

6a - Staff Report - 2017 Development Code Amendments

Planning Commission Meeting Date: October 19, 2017

Agenda Item: 6a

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Continuation of 2017 Development Code Amendments
DEPARTMENT: Planning & Community Development
PRESENTED BY: Steven Szafran, AICP, Senior Planner
Paul Cohen, Planning Manager

Public Hearing Study Session Recommendation Only
 Discussion Update Other

Introduction

The purpose of this study session is to:

- Provide information for issues identified on October 5 by Commission;
- Review any outstanding issues for any other Amendments;
- Respond to Commission questions and concerns; and
- Gather public input.

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the proposed Development Code amendments and making a recommendation to the City Council on each amendment.

Amendments Needing Further Analysis

At the October 5 meeting, the Planning Commission reviewed the Policy Development Code amendments of the 2017 batch. The Commission also reviewed changes made by staff for the Administrative and Clarifying Amendments. The staff report and attachments for September 7 can be found at:

<http://www.cityofshoreline.com/home/showdocument?id=32073>. The staff report and attachments for October 5 can be found at:

<http://www.cityofshoreline.com/home/showdocument?id=32576>

The Commission requested more information regarding Amendment #4, Amendment #5, Amendment #13, Amendment #22, Amendment #36, and Amendment #40.

Approved By:

Project Manager 

Planning Director 

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Amendment #4

SMC 20.20.024 – Hardscape Definitions

On October 5, Commission discussed this amendment and had concerns that, potentially, a site could be covered with hard surfaces including pervious pavement. Originally, staff proposed to parallel Public Work's definition of Hard Surfaces with Planning's definition of Hardscape. Staff recommends that Planning and Public Work's definitions should be separate since they have different purposes in both departments. Planning is concerned with open space and aesthetics whereas Public Works is concerned about surface and stormwater management. Staff believes the definition of Hardscape can be distinct between departments, however, staff recommends the need to update the definition of hardscape to make the definition reasonable to administer. The exception is the inclusion of artificial field turf with subgrade drainage because of its extensive use by schools and parks, the area these require, and the prior approval by the State Department of Ecology.

Hardscape – Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt. Retaining walls, gravel or paver paths with open spacing that are less than 4 feet wide, and decks that drain to soil underneath are not included. Artificial turf with subsurface drain fields have a 50% hardscape and 50% pervious value.

Amendment #5

SMC 20.20.034 – M Definitions – Microbrewery and Microdistillery

The City has seen an increased interest in locating micro-distilleries and microbreweries in various neighborhoods. The Shoreline Development Code does not have a listed land use for such uses. Both uses are a small, often boutique-style operation producing beer or spirit alcohol products in small quantities. This amendment will add a definition of microbrewery and micro-distillery. They will also be listed in the use tables, Table 20.40.130 and Table 20.40.160 (See Amendments #11 and #12).

The Commission commented that both Microbreweries and Microdistilleries are like uses and should have similar definitions in terms of accessory uses. In addition, the Commission believes there should be a number of barrels per year that distinguishes a microbrewery from a brewery. The *Glossary of Zoning, Development, and Planning Terms* defines microbreweries as producing no more than 15,000 barrels per year (1 barrel equals 31 gallons). Breweries produce more than 15,000 barrels per year and have the capacity to produce more than 1-million barrels per year. For ease of use and parity, staff proposes the following language:

Microbrewery – A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, consumption on or off premise. Production is limited to no more than 15,000 barrels per year. The development may include other uses such

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as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Microdistillery – A small operation that produces distilled spirits of no more than 4,800 barrels per year. In addition to production, tastings and sales of products for off premises use are allowed. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Amendment #13

20.40.210 – Accessory dwelling units.

This amendment is citizen proposed and includes two changes. The first proposal is to eliminate the requirement for the property owner to occupy either the main residence or the accessory dwelling unit. The second proposal is to eliminate the required parking space for the ADU. The third, staff proposed amendment is to require existing structures with nonconforming setbacks to meet setbacks if they are converting to an ADU.

Staff is concerned that this proposal will change the character of single-family neighborhoods in Shoreline. This amendment will allow single-family neighborhoods to transition from home owners who need some income to stay to allow rental of duplexes or two detached dwelling units.

The Commission heard arguments from both staff and the applicant of these proposed amendments. After discussion by staff and the applicant, the Commission requested language be added to the proposed amendment to require a time period that a resident must live in either the principle home or ADU before the owner could rent both of the units on the property. Seattle is currently studying this issue and one of the nine proposals include removal of their current property owner requirement to rent both units. These are being supported by Seattle's HALA (Housing Affordability and Livability Agenda) goals which are to provide more affordable housing by allowing units to be added in SFR areas with less restrictions. An amendment is not projected until sometime in 2018.

Without an adopted Seattle code amendment or their experience administering it we have no reason to believe that it will work for Shoreline. Our neighborhoods have little to gain to require an owner to live onsite for a year and then to have the initial concern around ownership and residency reappear a year later when the owner can live elsewhere. Staff recommends that this amendment not be recommended to the City Council until the larger community can discuss it along with other residential development issues.

Amendment #22

20.50.240 (C) – Site Frontage

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This amendment deletes the requirement for minimum space dimensions on the ground floor in commercial and mixed-use zones. The original code amendment to require 12-foot ceilings was proposed because staff believed that all commercial space per IBC were required to have that height. The intent was to set up the potential of commercial uses with the flexibility, in the meantime, to allow apartments in these spaces. However, the IBC does not require 12 feet for a commercial use. For the minimum habitable commercial or residential space, the Building Official suggests a minimum 10 foot ceiling to allow space for ceiling mechanical equipment, though not required, to ease conversion to commercial uses. Most every developer since the code change 5 years ago has requested to depart from the Commercial Design Standards to lower the ceiling height to use those spaces for apartments. From an aesthetic concern, first floor frontages require 50% window area and awnings over sidewalks. The flexibility to use these first floor frontage spaces would remain.

The Commission believes if the provision is deleted from the code, developers will not build commercial spaces with enough ceiling room to provide attractive commercial spaces that retailers and restaurants need and want. The Commission mentioned that Amendment #19 will increase the maximum height in the Mixed-Business zone from 65 to 70 feet. The Commission believes that increasing the height in the MB zone is an appropriate trade-off of leaving the requirement for higher ceiling heights in commercial zones.

Staff is not proposing any changes to the proposed amendment at this time.

Amendment #36

20.80.090 – Buffer Areas

The purpose of buffer areas are to provide protection of critical areas in an undisturbed area of native vegetation. However, critical areas and their buffers have been modified over the years. The intent is that if there has been a previous buffer code violation where an ideal buffer existed then it should be restored. If a previously legally established use or activity has been in the buffer area, the City does not require restoration. In many cases, buffers are people's yard with gardens and lawn, sheds, and driveways. Limited additional development in these buffers or mitigating damage or alteration to the native vegetation in order to not impact the critical area makes sense. However, to require that they remove all non-native vegetation and yard uses does not. Per 20.80.050, the existing condition of critical areas should be allowed to remain or mitigated if impacted by the proposed development.

The Commission and the City Attorney are concerned that the proposed language does not communicate the City's preference is to keep critical area buffers as undisturbed areas of native vegetation. Based on the Commission's direction, staff proposes the following amendment:

The establishment of buffer areas shall be required for all development proposals and activities in or adjacent to critical areas. In all cases the standard buffer shall apply unless the Director determines that additional buffer width is necessary or reduced

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buffer is sufficient to protect the functions and values consistent with the provisions of this chapter and the recommendations of a qualified professional. The purpose of the buffer shall be to protect the integrity, function, value and resource of the subject critical area, and/or to protect life, property and resources from risks associated with development on unstable or critical lands. ~~Buffers shall consist of~~ **The purpose of a buffer is to provide** an undisturbed area of native vegetation ~~established to achieve the purpose of the buffer.~~ If the buffer area has previously been disturbed, it shall be revegetated pursuant to an approved mitigation or restoration plan. Buffers shall be protected during construction by placement of a temporary barricade if determined necessary by the City, on-site notice for construction crews of the presence of the critical area, and implementation of appropriate erosion and sedimentation controls. Restrictive covenants or conservation easements may be required to preserve and protect buffer areas.

Amendment #40

Table 20.40.130 and Table 20.40.150– Shipping Containers

Shipping containers were previously an allowed land use in the Development Code. At that time they were allowed only in commercial areas with a Conditional Use Permit. Currently, shipping containers are not a listed land use but are allowed with design standards in the Commercial Design Standards which apply to all commercial zones.

In discussing this issue, the Commission raised concerns about whether a shipping container is a land use to be permitted or restricted, how can we distinguish it from other portable storage containers such as moving PODS, and how do we address shipping containers converted into habitable space for businesses or housing.

Staff needs to study this issue further and will propose an amendment for the Commission following this meeting, prior to the public hearing.

Development Code Criteria

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

The proposed amendments to the Development Code are included in **Attachment 1**. Each amendment includes a description of the amendment, justification for the amendment and staff recommendations for the amendment.

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Next Steps

The 2017 Batch of Development Code Amendments schedule is as follows:

November 2	Planning Commission Public Hearing: 2017 Batch Amendments (all)
January 22, 2018	City Council meeting: Discuss 2017 Batch Amendments

Attachment

Attachment 1 – Proposed 2017 Development Code Amendments