
Planning Commission Meeting Date: October 1, 2009

**PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON**

APPLICATION NUMBER: 301605

AGENDA TITLE: Continued Public Hearing on revising Regional Business Regulations

PRESENTED BY: Joseph W. Tovar, FAICP, Director PDS
Steven M. Cohn, Senior Planner

The next meeting will be a continuation of the public hearing on the Regional Business regulations. The hearing began on September 17, 2009.

At your last meeting, the Commissioners did not close the public hearing, but kept the hearing open so that staff and the Commissioners might respond to the testimony and have time to consider the September 17 discussion. It is the Commission's intent that the hearing be open to 1) members of the public who did not offer testimony on September 17 and 2) for those who testified to have an opportunity to offer additional testimony on staff modifications of its earlier proposal.

Staff modifications of earlier proposal

Following the September 17 hearing, the Commission discussed several of the major concepts in staff's proposal and offered additional ideas for staff to consider. From that discussion, staff has identified the following areas for discussion; the Commissioners may decide to discuss other ideas as well at the October 1 meeting:

1. The number of zoning districts and their names;
2. The type of public amenities provided as a tradeoff for increased height or density;
3. Proportionality for the amount of space in the public realm that is provided;
4. Provision for ground floor commercial space;
5. How to deal with underground/underbuilding parking requirement;
6. Other issues including base height, design review, neighborhood meetings, and encouraging jobs in mixed use areas.

Staff will address these issues individually:

The number of zoning districts and their names

After the discussion at the last meeting about the name, staff will not change its recommendation to create two new mixed use zoning districts, one of lesser intensity and one of greater intensity. Understanding the Commissioners' concerns about nomenclature, staff suggests a modified name for the zoning district with greater intensity—we would propose to call that district "General Mixed Use". Staff proposes that the lesser intensity district is named "Neighborhood Mixed Use".

During the meeting, it was suggested that "Mixed Use" is not an appropriate term because that phrase suggests that the city is only encouraging vertical mixed use buildings. Staff does not agree, and believes that "Mixed Use" is not a limiting term, and applies to horizontal mixed use as well; that is, commercial and residential buildings located adjacent to each other in this district. The distinction staff wants to draw is one that suggests that a zoning district is solely commercial or solely residential.

The type of public amenities provided as a tradeoff for increased height or density

Near the end of your last meeting, there was discussion about requirements of additional public amenities as a tradeoff for additional height or density.

In evaluating the merits of this idea, the Commission should consider that the current RB zone permits 65 foot heights and has no bulk or FAR requirements. Conceivably a developer could develop to about 5.5 FAR currently without additional conditions. Staff's proposal is an attempt to provide both a carrot and a stick—a carrot in that additional housing density would be permitted, but only if certain standards are met, standards that include: provision of public open space, green building and the encouragement of commercial uses in residential buildings.

Staff discussed the question of whether there should be a requirement for "green" open space in the more intense commercial areas of Shoreline and for gathering spaces; that is, plazas or covered areas in the more neighborhood oriented areas. After discussion, staff concluded that we did not want to make a distinction, and by using the term "open space in the public realm", we would let the market decide what form the open space should take.

Proportionality for the amount of space in the public realm that is provided

Staff agrees that there should be some proportionality for the amount of public space required—that is, a larger building should have more public space a smaller building. Staff suggests the following: Provide open space at a rate of 1000 feet per 1.0 FAR of building. That would mean that if there is an office building of 20,000 square feet on an acre (approximately .5 FAR), there would be a requirement from 500 feet of public open space. If the building is 100,000 square feet on an acre (approximately 2.5 FAR), the requirement would be for 2500 square feet.

In addition, the staff revised recommendation is for 80% of the public space to be contiguous, with a maximum requirement of 1600 square feet as a contiguous piece

(the balance of the requirement has to be provided, but not necessarily in a contiguous piece).

Provision for ground floor retail space

Staff's modified proposal is that, if a developer wants to build at a density greater than 48 dwellings/acre in GMU and NMU zones, the ground floor of buildings facing an arterial would need to be designed to accommodate commercial uses.

Requirements for underground/underbuilding parking

In discussions with the Commission, there was general agreement that market forces would result in some amount of underground or underbuilding parking if the building is large enough. The question that arises then is, "Does Shoreline want to require that a specific percentage of parking be placed underground or underbuilding?"

Staff's recommendation is to not attempt to define a minimum amount of parking to be placed underground or underbuilding. Instead staff recommends that a focus be placed on what the Commission wants –such as public open space and parking that is screened from public view. Staff has added a standard in 20.50.470 that would require screening of parking areas.

Other issues

Base Height Limit

Staff is currently suggesting a base height limit of 35 feet (for a purely residential building) and 45 feet if the first floor is built for commercial uses. If the development meets additional standards, the height limit would increase to 55 feet and 65 feet.

Design Review

Staff has developed additional language about the administrative design review process, stating that the Director will develop design guidelines for implementation.

Neighborhood Meetings

Neighborhood meetings are already required if a development exceeds SEPA minimum thresholds. The proposed language would require that staff attend the meeting if the housing density exceeds 110 dwellings/acre or height exceeds 55 feet. Because of limited staff resources, staff's proposal would only place this requirement on developments large enough to reach these thresholds.

Encouraging jobs in mixed use areas

The proposed regulations provide density and height/FAR incentives if developers propose buildings with commercial uses on the ground floor. Though the Commission's discussion focused on residential mixed use development, the height and FAR incentives are also applicable to purely commercial development, that is, projects with retail on the ground floor and offices above or office buildings with first floors built to a commercial standard. Staff believes that these incentives will result in additional non-residential development as well as residential development.

As a point of reference, a 4-story development on a 1-acre site would probably equate to about a 2.0 FAR. If it is developed as an office building, it would house about 350 jobs. Shoreline's 20 year target is for 5000 new jobs over 20 years or 250 jobs per year. That means that to meet the job target would require the development of two acres of office buildings every three years, or 14 new buildings in a 20 year period. While it is likely that the proposed regulations would result in additional housing developed in the GMU and NMU areas, staff believes that the existing commercial capacity in these areas will not be appreciably diminished if a portion of the properties are developed in residential uses.

Staff Recommendation

Staff concludes that the staff proposal merits approval because it meets the criteria listed in 20.30.350 (see September 17 Staff report.)

If you have questions prior to the meeting, please contact Steve Cohn at 206-801-2511, or email him at scohn@shorelinewa.gov.

Attachments

1. Appendix
2. Draft Minutes from September 17, 2009
3. Sections 20.50.020, 20.50.230, and 20.50.410 in Legislative Format

Appendix

The following standards would apply to all development in GMU and NMU zones

1. All developments will go through administrative design review
2. Limit the maximum building height within 100 feet of the property line between RB and R-4 through R-12 zoned properties to 45', and limit the maximum building height between 100-200 feet of the property line to 55'
3. All buildings and required parking shall be located on the GMU and NMU-zoned property and not off-site.
4. The base permitted housing density is 48 du/acre and building height limited to 35 feet if the building is residential only or 70 du/acre and 45 feet if the first floor is built to commercial standards. Maximum FAR is 2.0
5. If built to a density greater than 48 du/acre, construction would meet a 3-star standard under King County's Built Green standards.
6. Common open space of the equivalent of 1000 sq. ft will be provided for each 1.0 FAR of development. If a building is .5 FAR, it would provide 500 square feet of open space; if 2.0 FAR, 2000 sq. ft. Of this, at least 80% has to be contiguous, up to 2000 sq. ft, if more than 2000 square feet is required, only 1600 sq ft needs to be contiguous.

The following standards would apply to development in GMU zones

7. Housing density could be increased to 110 du/acre and maximum height to 55 feet and maximum FAR of 3.2 if the following conditions are met:
 - a. The building must be designed to accommodate ground floor retail uses,
 - b. Private recreation space is provided at a ratio of 50 feet per unit, and
 - c. Construction meets a 4-star standard under King County Built Green Standards or equivalent
8. Housing density can be increased to 150 du/acre, maximum height of 65 feet and FAR to 3.6 if the following conditions are met:
 - a. All of the above plus
 - b. The development includes infrastructure for electric vehicle recharging and,
 - c. 15% of the units are affordable to households in the 75% King County median income category based on household size for a minimum of 30 years and,
 - d. Construction meets King County's 5-star Built Green Standards or equivalent,
 - e. The developer must hold a neighborhood meeting with City staff in attendance to identify impacts from building occupants and discuss appropriate mitigation measures. This meeting will be held after the pre-application meeting and before an applicant may submit an application for construction. Meetings will be advertised by mailing to property owners and occupants within 500 feet of the property.

Draft Planning Commission Minutes from September 17, 2009
are attached to this Agenda Packet under Item 5.

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

| STANDARDS | Neighborhood Business (NB) and Office (O) Zones | Community Business (CB) Zone (2) | General Mixed Use, Neighborhood Mixed Use Regional Business (RB) and Industrial (I) Zones (2) |
|--|---|----------------------------------|--|
| Maximum Density: Dwelling Units/Acre | 24 du/ac | 48 du/ac | <u>See Exception 3c</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 (1) | 35 ft | 60 ft | <u>See Exception 3c</u> 65 ft (2) |
| Maximum Hardscape Area | 85% | 85% | 95% |

Exceptions to Table 20.50.020(2):

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

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

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

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

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

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

(3) Development in GMU and NMU zones shall meet the following requirements:

(a) All developments in the GMU and NMU zones are subject to Administrative Design Review as approved by the Director. The Director is authorized to adopt and amend design guidelines by administrative order.

(b) All developments in GMU and NMU zones are subject to providing public gathering spaces. Public gathering spaces shall be provided at a rate of 1000 square feet per 1.0 FAR of building. 80% of the public space shall be contiguous, with a maximum contiguous requirement of 1,600 square feet.

(c) A maximum 35-foot building height and 48 dwellings per acre for residential only buildings and 45-foot building height for mixed-use buildings, maximum density of 70 dwellings per acre, and a FAR (Floor Area Ratio) of 2.0, except:

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- (i) A maximum building height of 55 feet, maximum FAR of 3.2, and maximum density of 110 dwellings per acre is permissible if the development meets the following conditions:
- The building is designed to accommodate ground floor retail spaces; and
 - “4-star” construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
 - 800 square feet of common recreational space is provided for developments of 5-20 units; 40 feet of recreational space per unit is provided for developments over 20 units.
- (ii) A maximum height of 65 feet, maximum housing density of 150 dwellings per acre and maximum FAR of 3.6 is permissible if all the conditions under (a)(i) of this subsection are met and the following conditions are met:
- The development includes infrastructure for electric vehicle recharging; and
 - 15% of the units are affordable to households in the 75% King County median income category based on household size for a minimum of 30 years; and
 - “5-star” construction standards under King County Built Green Standards as amended, or equivalent standard approved by the Director; and
 - After the pre-application meeting and prior to submitting an application for construction, the developer must hold a neighborhood meeting with City staff in attendance to identify impacts caused by the new development and propose appropriate mitigation measures. Meetings will be advertised by mailing to property owners and occupants within 500 feet of the property.
- (d) The maximum building height for developments within 100 feet of the property line is limited to 45 feet and the maximum building height for developments between 100 and 200 feet of the property line is 55 feet.
- (e) Structures allowed above the maximum height of the district under Exception 20.50.230(5) may not exceed the maximum building height by more than 10 feet, or four feet for parapet walls.
- (f) All conditions under Exception 2(b), (c), and (d) of this subsection must be met, for development in GMU and NMU zones abutting or across street ROW from R-4, R-6, R-8, and R-12 zones.

20.50.230 Site planning – Setbacks and height – Standards.

Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones

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

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

Exceptions to Table 20.50.230:

(1) Front yard setback may be reduced to zero feet if adequate street improvements are available or room for street improvements is available in the street right-of-way.

(2) Underground parking may extend into any required setbacks, provided it is landscaped at the ground level.

(3) Bonus for mixed-use development in NB and O zones: In order to provide flexibility in types of housing and to meet the policies of the Comprehensive Plan, the base height may be increased for mixed-use development to four stories or up to 50 feet, if the added story is stepped back from the third story walls at least eight feet, and subject to the following requirement:

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

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

(5) See SMC Table 20.50.020(2), Exception (3), for transition area requirements for GMU and NMU development.

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

a. Roof structures housing or screening elevators, stairways, tanks, ventilating fans, or similar equipment required for building operation and maintenance, fire or parapet walls, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 15 feet above the height limit of the district, whether such structure is attached or freestanding;

b. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the height limit of the district. (Ord. 531 § 1 (Exh. 1), 2009; Ord. 500 § 1, 2008; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 4(B-1), 2000).

20.50.410 Parking design standards.

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

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking in the GMU and NMU zones shall be located on the same parcel or same development area that parking is required to serve.

C. On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC [20.30.750](#).

D. Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;

2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve; and
3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve;

20.50.470 Street frontage landscaping – Standards.

- A. A 10-foot width of Type II landscaping for all development, except in GMU and NMU Zones, including parking structures, surface parking areas, service areas, gas station islands, and similar paved surfaces.
- B. A 20-foot width of Type II for institutional and public facilities in residential zone areas.
- C. Frontage landscaping can be substituted in multifamily, commercial, office, and industrial zones, except in GMU and NMU Zones, with two-inch caliper street trees 40 feet on center if they are placed in tree pits with iron grates or in planting strips along the backside of curbs. Institutional and public facilities may substitute 10 feet of the required 20 feet with street trees.
- D. Trees spacing may be adjusted to accommodate sight distance requirements for driveways and intersections. See SMC [20.50.520\(O\)](#) for landscaping standards. (Ord. 238 Ch. V § 7(B-2), 2000).
- E. GMU and NMU zones require all surface parking to be to be screened from the public right-of-way and adjacent residential land uses. Screening shall consist of locating parking areas behind buildings, underground or structured parking, or behind a 4-foot masonry wall with Type II landscaping.