50.420B & C were adopted in March 2002.

The code amendment was proposed by staff to clarify where access for all development is allowed in relation to the required yard setbacks and landscaping requirements. At the time, staff was responding to many questions regarding where access is allowed. Specifically, an issue arose when an applicant for multi-family project (on a lot zoned for multi-family) which was adjacent to a lot zoned single-family, proposed a driveway next to the property line. Because the definition of a "yard" and "yard setback" specified the setback may only be occupied by landscaping, the proposal was denied. The amendment was intended to clarify that an access road is not an acceptable use of a yard setback except in the case of a driveway as proposed. The bulk of the Commission's discussion didn't deal with the 5' setback; rather, it focused on the question of the maximum area for a side yard displacement.

Recent Council discussion of this issue included the following observations:

1. Adjacent property could be impacted
2. General statement that the setback should be required
3. Can't variances be used instead?
4. The amendment affects the housing stock in Shoreline and growth management goals
5. City doesn't want neighbors to have veto power over projects.

It seems the amendments were established not to create the 5' setback but rather to clarify when a driveway could be in the setback. If the new amendment to eliminate the two sections is approved, it appears the definition of yard\*\* would prevail which would prevent anything other than vegetation to be in the setback

area. Therefore, if we want to get to the point where a driveway does not have to be set back from the property line we must also amend the definition of yard.

If the Commission believes that a driveway on the property line creates too much of a negative impact on adjacent properties, *staff proposes the following option*: modify section B as follows and eliminate section C:

- B. Access for single family detached, single family attached and multi family uses is not allowed in the required yard setbacks **unless a solid fence at least 6' high is located between the access and the property line wherever the access is within the required yard setback.**

\*\* Definition of “yard”: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except by vegetation and except as may be specifically provided in the Code.



**Amendment #14: 20.70.030(D)(3)(i) Required Improvements**

20.70.030. Required improvements.

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

A. Street improvements shall, as a minimum, include half of all streets abutting the property. Additional improvements may be required to insure safe movement of traffic, including pedestrians, bicycles, nonmotorized vehicles, and other modes of travel. This may include tapering of centerline improvements into the other half of the street, traffic signalization, channeling, etc.

B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.

C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.

D. The provisions of the engineering chapter shall apply to:

1. All new multifamily, nonresidential, and mixed-use construction;
2. Remodeling or additions to multifamily, nonresidential, and mixed-use buildings or conversions to these uses that increase floor area by 20 percent or greater, or any alterations or repairs which exceed 50 percent of the value of the previously existing structure;
3. Subdivisions;  
Exception:
  - i. Subdivisions, short plats, and binding site plans where all of the lots are fully developed.
4. Single-family, new constructions, additions and remodels.

Exception:

- i. Single-family addition and remodel projects where the value of the project does not exceed 50 percent or more of the assessed valuation of the property at the time of application may be exempted from some or all of the provisions of this chapter.
- ii. New single-family construction of a single house may be exempted from some or all of the provisions of this chapter, except sidewalks and necessary drainage facilities.

E. Exemptions to some or all of these requirements may be allowed if:

1. The street will be improved as a whole through a Local Improvement District (LID) or City-financed project scheduled to be completed within five years of approval. In such a case, a contribution may be made and calculated based on the improvements that would be required of the development. Contributed funds shall be directed to the City's capital project fund and shall be used for the capital project and offset future assessments on the property resulting from a LID. A LID "no-protest" commitment shall also be recorded. Adequate interim levels of improvements for public safety shall be required.

2. A payment in-lieu-of construction of required frontage improvements including curb, gutter, and sidewalk may be allowed to replace these improvements for single-family developments located on local streets if the development does not abut or provide connections to existing or planned frontage improvements, schools, parks, bus stops, shopping, or large places of employment, provided:

a. The Director and the applicant agree that a payment in-lieu-of construction is appropriate;

b. The Director and the applicant agree on the amount of the in-lieu-of payment and the capital project to which the payment shall be applied. Priority shall be given to capital projects in the vicinity of the proposed development, and the fund shall be used for pedestrian improvements;

c. Adequate drainage control is maintained;

d. At least one of the following conditions exists. The required improvements:

i. Would not be of sufficient length for reasonable use;

ii. Would conflict with existing public facilities or a planned public capital project; or

iii. Would negatively impact critical areas; and

e. An agreement to pay the required fee in-lieu-of constructing frontage improvements shall be signed prior to permit issuance. The fee shall be remitted to the City prior to final approval or occupancy. The amount of the required payment shall be calculated based on the construction costs of the improvements that would be required. (Ord. 303 § 1, 2002; Ord. 238 Ch. VII § 1(C), 2000).

**Staff analysis:**

The Planning Commission asked whether this amendment might create a loophole developers could use to circumvent required improvements. Staff believes that no loophole is created because all of the other triggers remain in effect.

All multifamily, commercial and mixed use development, whether new or a remodel/addition (if certain thresholds are crossed) and all single-family new construction or additions (with some exceptions) are subject to providing required improvements. The theoretical case where condos are built then subdivided later has

no loophole to exploit because the requirement for improvements is triggered by the initial condo development and will have already been done when the plat application comes in. If the developer builds driveways and private streets to avoid certain improvement and then applies to subdivide with the driveways and private streets becoming dedicated public streets, the rule that all dedications must be brought up to public standards would trigger the need for the improvements that were initially avoided.

If the Commission is concerned that current regulations might not cover all contingencies, *staff proposes* the following idea for Commission consideration: move the amendment to subsection 3 under 20.70.030E and with the following added language:

3. Subdivisions, short plats, and binding site plans where all of the lots are fully developed **with at least one dwelling unit or habitable structure on every lot** shall be exempt from all of the requirements of this section.