



AGENDA

PLANNING COMMISSION

VIRTUAL/ELECTRONIC REGULAR MEETING

Thursday, August 6, 2020
7:00 p.m.

Held Remotely on Zoom
<https://zoom.us/j/91606541210>

In an effort to curtail the spread of the COVID-19 virus, the Planning Commission meeting will take place online using the Zoom platform and the public will not be allowed to attend in-person. You may watch a live feed of the meeting online; join the meeting via Zoom Webinar; or listen to the meeting over the telephone.

The Planning Commission is providing opportunities for public comment by submitting written comment or calling into the meeting to provide oral public comment. To provide oral public comment you must sign-up by 6:30 p.m. the night of the meeting. Please see the information listed below to access all of these options:



[Click here to watch live streaming video of the Meeting on shorelinewa.gov](#)



Attend the Meeting via Zoom Webinar: <https://zoom.us/j/91606541210>



Call into the Live Meeting: (888) 475-4499 - Webinar ID: 916 0654 1210



[Click Here to Sign-Up to Provide Oral Testimony](#)

Pre-registration is required by 6:30 p.m. the night of the meeting.



[Click Here to Submit Written Public Comment](#)

Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise they will be sent and posted the next day.

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00
2. ROLL CALL	7:01
3. APPROVAL OF AGENDA	7:02
4. APPROVAL OF MINUTES FROM:	7:03
a. July 2, 2020 Draft Minutes	
b. July 16, 2020 Draft Minutes	

Public Comment and Testimony at Planning Commission

During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign-up by 6:30 p.m. the night of the meeting. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. In all cases, speakers are asked to state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted

to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.

5. GENERAL PUBLIC COMMENT	7:05
6. STUDY ITEMS	
a. <u>Ground Floor Commercial Development Code Regulations #2</u>	7:10
7. DIRECTORS REPORT	8:00
8. UNFINISHED BUSINESS	8:10
9. NEW BUSINESS	8:11
10. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	8:12
11. AGENDA FOR Next meeting – August 20, 2020	8:13
12. ADJOURNMENT	8:15

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457.

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
(Via Zoom)

July 2, 2020
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Mork
Vice Chair Malek
Commissioner Callahan
Commissioner Galuska
Commissioner Lin
Commissioner Rwamashongye
Commissioner Sager

Staff Present

Rachael Markle, Planning Director
Nora Gierloff, Planning Manager
Steve Szafran, Senior Planner
Julie Ainsworth-Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

CALL TO ORDER

Chair Mork called the Public Hearing of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Mork, Vice Chair Malek, and Commissioners Callahan, Galuska, Lin, Rwamashongye and Sager.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of June 18, 2020 were accepted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

PUBLIC HEARING: AMENDMENTS TO PROFESSIONAL OFFICES IN R-8 AND R-12 ZONING DISTRICTS

Chair Mork reviewed the rules and procedures for the public hearing. She opened the public hearing and invited staff to present the Staff Report.

Mr. Szafran reviewed that the City Council adopted Ordinance 881, which added “Professional Offices” to Land Use Policy LU2, and the proposed amendments are intended to implement the policy set by Ordinance 881. Currently, Professional Offices are allowed in the R-18 through R-48 and Town Center 4 (TC) zones with an approved Conditional Use Permit (CUP), but professional offices do not currently have any indexed criteria or conditions to address potential impacts to adjacent residential neighborhoods. The purpose of the proposed amendments is to:

- Add “Professional Offices” as an allowed use in the R-8 and R-12 zones through the approval of a CUP.
- Clarify the definition of a “Professional Office.”
- Add index criteria to mitigate the impacts of office uses in residential neighborhoods.
- Clarify and expand the CUP procedures and requirements.

Mr. Szafran reviewed the proposed amendments as follows:

- **SMC 20.20 – Definitions.** As currently proposed, a Professional Office is “*An office used as a place of business by licensed professionals, such as attorneys, accountants, architects, and engineers, or persons in other generally recognized professions, which use training or knowledge of a technical, scientific or other academic discipline as opposed to manual skills. Professional offices shall not involve outside storage, fabrication or transfer of commodity.*”
- **SMC 20.20 – Definitions.** The definition for “Outdoor Storage” was updated to read, “*The storage of any products, materials, equipment, machinery, or scrap outside the confines of a fully enclosed building. Outdoor storage does not include items used for household maintenance such as hoses, ladders, wheelbarrows and gardening equipment.*”
- **SMC 20.30 – Conditional Use Permit Procedures and Requirements.** These amendments address the City’s ability to suspend an issued CUP, how a CUP may be transferred, the expiration of a CUP, and extending an already-issued CUP.
- **SMC 20.40 – Uses.** The table was amended to indicate that professional offices are allowed in the R8 and R12 zones, with a CUP. The “i” indicates there are indexed criteria or conditions that must be complied with.
- **SMC 20.40 – Indexed Criteria.** As proposed, the following indexed criteria would apply to professional office when located in the R8 and R12 zones.

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1. **Located on an arterial street or abutting an R18 through R48 zone or abutting a Neighborhood Business (NB), Community Business (CB) Mixed Business (MB) or Town Center (TC) 1, 2 or 3 zone.**
2. **Hours of operation are limited to 7am to 10pm Monday through Friday and 9am to 10pm Saturday and Sunday.**
3. **Services provided shall be scheduled by appointment only.**
4. **No outdoor storage.**
5. **The office may use or store a vehicle for pickup of materials used by the office or the distribution of products from the site, provided such vehicles shall not exceed a gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet. This provision was pulled directly from the home-based business provisions.**
6. **Parking shall be on a paved surface, pervious concrete, or pavers. No customer/client parking is allowed in required side and rear setbacks.**
7. **No onsite transfer of merchandise.**
8. **Compliance with all dimensional requirements set forth in Table SMC 20.50.020(1), except density.**
9. **One sign complying with Table 20.50.540(G) is allowed but may not be internally illuminated.**
10. **Outdoor lighting shall comply with SMC 20.50.240(H). This provision prohibits outdoor lighting from shining past the property lines.**
11. **Parking areas shall be screened from adjacent single-family residential uses by either a 6-foot opaque fence or a Type-1 landscape buffer. A Type 1 landscape buffer is the most intense (20-foot, heavily screened buffer consisting of trees, shrubs and ground cover).**

Mr. Szafran referred to a map that was attached to the Staff Report, showing potential sites that could house a professional office in an R8 or R12 zone. Applying the criteria, there would be about 92 parcels.

Mr. Szafran advised that the Staff Report addresses the Development Code Amendment Criteria that must be considered when reviewing and approving amendments. He recommended the Commission forward a recommendation of approval to the City Council for the Development Code Amendments related to professional offices in the R8 and R12 zones.

Commissioner Galuska asked if the proposed amendments would allow him to purchase a vacant property in an R8 or R12 zone and establish a new professional office use, and Mr. Szafran answered affirmatively. Commissioner Galuska asked if the code would allow for both a home and a separate office building on a

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single lot. Mr. Szafran said it would be allowed with a CUP as long as all of the dimensional standards are met. Commissioner Galuska asked if a portion of an existing house could be converted to an office use, resulting in multiple uses in one structure, and Mr. Szafran answered affirmatively.

Commissioner Galuska noted that, as proposed, there would be no limit to the size of the business. He asked if there would be both employee and customer parking requirements. Mr. Szafran responded that SMC 20.50.390 (General Parking Standards) would apply. Professional offices require 1 parking space per 500 square feet. Commissioner Galuska asked if gravel would be considered paving. Mr. Szafran answered that gravel is considered hardscape. However, he would need to do more research to determine whether the required parking could be provided via a gravel lot. Commissioner Galuska suggested that clarifying language should be added to SMC 20.40.475 to make the requirement clear. He noted that the dust impact associated with a gravel lot adjacent a residential use would be greater than what would be considered typical.

Commissioner Rwamashongye asked why a CUP should not be transferrable with the land when it is sold. Mr. Szafran said staff believes that, because the uses would be located in R8 and R12 zones, the City would like an opportunity to review any new businesses that come to a property. The idea is to ensure that it is a like business, and that it complies with all of the criteria. It is a fail-safe for the City and the neighborhood that the office uses will be compatible with the zone. Likewise, a new CUP would be required if a business relocates elsewhere.

Commissioner Rwamashongye asked why the proposed amendments do not mention what the conditions of suspension may include. Mr. Szafran referred to SMC 20.30(C)(1)(a-e), which lists the possible reasons why a CUP might be suspended. However, he acknowledged that specific examples were not provided.

Commissioner Rwamashongye observed that, oftentimes, professionals need to bid jobs, and mock-ups are typically required. He asked if the proposed amendments would prohibit a consultant from providing mock-ups to his/her clients. Mr. Szafran said it would be okay to provide product displays, but products could not be sold from the site or delivered to the site. Bid documents, including mock-ups could be transferred to clients, but sales and transfer of commodities would not be allowed.

Assistant City Attorney Ainsworth-Taylor explained that suspension of a CUP would be a code enforcement action, and would occur when a property owner doesn't substantially comply with the conditions established as part of the permit. The such-as situations would be fact-specific to the conditions that have been imposed on the permit.

Vice Chair Malek asked if bid packages or architectural plans must be conveyed to clients offsite. Mr. Szafran said that, as per Criteria 7, no on-site transfer of merchandise would be allowed. Typically, a contractor could order materials for a client, and they could be delivered elsewhere.

Chair Mork observed that merchandise is something that is sold, and that is the subject of Criteria 7. For example, a client would be allowed to bring architectural drawings to a professional office. Mr. Szafran agreed.

Vice Chair Malek pointed out that an accountant's deliverable would be a person's completed tax documents. He voiced concern that the proposed amendments, which limit the transfer of commodities, would curtail the spirit of working from home.

Assistant City Attorney Ainsworth-Taylor clarified that "merchandise" relates to marketable commodity merchandise, or in other words, tangible items. For example, a contractor couldn't have a full array of kitchen cabinets delivered to the site for their customer to pick up and deliver to the project site. Architectural plans, wills, taxes, etc. are not considered taxable retail merchandise. In these cases, the service is taxed and not the merchandise. Commissioner Rwamashongye thanked the Assistant City Attorney for clarifying that plans, specifications, etc. are considered professional products and not merchandise.

Dean Williams said he was present to represent Melissa and Joseph Irons and Irons Brothers Construction. He referred to the proposed definition for professional offices, which makes it clear that contractor offices are an intended allowed use. He voiced concern that continued use of the phrase, "*not professions that need a basic registration and justification*" could be viewed as the opposite.

Mr. Williams also referred to SMC 20.30.300(B) where the language was changed from "*shall be granted*" to "*may be granted.*" He understands the City's desire for some discretion. However, if an applicant meets the requirements for a CUP, the permit should be granted. The proposed language would leave the City open to arbitrary decisions. Permits should be predictable. He asked that "may" be changed to "shall."

Mr. Williams referred SMC 20.30.300(C), which allows the Director to immediately suspend operations under any permit by issuing a stop work order. He suggested that the Director should only be allowed to skip the ordinary notice and order procedures and go straight to a stop work order if there is an imminent threat to the public health and general welfare. Adding "*when there in an imminent threat to the public health, safety or welfare*" would fix this problem. Suspension of operations is an extreme step to take, especially when applying it to an ongoing business.

Mr. Williams referred to SMC 20.30.300(D) and said his clients believe that CUP's should be transferrable with the property. A prior version of the amendments that were presented to the Commission on February 6, 2020 included the language, "*unless otherwise restricted by the terms and restrictions at issuance of the Conditional Use Permit, the Conditional Use Permit shall run with the land.*" A CUP is a valuable commodity, and it should be transferrable with the land.

Mr. Williams referred to SMC 20.40.475(A)(5) and said it appears that the intent is to fold in the requirements for a home office. However, if a property owner is allowed to have six vehicles of this size in front of a residential home, a professional office should be allowed the same. Six vehicles with a business name on the side would be reasonable. He suggested that the word "vehicle" should be made plural throughout the provision. He also requested that the size of vehicles be increased by 1 foot. Many of these vehicles have additional after-market components for holding equipment, and they reach just a little above 9 feet. He suggested 10 feet would be more reasonable.

Mr. Williams suggested that SMC 20.40.475(A)(6) should be amended to read, “*side or rear setbacks abutting the residential zones (R8 and R12).*” If the intent is to shield the adjacent single-family properties from professional office uses, professional offices should be allowed parking on the side setbacks that are not adjacent to single-family residential uses.

Joseph Irons, Iron Brothers Construction, said he generally supports the proposed amendments, but agrees with the concerns raised by Mr. Williams on his behalf. He asked the Commissioners to consider the comments he provided via email prior to the meeting.

Chair Mork closed the public portion of the hearing and invited the Commissioners to begin deliberations.

VICE CHAIR MALEK MOVED THAT THE COMMISSION FORWARD THE AMENDMENTS TO PROFESSIONAL OFFICES IN R-8 AND R-12 ZONING DISTRICTS TO THE CITY COUNCIL WITH A RECOMMENDATION OF APPROVAL AS PRESENTED IN ATTACHMENTS A AND B OF THE STAFF REPORT. COMMISSIONER RWAMASHONGYE SECONDED THE MOTION.

Vice Chair Malek invited staff to respond to the comments and recommendations presented by Mr. Williams:

- **SMC 20.30.300(B)** – Mr. Szafran explained that discretionary permits, such as CUPs, variances and Special Use Permits (SUPs) are Type B and C actions; and consistent with a proposed Development amendment, all of the “shalls” would be changed to “may.” Vice Chair Malek concluded that, as proposed, the Director or her designee would make the decision. Mr. Szafran agreed and noted permits that are consistent with the decision criteria would be approved. Vice Chair Malek said he supports the transition to “may.” Commissioner Galuska said he generally prefers using “shall” for approvals that are based on criteria in the code. However, the Development Code Amendment Docket includes a change to “may” throughout the entire code, and he supports using consistent language. Mr. Szafran cautioned that using “shall” could prevent the Director from approving an application if a proposal doesn’t meet all of the criteria. Using “may” would allow staff to approve some applications that do not meet all of the criteria. Commissioner Rwamashongye pointed out that most jurisdictions are changing from “shall” to “may” when writing specifications.
- **SMC 20.30.300(C)** – Mr. Szafran said Mr. Williams voiced concern that this provision would allow the City to suspend a CUP immediately without going through a notice and order procedure. Assistant City Attorney Ainsworth-Taylor said suspension would only occur if an applicant violates a substantially vital condition. A stop work order is defined as a notice and order, and the City doesn’t have to go through the three-step process, which includes warnings before issuing a formal notice and order. The Building Official will typically issue stop work orders when things are happening without permits. Generally, Code Enforcement uses the three-step process and provides warnings before issuing a notice and order. Due process would allow the applicant an appeal hearing. As long as an applicant follows the conditions of the permit, suspensions will not be a problem.

Commissioner Rwamashongye said he supports allowing the Director the authority to do what is necessary. He noted that a proposed Development Code amendment would allow the Director to suspend a permit if an applicant interferes with the Director's performance. However, the code doesn't define what would be considered "interference." The conditions for suspension of a permit need to be clearer. He suggested the code should outline a clear process for permit suspension. He felt that a three-step process that includes notification before issuing a stop work order would be appropriate in most cases and more drastic action could be taken if a violation poses a threat to the public's health or safety.

- **SMC 20.30.300(D).** Vice Chair Malek reviewed that, rather than a two-year automatic expiration or extension, Mr. Williams proposed that, once a CUP is granted, it becomes a covenant recorded on title and runs with the land. Vice Chair Malek acknowledged that this could add value to a particular piece of property. However, it is important to keep in mind that a CUP issued for one professional office might not be appropriate for another. Mr. Szafran recalled that, in the initial proposal, a CUP would run with the land, and the Commission recommended that the language be taken out.

Commissioner Sager said her understanding is that Mr. Williams was looking to have the CUP remain in effect even upon transfer of a property. She is opposed to allowing a CUP to run with the land. When property is sold or a business is relocated, a new CUP should be required.

Commissioner Rwamashongye voiced concern that the proposed amendments would change the zoning to allow professional offices in the R8 and R12 zones. Once a property owner receives permission for a specific type of business via the CUP process, why shouldn't a future property owner be allowed to use the property for the same type of use? Mr. Szafran said the proposed amendment is not a rezone, and it does not provide a specific list of businesses allowed in the R8 and R12 zones. Instead, it allows a property owner the opportunity to apply for a CUP permit for a professional office use.

Commissioner Callahan agreed with Commissioner Sager that it is very important that the CUP does not go with the land. She recalled earlier discussions that if a property is transferred, a new CUP would be required. It is important that adjacent property owners are protected by requiring the new owners to go through the CUP process again. Commissioner Lin said she also believes that the CUP should not go with the land. She reminded them that the underlying zoning would remain residential.

Commissioner Galuska pointed out that CUPs generally run with the land. For example, a church property in a single-family residential zone would not typically require a new CUP when one church leaves and another occupies the site. If he purchased property and obtained a CUP to develop a commercial building, he would want some guarantee that the property could be sold for a similar or identical use without requiring a new CUP. He understands the desire for more scrutiny, but he is concerned that subsequent property owners would not clearly understand that a new CUP is required. This is not a requirement in most other jurisdictions in the State. Mr. Szafran commented that in staff's research, about half of the jurisdictions allowed CUPs to run with the land, and half did not. Currently, the City's code is unclear about whether or not a CUP runs with

the land, and there are examples of churches changing hands without being required to obtain a new CUP.

Vice Chair Malek agreed with Commissioner Galuska. While he understands the concerns, there are other mechanisms in place to address them. Should a business violate the conditions of a CUP, the Director would have the ability to suspend a permit. If the goal is to cultivate walkable communities by embedding businesses into residential neighborhoods in a proper way with good design standards, buyers and sellers need some certainty around the process. He felt it would be appropriate for CUPs to be recorded on title, allowing them to run with the land unless or until the user doesn't comply with the conditions of the permit.

Chair Mork said she doesn't support allowing a CUP to run with the land. A developer who constructs a commercial building in a residential zone must clearly understand and accept the risks. The City should retain the ability to review each new use. She can't imagine that a new owner would have a problem obtaining a CUP for a use that is identical or very similar, but the City needs to have the ability to review significant changes in use. She doesn't want to give cart blanc permission for professional uses on properties in residential zones.

- **SMC 20.40.475(A)(5)** – Mr. Szafran reviewed that Mr. Williams recommended that the maximum vehicle height be increased from 9 feet to 10 feet. Chair Mork said Mr. Williams also raised questions about how many vehicles would be allowed. Mr. Szafran said the provision limits large commercial vehicles (maximum of 14,000 lbs., 9 feet high and 22 feet length) to just one. In addition, on-site parking (1 space per 500 square feet of office) must be provided for employees, customers and clients. As currently proposed, no parking would be allowed within the setbacks. He reviewed that Mr. Williams is recommending that the parking requirements for professional offices should be the same as the requirements for single-family residential development, which is two parking spaces per home and no more than six vehicles.

Commissioner Sager asked if Mr. Williams is suggesting that professional offices be allowed to park up to six 10-foot high, 22-foot long commercial vehicles. Mr. Szafran said he is not clear on Mr. Williams' intent, but the current proposal would only allow one vehicle. Commissioner Sager said she would prefer limiting the number of commercial vehicles to just one.

Commissioner Galuska pointed out that the six-vehicle limit only applies to residential uses. Someone could convert a single-family home into an office, and the code wouldn't limit the number of vehicles allowed on site. He voiced a concern that a large parking area would be out of character with the underlying residential zone.

Commissioner Rwamashongye agreed with Commissioner Galuska that parking needs to be in character with the residential zone. A 14,000 lb. truck is very large, and would occupy a significant portion of a site. While he supports the idea of promoting business, it should be done in character with the residential areas. He supports limiting the number of large trucks to just one.

- **SMC 20.40.475(A)(6)** – Vice Chair Malek reviewed, that as currently proposed, parking for professional office uses would not be allowed in the side or rear setbacks. Mr. Szafran reviewed

that Mr. Williams is requesting that parking be allowed in the side setbacks that are adjacent to commercial zoning.

Commissioner Galuska suggested that parking in the setbacks is a moot point because the rear and side setbacks are five feet, and a landscaping buffer would be required. Mr. Szafran concurred. He added that parking would still be confined to the maximum building and hardscape coverage limits of the underlying R8 and R12 zones. Chair Mork observed that, given the size of most residential lots in Shoreline, it is unlikely that a property owner would be able to provide a significant number of parking spaces.

Commissioner Galuska asked staff to respond to Mr. Williams' question about whether or not the use of a construction contractor would be allowed under the definition of a professional office. Mr. Szafran responded affirmatively, as long as the business meets the definition of a professional office. Chair Mork cautioned against basing the amendments solely on the comments provided by just one property owner and his representative. The amendments must address what is appropriate for application citywide.

Vice Chair Malek asked if "licensed professional," as used in the definition of a professional office, would be sufficient to address the needs of Irons Brothers Construction. Mr. Szafran responded that, as per his interpretation of the definition, Irons Brothers Construction would qualify as a professional office, as long as all of the criteria and conditions can be met.

VICE CHAIR MALEK MOVED TO AMEND THE MAIN MOTION TO CHANGE THE LANGUAGE IN SMC 20.30.300(D) TO ALLOW THE CONDITIONAL USE PERMIT (CUP) TO RUN WITH THE LAND. COMMISSIONER GALUSKA SECONDED THE MOTION, WHICH FAILED BY A VOTE OF 3-4, WITH VICE CHAIR MALEK AND COMMISSIONERS RWAMASHONGYE AND GALUSKA VOTING IN FAVOR AND CHAIR MORK AND COMMISSIONERS LIN, CALLAHAN AND SAGER VOTING IN OPPOSITION.

VICE CHAIR MALEK MOVED TO AMEND THE MAIN MOTION TO CHANGE SMC 20.40.475(A)(5) BY INCREASING THE HEIGHT LIMIT FOR COMMERCIAL VEHICLES FROM 9 TO 10 FEET. COMMISSIONER SAGER SECONDED THE MOTION.

Commissioner Galuska said he googled the height of commercial vehicles, and 9 feet seems quite tall. However, he understands that the limit represents a double standard since there is no height limit for vehicles associated with residential uses. Assuming staff has done due diligence when proposing a 9-foot height limit, he would support leaving the language as it is. Mr. Szafran said the standard comes from the home-based business code and looking at typical commercial vehicle sizes. However, he doesn't have a strong opinion with either option.

THE MOTION TO AMEND FAILED BY A VOTE OF 3-4, WITH CHAIR MORK, VICE CHAIR MALEK AND COMMISSIONER SAGER VOTING IN FAVOR AND COMMISSIONERS RWAMASHONGYE, GALUSKA, CALAHAN AND LIN VOTING IN OPPOSITION.

THE MAIN MOTION, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF THE AMENDMENTS IN ATTACHMENTS A AND B OF THE STAFF REPORT, WAS UNANIMOUSLY APPROVED.

Chair Mork closed the public hearing.

STUDY ITEM: 2020 DEVELOPMENT CODE AMENDMENTS

Mr. Szafran reminded the Commissioners that Development Code amendments are generally collected throughout the year, and they are usually organized by administrative corrections, clarifications of existing code, and new policy amendments. Anyone may submit an amendment, and there is no fee. The deadline for submittals is December 1st. He advised that the administrative amendments are grammatical and minor and will not be presented individually. However, he invited the Commissioners to share their comments and questions.

Mr. Szafran reviewed the amendments as follows:

- **Amendment 1 (SMC 20.20.010)** – This amendment adds a definition for Assisted Living Facilities, replacing the definition for Senior Citizen Assisted Housing.
- **Amendment 4 (SMC 20.20.028)** – The proposed amendment to the definition of “Junk Vehicle” will allow the City’s Customer Response Team and the Police Department to determine when a vehicle qualifies for a junk vehicle. Junk vehicles are regulated in SMC 29.30.750, which outlines the process of abating the specific nuisance.

Chair Mork asked if a 1-year-old car that is substantially damaged in an accident would be exempt from the provisions that apply to junk vehicles. Mr. Szafran pointed out, as per Subsection C, vehicles that cannot legally be operated on a roadway are considered junk vehicles, regardless of the age. He clarified that a vehicle must meet three of the four criteria listed in the subsection to be classified as junk.

Commissioner Rwamashongye asked why emissions was not included as one of the criteria, and Commissioner Galuska pointed out that the definition came from the State Patrol, which is commonly used.

- **Amendment 5 (SMC 20.20.034)** – While researching two different definitions for “Recreational Vehicle,” staff noticed that the definitions in Title 13 and Title 20 were inconsistent. The proposed amendment to the definition of “Manufactured Home” in Title 20 will match the definition in Title 13.

Director Markle pointed out that people have signed up to speak on the proposed amendments, and Mr. Szafran agreed to change the order of his presentation to accommodate the public’s needs.

- **Amendment 32 (SMC 20.50.020(B) and (4))**. This is a privately-initiated amendment that seeks to add an additional separate living unit (not an accessory dwelling unit) on parcels larger than

10,000 square feet). The intent of the amendment is to allow a second single-family dwelling if the second dwelling is single story (15 feet or 20 feet with a minimum roof pitch) and two parking spaces are provided for each unit. The amendment would allow the units to be segregated through condo ownership or sold/rented separately. The amendment would also allow parking reductions if located within ½ mile from light rail stations or electric vehicle charging facilities are installed.

Due to the lateness of the hour, the Commissioners agreed to allow public comment before continuing with the Staff Report.

Kathleen Russell, Shoreline, said she was present to represent the group, Save Shoreline Trees. She referred to proposed Amendment 38 (SMC 20.50.310(A), which would transfer all oversight of the 6,000 to 8,000 trees on the Seattle Golf Club property to the Seattle Golf Club. No longer would the City be involved in tree removal decisions, and golf club would not be held to City tree codes as long as 50% of the tree population is maintained. She expressed the group’s belief that the amendment is not in the best interest of Shoreline residents and property owners because it allows no oversight of Shoreline’s valuable asset—its evergreen conifers and tree canopy. The group is concerned there would no longer be communication between the City and the golf club about the thousands of trees. The group is also concerned that the action will establish a precedent for other private property entities. The proposed amendment lessens the substantial necessity and importance of City tree codes. It is understandable that the golf club would like to streamline the permit process, as requiring “a permit for each of these activities is onerous.” However, the decision regarding tree permits and tree replacement exemptions for a private entity should not be made due to administrative inconvenience. She asked the City not to approve Amendment 38, relinquishing important oversight of the 6,000 to 8,000 trees on Seattle Golf Club property.

Ms. Russell requested clarification regarding the last sentence of proposed Amendment 39 (SMC 20.50.310(B). Regarding Amendment 41 (SMC 20.50.370), she asked that tree protection remain in place for the duration of the permit period, deleting the next phrase. She asked that the Commission recommend approval of those proposed code amendments that protect, preserve and retain Shoreline’s tree canopy.

Peter Eglick, Seattle, said he is an attorney representing the Innis Arden Club, which is the homeowners’ association for over 500 homes and several thousand residents in Innis Arden. He agreed with Ms. Russell that proposed Amendment 38 (SMC 20.50.310(A) is very ill-conceived. He recalled that the amendment has come before the Planning Commission a couple of times over the past decade. It has never been recommended for approval by the Planning Commission and it has never been adopted by the City Council. The golf club’s March letter acknowledged this, but didn’t really do justice to the previous discussions. The golf club’ letter indicates that the Innis Arden Club received notice of the proposed amendment and was invited to participate in the process, but the club has never been invited to comment on the proposal by either the golf club or City staff.

Mr. Eglick said the fundamental problem with the proposed amendment is that it hasn’t improved with age and repetition. It still does not propose a careful and analytical approach to management of large open space tracts. There is still no requirement for any expert baseline study of the 150-acre site for the golf club, including such aspects as an inventory of trees and an evaluation of environmental features meriting protection. These are things the Innis Arden Club believes should be part of the proposal. Instead, the

proposed amendment would give the golf club special dispensation from regulations that apply to everyone else.

Mr. Eglick commented that Sections 7a through 7f are too open ended. Rather than being regulations, they are more like aspirations. They are vague, unenforceable, and are not valid replacement for regulations. Adoption of the proposal for a laissez-faire approach would not pass muster under the State Environmental Policy Act (SEPA) or the Growth Management Act (GMA). Innis Arden is the steward for 50 acres of park-like reserve tracts, and permanently recorded restrictions protect these acres from development. Innis Arden would like to be part of the conversation about this kind of legislation, but it shouldn't be special-interest legislation for one entity (a private golf club). It would be appropriate to consider regulations that allow some carefully defined leeway and stewardship of large open space tracts. The Innis Arden Club would like to join the golf club and others in supporting that kind of defined approach. The Innis Arden Club would never have asked the City for the kind of undefined leeway presented in proposed Amendment 38. In fact, when Innis Arden approached the City about taking a more defined approach, staff indicated it would not be possible. It is unclear why the golf club amendment now has a staff recommendation for approval. He said he would provide further comments as the amendment works its way through the process, and he may submit some proposed revisions that would turn it into something more appropriate and less specific to one special interest.

Mr. Szafran explained continued to review the amendments as follows:

- **Amendment 38 (SMC 20.50.310(A))** – This is a private amendment submitted by the Seattle Golf Club to allow them to enhance, update and maintain their property through ongoing routine operating procedures. The proposed amendment would exempt the club from the requirements of a clearing and grading permit to do activities such as aerating and sanding the fairway greens and tee areas and replacing bunker sand. Currently, the golf club deals with large quantities of sand, soil and aerification plugs that all trigger requirements for clearing and grading. In addition, they have to maintain trees for the playability of the course, and there are thousands of trees on the 153-acre site. The proposed amendment is the club's attempt to streamline operations without getting permits.

Chair Mork asked if staff is recommending approval of Amendment 38. Mr. Szafran said staff is not providing a formal recommendation at this point. That will come at the public hearing.

Commissioner Lin requested additional information related to the Seattle Golf Club property. She is particularly interested in background information on the club's previous applications. She asked how the City could clearly define "routine maintenance activity." She understands the need for exemptions for regular maintenance such as aeration, sanding the fairways, pest control, etc. Perhaps the City could simply require a plan rather than separate permits for each activity. However, some of the activities listed already exceed the regular maintenance description. She suggested more information is needed for the Commission to determine what should be considered routine maintenance that doesn't trigger the clearing and grading permit requirement. Allowing some exemptions would decrease the amount of staff time needed to continuously review applications.

Mr. Szafran clarified that Commissioner Lin would like the applicant to address the Commission on what normal and routine maintenance at a golf course looks like. It is on the applicant to explain why the amendment is needed, and it is not appropriate for the staff to advocate for the amendment at this time. He agreed to reach out to the applicant, inviting them to the next Commission meeting to explain their operations.

Commissioner Galuska asked how Amendment 38 would interplay with the City's NPDES Permit and SEPA. Mr. Szafran said he has discussed the amendment with the Public Works Department. The second sentence in Section 7, which requires any project that qualifies as a medium impact regarding the surface water codes to submit a permit for review, is based on the City's NPDES Permit. The second paragraph in Section 7 defines medium impact projects as any project that has over 2,000 square feet of new or replaced hard surfaces and/or more than 7,000 square feet of disturbance. This would be the trigger for the NPDES Permit. The City could exempt projects under that and still be in compliance with the existing permit.

Commissioner Galuska noted that, as proposed, the golf club could change drainage facilities as long as they remain under the SEPA threshold. He asked if the NPDES Permit has the same threshold, and Mr. Szafran answered affirmatively.

Commissioner Rwamashongye agreed with Commissioner Lin that more information is needed before the Commission can make a recommendation on Amendment 38. When considering amendments that could impact the urban forestry of Shoreline, they need to consider the changes in totality rather than in fragments. If the golf club contributes to the canopy, giving them a blanket contract to reduce or change without regulation would be a challenge. Again, they need to consider the larger impacts of the proposed amendment.

Director Markle advised that staff has visited the golf club site on a few occasions over the years to learn more about how golf courses operate and to see exactly what areas they are talking about. Her understanding is that Item 7(c) is intended to address projects such as fixing areas where ponding and puddling has occurred. She agreed it would be helpful for the Commission to hear from the person who is in charge of golf course maintenance. She believes they have an extensive, natural drainage treatment system. Mr. Szafran added that drainage is contained on site and none of the water goes into the public system.

- **Amendment 39 (SMC 20.50.310(B))** – A commenter had a concern about Item B, which currently states that *“Landscape maintenance and alterations of any property that involve the clearing of less than 3,000 square feet or less than 1,500 square feet if located in a special drainage area, provided the tree removal threshold listed above is not exceeded.”* Staff is proposing that the last part of the sentence be deleted since the City's code doesn't have any sections on special drainage areas.
- **Amendment 41 (SMC 20.50.370)** – This amendment would change Item C by adding the following, *“Tree protection shall remain in place for the duration of the permit unless earlier removal is addressed through construction sequencing on approved plans.”* He is confused about

the concern regarding this amendment, since it would actually strengthen the current code about tree protection standards.

Mr. Szafran indicated that he would continue his presentation of the proposed Development Code amendments at the Commission's August 6th meeting.

DIRECTOR'S REPORT

Director Markle reported that June was a slow month. There were several pre-application meetings, including one for a 399-unit multifamily project at Shoreline Place. They also had a pre-application meeting for a 161-unit multifamily project on Aurora Avenue North.

Director Markle recalled that the 145th and 185th Street Station Area Plans both note that additional park space would need to be acquired to support the additional population moving into the area. She announced that the City recently authorized staff to purchase two pieces of property adjacent to the Paramount Open Space, and Conservation Futures funding will pay for half of that purchase. The purchase will add to park space in the 145th Street Station area.

Director Markle announced that staff is working with the City Manager's office on a proposal to City Council regarding the potential use of portions of the right-of-way, sidewalk, and some parking space, as well as reducing the required parking on an interim basis during the pandemic, to allow businesses to expand the area that is available for dining or retail.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

Vice Chair Malek reported that he is still waiting for the Hearing Examiner to set a date to review the Point Well's proposal.

AGENDA FOR NEXT MEETING

Mr. Szafran advised that the July 16th agenda will include a public hearing on the Community Renewal Area (CRA) sign code and a discussion on the Housing Action Plan.

ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

Laura Mork
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission

DRAFT
CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF PUBLIC HEARING
(Via Zoom)

July 16, 2020
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Mork
Commissioner Callahan
Commissioner Galuska
Commissioner Lin
Commissioner Rwamashongye
Commissioner Sager

Staff Present

Nora Gierloff, Planning Manager
Julie Ainsworth-Taylor, Assistant City Attorney
Carla Hoekzema, Planning Commission Clerk

Commissioners Absent

Vice Chair Malek

CALL TO ORDER

Chair Mork called the public hearing of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by Ms. Hoekzema the following Commissioners were present: Chair Mork and Commissioners Callahan, Galuska, Lin, Rwamashongye and Sager. Vice Chair Malek was absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

PUBLIC HEARING: COMMUNITY RENEWAL AREA (CRA) SIGN CODE UPDATE

Chair Mork reviewed the rules and procedures for the public hearing and then opened the hearing. She invited Ms. Gierloff to present the Staff Report.

4b. Draft Minutes from Thursday, July 16, 2020

Ms. Gierloff reviewed that the City designated a 70-acre area around the Sears, Central Market and Washington State Department of Transportation (WSDOT) complex as the Aurora Square Community Renewal Area (CRA) in September, 2012. It was later rebranded as Shoreline Place. The designation was intended to spur redevelopment of this prime commercial property from primarily retail uses into a mixed-use lifestyle center.

Ms. Gierloff explained that specific rules and regulations were created for the CRA to foster redevelopment. She provided a map, noting that the blue outline indicates the extent of the CRA, and the blue shaded area is the extent of the lifestyle center (Shoreline Place). The western portion is the WSDOT campus and a private school is located in the southern triangular portion of the site. The area to the east between the red and yellow bars is currently being developed as apartments (Alexan).

Ms. Gierloff advised that the City has entered into a development agreement with the property owner (Merlone Geier) of the central portion within the lifestyle center. Merlone Geier has come forward with a vision of how they see the property transforming, which will include a lot of public open space and apartment buildings with ground-floor commercial. The sign code is being reviewed again to ensure it supports the vision for redevelopment and accommodates all of the different types of uses and tenants that will be mixing on the site. She reviewed the proposed amendments as follows:

- Between the time that the current sign code was adopted and now, there have been some changes, based on a Supreme Court decision that limit what the City can regulate about signage. The City can limit the number, size, location and type, but it cannot regulate a sign's content. The language has been changed to be content neutral in compliance with the court's decision.
- The language was changed to clarify how the sign copy area will be calculated.
- The current code includes a \$100 per day penalty for failure to install new monument, wayfinding and pylon signage by September 1, 2017. The idea was to encourage property owners to refresh their signage. Staff is proposing that this penalty be eliminated. Instead, businesses will be required to replace their nonconforming signs if they want to take advantage of the new sign code. Hopefully, this will work to spur change on the site.
- Signs are expensive, so it is important that businesses get the most use from their signs. They need to be used for placemaking and creating a unique identity for the CRA. A proposed amendment would encourage businesses to get creative about their signs by offering allowances for signs that are different and creative via the administrative design review process.
- With monument signs, the intent is to allocate quite a bit of the allowed sign area to advertising the center as a whole. However, property owners and tenants have voiced concern that there would only be limited space available for each tenant. They want the ability to equitably list all of the tenant in a font that is readable for passersby. Currently, half of every monument sign must be devoted to advertising the center as a whole. Staff is recommending this be reduced to just 15%. There would still be consistent design elements and/or a logo, but the majority of the sign would be used to educate the passersby of the businesses located on site. This change would prioritize the success of the tenants.

4b. Draft Mintues from Thursday, July 16, 2020

- Property owners also stressed the importance of allowing retail leasing signs that provide contact information. A new category of sign was added to the code to address these important signs.
- A proposed amendment would clarify that the properties outside of the lifestyle center would not be required to devote parts of their signs to advertising Shoreline Place.
- Currently, the code allows two 100-square-foot monument signs per driveway. However, staff is concerned that allowing a large sign on each side of the driveway would create conflict with the existing trees, as well as the existing pole and pylon signs. It would also be difficult from a traffic safety standpoint. At the last meeting, she suggested that only one monument sign be allowed per driveway. Based on concerns raised by ROIC, a property owner within the CRA, she is now recommending that the number of monument signs allowed be based on the amount of street frontage rather than per driveway. As proposed, one monument sign would be allowed for every 250 feet of street frontage. For larger parcels, the number of monument signs allowed would be capped at three per street. This alternative would allow property owners to move their signs further away from the driveways so they don't interfere with the vision triangle.

Merlone Geier voiced concern that they may lose signage if they split up some of their parcels at some point in the future. However, she felt the opposite would be true. If more parcels are created, the property owners could be eligible for more signage. The number of monument signs might be similar with either alternative, since the number of monument signs would be capped at three signs per parcel. Because it is difficult to subdivide commercial spaces, she is not concerned that people will try to game the system by dividing in order to get more signs. The new proposal would allow more flexibility, which is something the property owners value highly.

- To reduce driver distraction, changeable electronic message pylon signs would no longer be allowed.
- The amount of copy area on a pylon sign that must be devoted to advertising Shoreline Place rather than the individual tenants would be reduced from 25% to 15%.
- The existing pylon signs are approximately 35 feet tall, and the current sign code limits the height to 25 feet. Because the signs are expensive, property owners asked to retain the option of using the existing sign structure, while changing the outside to make it look different. Staff is now recommending that pylon signs be allowed a height of up to 35 feet. The thought is that property owners will be more likely to remodel their signs if they don't have to completely replace them.
- Currently, each street frontage is allowed a single pylon sign. The sign must face either commercial or mixed-use zoning (not residential), but the code doesn't address situations where a street frontage is split between multiple property owners. Staff is recommending that the signs be allocated per parcel, allowing each property owner to make decisions on what is best for their tenants. As proposed, one sign would be allowed for parcels that are 5 to 10 acres in size, and two signs would be allowed for parcels over 10 acres in size. This change will result in approximately

4b. Draft Mintues from Thursday, July 16, 2020

the same number of signs as the current code, but it will allow a bit more flexibility on where the signs are located. It will also reduce potential conflicts with adjacent property owners.

A concern was raised that if a property were subsequently subdivided, resulting in properties that are less than 5 acres in size, a property owner could lose the right to a pylon sign. She agreed that is possible. However, Merlone Geier is currently proposing a number of different development types via a binding site plan. A binding site plan creates a parent lot that is controlled by different entities and developed in phases but is still regulated based on the parent lot. They are not currently proposing to subdivide the property, but it could happen at some point in the future.

- Staff is proposing two distinct sign allowances for wall signs: one for the ground floor businesses and another for the upper stories of residential units. The idea is to use signs to incentivize the types of development the City wants to see, and allocating wall signs based on public entrances helps create lively and interactive facades. As proposed, one projecting sign would be allowed per public entrance. The proposed amendment also clarifies that wall signs can use the tenant's font and colors rather than the Shoreline Place design.
- Most retail spaces do not want doors and windows on every wall. Signs can be used to incentivize good design and avoid blank walls. Facades can be dressed up by using different materials and adding display windows and awnings, etc. As proposed ground floor spaces could get additional signage, even on walls without entrances, if these techniques are used to liven up the otherwise blank walls.
- The CRA is a big site, and the idea is to encourage people to explore it all and know what is there. The sign code makes allowances for wayfinding signs that provide direction to the different businesses and apartments on the site. Because wayfinding signs are aimed at people who have already entered the site, they would be required to be pulled back from the street so they don't add to the clutter of the pylon and monument signs that are intended to attract the attention of passersby.
- The temporary sign code would be amended to allow businesses to have one or two banner signs, depending on the size of the store. Banners would be limited to 32 square feet in size.

Ms. Gierloff advised that, following the public hearing, the Planning Commission will be asked to forward a recommendation to the City Council. The next step will be developing common sign design guidelines (color, font, etc.) that are consistent with the vision for the site.

Commissioner Sager asked if the proposed limit for monument signs (1 for every 250 feet of street frontage and a maximum of 3) is allocated per street. For example, Merlone Geier has 900 feet of street frontage on one site and 600 on the other, so they would be allowed three monument signs per street front. Ms. Gierloff confirmed that was correct. Commissioner Sager asked if the code would require a certain distance between monument signs or if they could be clustered into one area. She said she would prefer limiting monument signs to one per driveway for traffic safety reasons. Ms. Gierloff said she suggested a spacing requirement for the pylon signs but not for the monument signs. However, it is something the Commission could consider. As proposed, a monument sign would have to meet the site distance

requirements, but they could be bunched together. Commissioner Sager said she would like to include a space requirement for monument signs.

Commissioner Galuska asked how many of the existing pylon signs are nonconforming. He asked if property owners would be allowed to change out the tenants on the nonconforming signs. Ms. Gierloff answered that property owners could keep the existing pylon signs, but they would not be allowed to put up a monument sign that advertises a business that is already on a nonconforming pylon sign.

Chair Mork asked how many pylon signs would potentially be allowed within the CRA based on the current proposal. Ms. Gierloff said there are currently four pylon signs on the site, and the proposed amendment would allow three signs as the property is currently configured. The existing signs are all nonconforming. When the four signs are taken down, only three new ones would be allowed. However, the businesses that are currently advertised on the pylon signs could be advertised on a monument sign, instead.

Assistant City Attorney Ainsworth-Taylor clarified that, based on the old code, all of the pylon signs were supposed to be abated by September 1, 2017. Technically speaking, the property owners have no right to even maintain the existing signs. The City has a right to discontinue nonconforming uses, so the property owners are actually getting a benefit under the proposed language because they will be allowed to do some changes to what they should have abated years ago.

Commissioner Lin agreed with Commissioner Sager's recommendation that there should be a spacing requirement for monument signs. She observed that, based on the site plan for Shoreline Place, there will be more interior streets than what currently exist. This may allow more monument signs. A spacing requirement would cap the number of monument signs allowed on the street. Ms. Gierloff suggested a spacing of 100 feet between monument signs.

Chair Mork reviewed the rules and invited members of the public to testify.

Robert Doran, Retail Opportunity Investments Corporation (ROIC), San Diego, CA, voiced concern about the number of existing pylon and monument signs versus what would be allowed by the proposed amendments. He also asked that consideration be given to the current property owners' obligations to their tenants that have rights on the existing pylon signs. Rather than allowing the existing pylon signs to be refurbished, he suggested the City allow monument signs to be placed where pylon signs are currently located. Considering the existing mature trees, it doesn't make sense for property owners to refurbish the existing pylon signs if they aren't visible from the street. He suggested there be flexibility to allow monument signs where the current pylon signs are located and then relocate the pylon signs to better locations for maximum visibility.

Mr. Doran said ROIC would like some flexibility to add an additional pylon sign at the corner of Aurora Avenue N and N 160th Street, which is a highly-traveled corner. This pylon sign would be in addition to what is already being recommended. Because it is such a prime location, perhaps it could provide signage from multiple property owners without taking away their rights for pylon signs on individual parcels.

Chair Mork closed the public comment portion of the hearing and invited the Commissioners to deliberate.

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Commissioner Sager noted that wall signs for the ground-floor commercial spaces would be limited to 1.5 square foot per lineal foot of store front that contains a public entrance. She asked if there would be a maximum size limit to address long storefronts. Ms. Gierloff answered that the total square footage of signage allowed could be split up into wall signs, projecting signs, awning signs, etc.

Commissioner Galuska said he would be opposed to allowing extra signage for ground floor spaces that use techniques to dress up otherwise blank walls. This concept tends to make the side of a building look like the front of a building, but there are no entrances. The City should require or at least encourage public entrances along the sidewalks. This is particularly important for businesses that front on N 160th Street, which is where the main entrance should be. Ms. Gierloff agreed that is a valid urban design concern. However, the property owners felt very strongly about not being required to provide entrances on every wall, but still being able to have signage on the walls without entrances. While the City could require that the walls without entrances be dressed up, the proposed amendment represents a compromise and offers the property owners something in exchange. The signs would only be half the size of those allowed on street fronts that have entrances.

Assistant City Attorney Ainsworth-Taylor suggested the Commission consider if they have enough information to forward a recommendation to the City Council on the proposed amendments with some changes or if they want to provide feedback and ask staff to come back with updated language for them to consider at a future meeting.

Commissioner Callahan agreed with Commissioner Sager's suggestion that there should be a distance requirement for monument signs. She is also interested in exploring Commissioner Galuska's recommendation relative to building facades that don't have entrances. She recognized the need for compromise, but perhaps there are other options. Ms. Gierloff commented that there are already design standards in place, and the provision would simply add an incentive for developers to go beyond what is typically required.

Commissioner Sager suggested that the Commission provide direction and send the amendments back to staff to make modifications based on their feedback and after further research.

Commissioner Rwamashongye thanked staff for revisiting the issues that were raised previously by the Commission and coming back with workable options. They did a fantastic job. His only concern relates to the spacing and location requirements for monument signs. If the City implemented a spacing requirement for monument signs without including any location requirements, a property owner's ability to place a monument sign could be drastically impacted if an adjacent property owner places his/her monument sign near the property line.

Commissioner Lin suggested that the Commission postpone its recommendation until staff can provide additional information to address their concerns.

Commissioner Galuska said he would support sending the amendments back to staff for changes. In addition to adding spacing requirements for monument signs, he would like additional analysis on the nonconforming pylon signs (keeping the existing signs versus the new standards). Based on Mr. Doran's

comments, moving to monument signs might be better for some of the sites. He said he likes calculating sign allowances based on parcel rather than frontage because there are different ownership groups. However, he could see a situation where a property owner wants to do a binding site plan, which divides buildings into individual ownerships. If the divided properties drop below a certain size, they would lose the right to a sign, and he doesn't believe that is the City's intention. He asked staff to consider how the proposed amendments would apply in these situations.

Ms. Gierloff said the idea of a binding site plan is that the differently controlled properties would function as a unified site. For example, perimeter landscaping would be required around the edge rather than around each division and signs could be allocated based on the parent parcel. Assistant City Attorney Ainsworth-Taylor said a binding site plan is a form of subdivision, which is deemed as a unified project that all ties together. Properties that are part of a binding site plan can be subdivided. Ms. Gierloff said that, in her experience, binding site plans are treated as a unified site and regulated as if they were the parent parcel. The lease lines were not of concern to the general concern in the regulations.

If the Commission chooses to delay its recommendation to the City Council, Chair Mork cautioned that it is important that staff has enough information from the Commission to further develop the proposal. The Commissioners summarized their discussion as follows:

- **Should there be spacing and setback requirements for monument signs.** Ms. Gierloff said it is not likely that the setback requirement for monument signs would be greater than the setback required for buildings. Chair Mork reviewed that rather than being concerned about the setback requirements for monument signs, Commissioner Rwamashongye was concerned that the monument signs should not all congregate where parcels meet. In addition to a spacing requirement, he suggested that the signs on separate properties should not be clustered together, either. Ms. Gierloff suggested that the spacing requirement could apply to all monument signs regardless of property ownership.
- **What is the nonconforming status of the existing signs?** As stated by the Assistant City Attorney, Ms. Gierloff reviewed that the existing nonconforming signs have been amortized and required to be removed, and the proposed amendments would grant additional flexibility for them to remain as they are. Mr. Gierloff agreed to provide information about the number and location of existing nonconforming signs.
- **Should wall signs be tied to entrances and not be allowed on walls that don't have public entrances?** Chair Mork said she like's staff's attempt to provide flexibility and incentives to encourage good design. However, Commissioner Galuska previously expressed concern about allowing signage on street fronts that do not have entrances as an incentive for adding certain design elements to address the blank walls. Clearly, this issue will need further discussion and perhaps additional information from staff.
- **Should three or four pylon signs be allowed at Shoreline Place?** Chair Mork referred to Mr. Doran's recommendation that four pylon signs be allowed for Shoreline Place rather than just the three currently recommended by staff. The 4th pylon sign would be located at the corner of N 160th Street and Aurora Avenue N and would be shared by all of the tenants of Shoreline Place. Ms.

Gierloff reminded the Commission that the sign code cannot control content, so it is really a matter of the physical location of signs. She suggested it would be a challenge to place a pylon sign at this intersection where there is a small landscaped area, a fire lane and underground utilities between the street and the building. She is not sure how to write the sign code to address all of these impediments.

- **How many monument signs should be allowed?** Commissioner Galuska said he supports staff's alternative proposal that allows one monument sign for every 250 feet of street frontage, with a maximum cap of three monument signs per street. He said he would be opposed to allowing two monument signs per entrance for safety reasons. Commissioner Rwamashongye agreed that allowing monument signs on each side of the driveway would create a safety hazard. He favors staff's alternative proposal, as well.
- **What should the height limit be for pylon signs?** Commissioner Galuska said he likes staff's proposed alternative that would allow pylon signs to be a maximum of 35 feet tall. Commissioner Rwamashongye said he also supports a 35-foot height limit for pylon signs. He said he strongly believes in urban forestry, and it is the developer's responsibility to locate the signs where they can be seen. However, clearing trees to accommodate a sign runs counter to the community's efforts to preserve the urban forest.
- **Should the penalty for failure to install new signs by September 1, 2017 be eliminated?** Commissioner Rwamashongye said he favors incentives over penalties, but he sees the \$100 per day penalty as a disincentive rather than a penalty.

Chair Mork commented that staff has worked hard on the amendments and proposed some really great ideas. The sign code has a lot of importance for both the community and the property owners. She said she looks forward to the Commission continuing its discussion at a future meeting. Assistant City Attorney Ainsworth-Taylor reminded the Commission that the public testimony part of the hearing has already been closed. However, the Commission could have another study session with staff, followed by another public hearing on the new proposal.

Chair Mork closed the public hearing.

STUDY ITEM: HOUSING ACTION PLAN BRIEFING

Ms. Gierloff reviewed that the 2020 Planning and Community Development Work Plan includes a Housing Choices Project to expand the types of housing in Shoreline by exploring the "missing middle" suite of options (i.e. cottages, tiny houses, vacation rentals and accessory dwelling units). In 2019, the Washington State Department of Commerce offered Growth Management Services Grants to fund the creation of Housing Action Plans. Shoreline applied for and received a \$94,000 grant to hire consultants to develop a Housing Action Plan that expands the scope of the Housing Choices Project. She reviewed the following components of the Housing Action Plan as follows:

- **Housing Needs Assessment.** The Housing Needs Assessment was attached to the Staff Report (Attachment B). The assessment was done by consultants (Community Attributes) and analyzes

Shoreline's existing housing stock, population demographic trends, housing affordability and forecasted housing needs. The goal is to identify the gaps between housing needs and what is available and make appropriate adjustments to meet the anticipated future needs of the City's population. Currently, the City is going through a period of rapid population growth, and the vast majority of the housing growth has been studio and 1-bedroom rental apartments. A smaller number of townhouses are being developed in the station areas that will provide family-sized ownership opportunities. However, aging seniors who want to move out of their larger homes might not be ready to move into a 1-bedroom apartment or townhouse with stairs. A small cottage unit might better fit their needs. The Housing Needs Assessment will point to the areas the City needs to focus on.

- **Communications Plan.** The Communications Plan was attached to the Staff Report as Attachment C. As a result of the pandemic, the Communications Plan had to pivot from in-person meetings and events to virtual meetings and relying on a web-based survey and online open house. Staff is soliciting input from individuals and groups within the City and region who have expertise on policy issues related to homelessness, shelters, housing types, development, etc. A Technical Advisory Group, consisting of local experts, was formed to provide feedback about what they see are the needs and priorities. The group has met once and developed some guiding principles for the project (equity, balance, stability and representation). Staff will continue to meet with the group as the project progresses. The online open house will be used as a vehicle to provide background information and analysis to the public. The web-based survey will invite respondents to prioritize the issues that should be addressed first and what kind of tools might be appropriate to address the issues.
- **Housing Toolkit.** This effort will start with an analysis of Shoreline's existing housing policies and incentives (density bonuses, fee waivers, etc.) to determine their effectiveness in creating quality, affordable housing. It will discuss how to fill in the gaps identified in the Housing Needs Assessment and identify new approaches and best practices that may be relevant to the City's particular housing needs.

It is important to keep in mind that housing is a regional issue that is affected by larger outside forces. The City has a limited ability to influence the larger regional housing market. The City is participating in regional efforts, but it needs to prioritize its own efforts and make the most of the tools available. While they like to use incentives that make the right thing to do the easiest thing to do, they must also acknowledge that there are a limited number of incentives and there are only so many times they can be given away. For example, the City wants to encourage green building, ground floor commercial and affordable housing and it is not possible to give away additional height and reduced parking for each one. They will either add up to create unexpected results or developers will have to choose just one of the goals that works best based on their market analysis. They need to consider how to target the incentives to be most effective, recognizing that there is a limited currency.

It is also important to keep in mind that the code is set up in a way that only regulates density in the residential zones. The City doesn't regulate density in the commercial and mixed-use zones. The idea is to provide flexibility to developers by letting the market determine what gets built and

to what level. Some cities have codes that offer density bonuses, but that won't work in the zones where most of the City's growth is occurring.

- **Review of the Comprehensive Plan Housing Element.** The City's current housing element goals and policies will be re-evaluated and the consultants will draft recommendations for editing and updating the Housing Element to support the direction put forward in the Housing Action Plan.

Ms. Gierloff summarized that the next step will be to gather public input on the different policies and regulatory options in the Housing Toolkit and then begin reviewing the plan with the Commission and City Council this fall. A Planning Commission recommendation to the City Council is anticipated in the spring of 2021, and the final plan will need to be adopted by the City Council no later than June 30, 2021.

Chair Mork commented that she is very excited about the project and delighted that the City is thinking about how to get public participation. This hasn't always been done to a satisfactory level to Shoreline citizens in the past, and she appreciate the emphasis.

Commissioner Rwamashongye said he will be particularly interested in comparing the Housing Needs Assessment that looks out over a 20-year planning period with the current reality of homelessness within the community. He will also be interested to learn how the housing costs have increased compared to increases in the average median income (AMI). It will be important for the Commissioners to have a clear understanding of the current situation and what can be done differently.

Commissioner Lin commented that implementing the Housing Toolkit will be complicated, since it will likely require updates to the goals and policies in the Housing Element in the Comprehensive Plan. She questioned if all of this work can be done by June 30, 2021. Ms. Gierloff clarified that, as per the grant requirements, June 30, 2021 is the deadline for adopting the Housing Action Plan. However, the City doesn't have to complete the Comprehensive Plan changes by that date.

Commissioner Callahan asked staff to provide more context about how the Housing Action Plan relates to other projects on the work plan. Ms. Gierloff explained that the City has chosen to do the Housing Action Plan under the authority of House Bill 1923. She referred to a citizen-initiated amendment related to housing and suggested that it could be folded in as one of the options in the Housing Toolkit. This would allow the Commission to consider the option holistically.

Commissioner Rwamashongye thanked staff for including the race and social justice lens in the analysis and planning process. This is a huge element.

Chair Mork said she is curious about the intersection between the Parks and Recreation Plan and the Housing Action Plan. She explained that many people base their housing choice on whether or not they can have a garden or some outside space. Some thought should be given to this aspect as it relates to the different housing choices.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONER ANNOUNCEMENTS

There were no committee reports or Commissioner announcements.

AGENDA FOR NEXT MEETING

The August 6th meeting agenda will be a work session on ground floor commercial space requirements and other proposed Development Code amendments.

ADJOURNMENT

The meeting was adjourned at 8:35 p.m.

Laura Mork
Chair, Planning Commission

Carla Hoekzema
Clerk, Planning Commission

6a. Staff Report - Ground Floor Commercial Development Code Regulations

Planning Commission Meeting Date: August 6, 2020

Agenda Item: 6a.

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Continuation of the Ground-Floor Commercial Development Code Regulations		
DEPARTMENT:	Planning & Community Development		
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Cate Lee, AICP, Associate Planner		
<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Study Session	<input type="checkbox"/> Recommendation Or	
<input type="checkbox"/> Discussion	<input type="checkbox"/> Update	<input type="checkbox"/> Other	

INTRODUCTION

This is a continuation of the Planning Commission's discussion on June 18 for the proposed Development Code amendments related to ground-floor commercial uses in the Community Business zone in the North City and Ridgecrest Neighborhoods. The purpose of this study session is to:

- Respond to Commission's questions and comments from the June 18 meeting;
- Review the revised Ground-floor Commercial Development Code regulations;
- Ask direction on options for certain Development Code regulations;
- Respond to questions regarding the proposed development regulations; and
- Gather public comment.

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.

The proposed Development Code amendments relate to requiring commercial uses on the ground floor for new development in the North City and Ridgecrest Neighborhoods (**Attachment A**). The proposed regulations include SMC 20.40 – Zoning and Use Provisions and SMC 20.50 – General Development Standards. The proposed amendments will apply to new mixed-use and multifamily buildings in specific areas in the North City and Ridgecrest neighborhoods.

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

Approved By: _____ Project Manager _____

Planning Director _____

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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 has led to missed opportunities for commercial development and neighborhood serving commercial uses. It is important that new multifamily buildings in key nodes include commercial uses to serve new and existing residents as stated in the following Comprehensive Plan Goals and Policies:

1. **Goal LU I:** Encourage development that creates a variety of housing, shopping, entertainment, recreation, gathering spaces, employment, and services that are accessible to neighborhoods;
2. **Goal LU VII:** Plan for commercial areas that serve the community, are attractive, and have long-term economic vitality;
3. **Goal ED II:** Promote retail and office activity to diversify sources of revenue, and expand the employment base; and
4. **ED7:** Enhance existing neighborhood shopping and community nodes to support increased commercial activity, neighborhood identity, and walkability.

BACKGROUND

Staff introduced the initial draft of the ground-floor commercial Development Code amendments to the Commission on June 18. The staff report and attachments for that meeting can be found here -

<https://www.shorelinewa.gov/home/showdocument?id=47438>.

COMMISSION QUESTIONS AND COMMENTS

The Commission had several questions and comments regarding the proposed ground-floor commercial regulations. The questions raised by the Commission covered many topics including economic development, development regulations, uses, incentives, and walkability. Staff will address those comments and concerns below. Staff has organized the questions by topic.

Economic Development:

1. Commissioner Lin: What does Shoreline's overall commercial development picture look like?

The City's Economic Development Manager, Nathan Daum, will provide the Commission an update of Shoreline's overall development picture on August 6.

2. Commissioner Callahan: Are the incentives the City is offering going to give Shoreline and the surrounding neighborhood the uses the neighborhood wants? What tools does the City have to prevent vacant spaces? Can the City incentivize smaller commercial spaces? Can the City make these commercial spaces more affordable for tenants?

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City staff looked at many available incentives and concluded height and hardscape are the most attractive to developers. Staff believes offering increased height and hardscape maximums will encourage developers to provide the type of ground-floor commercial space the City and the neighborhoods desire. Other incentives that were evaluated included reduced parking spaces, reduced permit fees, and front of the line permitting. Even though these incentives may be attractive to developers and encourage commercial space, staff had reservations for each:

- Reduced parking – Commercial tenants need parking spaces to support the business. If the location is along a street that doesn't offer street parking, then parking spaces must be provided elsewhere. Also, overflow parking onto public streets in the North City Neighborhood has been problematic. Reducing parking standards in North City may contribute to the existing problem.*
- Reduced Permit Fees – The City currently reduces permit fees for projects that qualify for the Deep Green Incentive Program (DGIP). It should be noted that reducing permit fees does not waive all permit fees. The Department can usually waive the plan review and zoning review portion of the permit fees, but not impact fees or capacity charges, which is not enough to be an incentive for a developer.*
- Front of the line permitting – The City already has two agreements with the Shoreline School District and Sound Transit for front of the line permitting. This is an attractive incentive for developers, but staff may not have the capacity to accommodate more requests.*

Staff researched other jurisdictions' approaches to prevent and fill vacant commercial spaces. One example is the first multifamily building with ground-floor commercial space constructed in Mountlake Terrace Town Center that was built in 2013 and is still not fully leased. The building contains four (4) commercial spaces, three (3) of which are currently occupied, and one (1) remains vacant. At the time the building was permitted, Mountlake Terrace did not have design standards in its code, such as minimum ceiling heights, minimum depth, etc. The result was the developer built the commercial space at 30 feet deep. Due to this depth and other ways the space was designed, it was very unattractive to what commercial uses actually need. Mountlake Terrace recently adopted new design standards that require a minimum depth of 50 feet on 57th Ave W and 233rd Street SW and 30 feet on the other required streets. In developing the standards, they had a lot of business community input, and the standards were crafted by a consultant with expertise in town center regulations. The most recent of the vacant commercial spaces in this building to be leased is by a brewery. When the brewery went into this space it incurred significant cost because the existing flooring could not support the heavy fermentation tanks, so they had to reinforce the floor with concrete. Mountlake Terrace staff recommends a minimum ceiling height of 15 feet to accommodate mechanical equipment, although their current regulations only require 13 feet from floor to ceiling. This is the building in question –

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The City doesn't have any programs to incentivize smaller commercial spaces. The City's Economic Development Manager will inform the Commission about commercial spaces and the economics of how these spaces are created. In most cases, the smaller the commercial space, the higher the rent per square foot. Developers will typically build out the entire ground floor into one space, then as the space is leased, the building owner or the business owner will submit a Tenant Improvement Permit to the City to divide the bigger space and build out the interior space to the clients' specifications.

*The City of Shoreline offers a limited number of initiatives and incentives for developers including, for certain commercial uses, the City will pay the applicant's Transportation Impact Fees. The list of eligible business categories can be found in **Attachment B**.*

3. Commissioner Malek: Can the City include a hardship clause that would give the owner of a new multifamily building the flexibility to use the commercial space for another purpose if the commercial space is not leased in a specific period?

Staff does not support adding a hardship clause into the proposed Development Code amendments. The City has always allowed commercial or residential uses on the ground-floor of new multifamily buildings. The policy was to allow residential uses until the demand for commercial uses would encourage the redevelopment of those spaces into commercial. This has never happened. Once the space is residential, it will stay residential. The Commission may want to look at allowing live/work units on the ground-floor if flexibility is a concern. Typically, live/work units won't provide the type of commercial uses wanted by the neighborhood, such as restaurants and cafés but they may provide office and service type uses.

4. Commissioner Malek: When will the Sound Transit Link Light Rail be operational? What is the projected ridership when the trains start running?

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Passenger service is scheduled to begin Summer 2024. Staff requested information from the City's Sound Transit Project Manager, Juniper Nammi, and was directed to the Lynnwood Link Extension Travel Forecast Results Report (published July 2017) and found the following information. The Report does not contain ridership projections for the year the station is expected to open (2024) but does contain such projections for the year 2035. The projected increase of ridership along the entire Lynnwood Link Extension (from Northgate to Lynnwood) is about 53 percent more than the current 44,800 riders estimated (2014) to 68,500 riders forecast for the future (2035). That is an increase of 23,700 riders for the entire Lynnwood Link Extension. The Report projected 6,235 daily trips in the year 2035 with the specific destination as "North King County." So, these are the trips coming specifically to Shoreline, not just passing through to other stations north or south. The report notes that uncertainty about long-term shifts in travel behavior is difficult to specify and one item that could affect future transit demand is telecommuting. With the COVID-19 public health emergency we have witnessed a sudden and dramatic shift from employers who previously had little to no telecommuting among employees. This shift to telecommuting from regionally headquartered tech company giants like Amazon are expected to remain permanent through 2021, and likely signal an overall culture change in the workplace to telecommuting as the norm for many in our community. This shift for many from working at an office building to working at home could mean less demand for office buildings and the services that support them, such as lunch-time eateries, to an increased demand in larger homes with space to accommodate a home office.

5. Commissioner Malek: If the walkshed is a ½ mile should we stagger the required commercial areas in relationship to the train stations? How many people do certain types of businesses need in order to locate within a specific area?

Council directed staff to look at ground-floor commercial spaces in the North City and Ridgecrest Neighborhoods. While some areas of Ridgecrest and the North City Business District are within one-half mile of the light-rail stations, the commercial districts of these two neighborhoods are outside of the one-half mile walkshed. Also, Council may expand the ground-floor commercial regulations to the station areas in the future.

Staff researched two documents that were created during the planning for the 145th and 185th light-rail stations in order to predict the demand for new commercial uses in the North City and Ridgecrest Neighborhoods. The first document is the 145th Street station Market Analysis prepared by the Leland Group. The document can be found here –

<https://www.shorelinewa.gov/home/showdocument?id=17855>.

The second document is the Shoreline Market Assessment for the Lynnwood Link Extension NE 185th Street Station prepared by bae Urban Economics. The document can be found here -

<https://www.shorelinewa.gov/home/showdocument?id=15888>.

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These two studies highlight the retail and office market potential within the 145th and 185th Street Station Subareas. Some interesting take-aways from both studies –

- A prevalent trend in development over the past decade is retail (as well as other types of commercial) development slowing down considerably. This is due to short term factors such as the economy, but also major long-term factors, such as increasing online shopping, “just in time” inventory, and therefore the diminishing need for large retail floor spaces. The pace of retail development in the coming decades will likely also be slower, and smaller in scale, than in the past.*
- Commercial uses in the station areas should focus on “quality” not “quantity”.*
- Small restaurant and retail space, typically 1,000 to 3,000 square feet, can provide important goods and services, a sense of place, and a social hub for an infill neighborhood. Such small commercial tenants can include restaurants, coffee shops, other food vendors, salons, small medical offices, title companies and real estate offices, pet stores, and electronics. While these tenants prefer locations alongside anchor retailers such as grocery stores and pharmacies, a small number could be in the station subarea in the first ten or more years of development, if housing can also be attracted. This total retail area is likely to be no more than 25,000 square feet. As these retailers will not have the benefit of a neighborhood retail anchor, they will benefit from high traffic exposure on NE 145th Street.*

Uses:

1. Commissioner Callahan: Can the commercial spaces be flexible? Concerned that what we think of a restaurant now is shifting rapidly due to COVID.

The code as currently proposed is flexible in that the space can be for any commercial use. However, the incentives as proposed are only available for spaces that are “restaurant ready.” The incentives could be made available to an expanded list of uses. However, there is a trade-off to be made between the desire for specific uses, and spaces designed to accommodate those uses (“restaurant ready”), and the desire for flexibility, which will result in less specificity.

2. Commissioner Galuska: Open to broad list of uses. Unless there is something specific that would be problematic like car dealership.
3. Commissioner Sager: In favor of keeping the list of uses allowed broad but some uses are not appropriate.

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4. Chair Mork: Next time if you could have a list of uses that perhaps have a greater interest now than when you were first considering these regulations.

*Staff has included SMC Tables 20.40.130 and 140 for Commission to review in **Attachment C**. The tables include all the uses that are permitted by right, require a Conditional Use Permit or Special Use Permit, or are prohibited. As you can see from these two tables there are a lot of potential uses that can locate in the Community Business zone in the North City and Ridgecrest Neighborhoods. Some uses may be undesirable, and some uses were identified by users of the online survey, to be unpopular.*

*A similar process of creating a table that promoted walkability and neighborhood serving business was completed during the light-rail station subarea planning process for the 185th and 145th Street stations. The table is in SMC 20.40.160 and is included as **Attachment D**. The Commission may want to consider the uses identified in this table as a starting point for allowed and prohibited uses in North City and Ridgecrest. Uses that encourage walkability, neighborhood character, small-scale retail, restaurants, and neighborhood serving business are allowed. Uses that don't contribute to walkability and neighborhood character such as auto sales, leasing, repair, gas stations, retail marijuana, and self-storage facilities are prohibited.*

5. Commissioner Rwamashongye: How will pick-up/drop-off queuing work if a Daycare locates in one of these commercial spaces?

Staff researched recent mixed-use and multifamily developments in Shoreline and the surrounding jurisdictions and found most of the ground floor commercial businesses required access from the street. That is, parking and drop-off/pick-up spaces were provided on the street and signed as so. Staff found one example of a building in Bothell that allowed parking and queuing space within the garage. If a daycare were to locate in a new multifamily building, pick-up and drop-off would most likely occur in a loading zone in the public-right-of-way in front of the building.

Development Regulations:

1. Commissioner Rwamashongye: How will loading occur for new commercial businesses?

*Staff has included the City of Shoreline loading regulations in **Attachment E**. Staff looked at businesses in the North City and Ridgecrest Neighborhoods and found that most of the businesses load/unload from space in the parking lots and occupying parking spaces. Here is an example from North City –*

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2. Commissioner Galuska: Are all commercial uses required to provide ADA compliant bathrooms? Is there a specific kind of grease trap we can point to perhaps in the commercial building code that is unique to restaurant use?

Staff consulted with the commercial plan reviewers and wastewater specialists and found the following information:

- *ADA bathrooms – Every commercial space is required to have ADA restrooms.*
 - *Grease Traps – A grease trap is not something that would be installed during the rough-in of a vacant tenant space. Typically, a grease trap is installed at sink locations concurrent with sink installation during the restaurant build-out. A more appropriate requirement would be for a grease interceptor, which is like a catch basin outside the perimeter of the building. A grease interceptor is much more difficult to install at the tenant improvement stage so is a more appropriate requirement for the initial shell construction. In response to this information staff has changed the proposed code from “grease trap” to “grease interceptor.”*
3. Chair Mork: Concerned that the 12-foot ceiling height is too low. I would suggest 14-feet from personal experience. In addition, the 20-foot depth seems shallow for commercial spaces.

As a comparison for the Commission to consider, staff has included minimum ceiling heights from jurisdictions in the region:

- *Bellingham – 12-feet*
- *Kirkland – 13-feet*
- *Redmond – 14-feet*
- *Renton 15-feet*
- *SeaTac – 10-feet*
- *Tacoma – 12-feet*

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Staff also looked at recent permitted projects in Shoreline and found the ceiling heights of these completed projects:

- *Echo Lake Building 1 (James Alan Salon) – 14-feet*
- *Echo Lake Building 2 (Dentist Office) – 14-feet*

Staff contacted several local architects that design commercial spaces and received the following recommendations:

- *13-feet, at minimum to accommodate mechanical equipment associated with a restaurant use*
- *15 to 16-feet, as those heights are much more desirable for a restaurant use in particular*

Research shows there is some variation in minimum ceiling heights around the region. Staff does not object changing the proposed language from 12-feet to something higher. It should also be clear in the code that the minimum ceiling height is measured from finished floor to finished ceiling.

Upon further examination of this issue, staff recommends a height bonus not just for the “restaurant ready” spaces but for all ground floor commercial spaces subject to these standards to accommodate the increased ground floor ceiling height. The final number should be adjusted based on the number above 10 feet chosen. For example, if the Commission decides on a minimum ground floor ceiling height of 14 feet, then the height bonus should be four (4) feet for all buildings subject to these standards.

Incentives:

1. Chair Mork: I’m not sure a bakery needs a commercial hood. What are things that may be like restaurant ready but don’t meet the exact definition? (The Commission can call out other uses that may qualify for an incentive)

Staff consulted with the commercial plan reviewers and they stated a bakery would likely need a hood and/or special ventilation of some kind. The commercial plan reviewers also provided the following feedback on the other “restaurant ready” items:

- *ADA compliant bathrooms: Required in any commercial use.*
- *Central plumbing drain line: Any commercial space would need a drain line for at least the restrooms. Restaurants would need a larger line possibly, but a 4-inch line would normally be plenty.*
- *Ventilation shaft for a commercial kitchen hood/exhaust: Any commercial space would need a ventilation shaft if a restaurant was a desired type of tenant. Breweries and distilleries could need a ventilation shaft depending on the size and scale of their operation. They recommend a shaft be installed to make it easier for any future tenants. Not having a shaft would*

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prevent restaurants from moving in later. It is not something that would be easily installed afterwards.

2. Chair Mork: An incentive that isn't being looked at is priority in the planning department.

This is an attractive incentive for developers, but staff may not have the capacity to accommodate more requests. The City has two agreements in place for front of the line permitting with the Shoreline School District and Sound Transit. DGIP projects can also receive expedited permitting without the double fee otherwise charged. When more and more permits get moved to the "front of the line" the term itself loses meaning without corresponding staffing levels. City staff does not recommend this incentive unless there are increases in staffing levels in the Planning & Community Development and Public Works Departments. Otherwise it amounts to an unfunded mandate and will not result in the desired outcome.

3. Chair Mork: How does the Deep Green Incentive Program (DGIP) work with these incentives? Can the incentives be combined?

The DGIP contains incentives to encourage environmentally sustainable building projects. As currently worded, the DGIP incentives can be combined with ground-floor commercial incentives. While this may sound good for developers, there are other factors for the Commission to consider:

- *Competing incentives – The DGIP and GFC both allow increases in height. The DGIP will allow a 20-foot height bonus and the GFC will allow a 15-foot height bonus. If a developer took advantage of both height incentives, the building could potentially be 95-feet in the CB zone. A developer will most likely limit the height of the building to 70-75 feet when considering the cost of construction since wood frame construction over a concrete base can be 70 to 75-feet high. Any building over 70-75 feet will need to switch to steel construction making the cost of the building infeasible. This means that the incentives for DGIP will compete with the incentive for GFC because the developer will pick the incentive with the least cost, likely the GFC.*
- *Parking Reduction – The DGIP allows up to a 50 percent parking reduction under Tier 1 certification. Research shows that commercial businesses want access to easy and accessible parking. Reducing parking requirements are allowed for multifamily uses but commercial uses usually want the parking spaces for customers. Staff believes reducing parking requirements for GFC is not an attractive incentive.*

4. Commissioner Lin: Increasing hardscape will decrease green space on a site.

While it is true that increasing the building footprint will result in less green space, it is one of two meaningful incentives the City has to offer. Since the commercial zoning districts, including CB, do not contain maximum residential densities or FARs (floor-area-ratios), and there are already many other code provisions that

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allow for exemptions or reductions to other code regulations (e.g., parking reductions, impact fee reductions), there is not much left in the zoning regulation toolbox to offer. Developments still must comply with minimum setbacks, which in CB range from 15 to 20 feet, unless the property is abutting another commercial zoned property, in which case no setback is required. This fits with the desire for a more urban development form, where eventually, over time, the buildings rest on lot lines creating a continuous street front. Green space is still provided in these types of urban areas through park systems, streetscape improvements, and compliance with design standard requirements for onsite open space.

5. Chair Mork: Maybe only allowed if it is permeable hardscape.

Permeable hardscape will not encourage bigger building footprints which is an incentive a developer may be looking for. Permeable hardscape would result in a smaller building footprint and therefore would not be much of an incentive to builders. Meaning fewer builders are likely to construct restaurant ready spaces.

Walkability and Streetscape:

1. Chair Mork and Commissioner Rwamashongye: How will the new ground-floor commercial space interact with the public realm. Can staff show how the ground-floor commercial space and the public sidewalk will interact?

*The City requires public places when developing mixed-use and commercial buildings in mixed-use and commercial zones. This means that the proposed Development Code amendments will require developers to provide public places at the rate of 4-square feet of public space for every 20 square feet of commercial space. These public spaces will enhance the pedestrian experience between the GFC use and the public sidewalk. The complete list of requirements is in **Attachment F**. Some examples include:*



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It is important to note that these proposed regulations only apply to the building on private property. What happens on the sidewalk, or in the right-of-way, is dictated by Public Works through the Transportation Master Plan and the Engineering Design Manual. The proposed areas in question, North City Business District and the Ridgecrest commercial area, have specific design standards depending on what street development is taking place on. For example, 15th Avenue NE, between 175th and 180th Streets, require 6-foot sidewalks, 4-foot amenity strips, 7-foot parking lanes, 11-foot travel lanes (4-lanes total), and no bicycle lanes. The street design requirements can be found in Appendix F of the City's EDM here -

<https://www.shorelinewa.gov/home/showdocument?id=46272>.

The City has improved 15th Avenue NE through North City by incorporating benches, plantings, hanging baskets, signage, and design improvements to encourage a pedestrian friendly environment. Some of those improvements are shown below:



This photo illustrates how outdoor dining can interact with the public sidewalk. It also shows pedestrian scale lighting and wide sidewalks on 15th Avenue in the North City Business District.

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This photo illustrates pedestrian amenities such as benches, pedestrian scale lighting, wide sidewalks, and landscaping.

Map Related:

1. Chair Mork: Can other mixed-use and commercial properties take advantage of the incentives if they are outside of the areas depicted in Figure 20.50.465?

No, properties outside of the areas depicted in Figure 20.40.465 will not be eligible for the proposed incentives. It was Council's direction to craft ground-floor commercial Development Code amendments for the North City and Ridgecrest Neighborhoods. Staff has recommended applying the regulations to those areas shown in SMC 20.40.465 to target new development on the most heavily travelled arterials in those two neighborhoods. At some point in the future, Council may direct staff to look at other areas of the City, such as the station areas and the Aurora corridor, to apply new ground-floor commercial regulations.

2. Chair Mork: The Commission would like a map showing both light rail stations and the 15th Avenue corridor connecting the two.

*Staff has included a map showing both station areas, Ridgecrest, North City, and the 15th Avenue corridor as **Attachment G**.*

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PROPOSAL

Staff has updated the ground-floor commercial development code amendments and the justifications for the amendment based on additional research, public comment, and direction from the Commission. The changes are shown below and noted in [blue text](#).

Attachment A includes the proposed Ground-Floor Commercial Development Code amendments in legislative format.

All the amendments are listed in order of Chapter. The proposed amendments are shown first in legislative format followed by staff's analysis in *italics*. Each amendment is separated by a horizontal line for ease of use and to show separation between amendments.

SMC 20.40 – Uses

Table SMC 20.40.120 – Adds indexed criteria to the Multifamily use in the CB zone.

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									
	Apartment		C	P	P	P	P	P	P
	<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>

This amendment to Table 20.40.120 strikes “Apartment” and adds “Multifamily”. This change is consistent with the term multifamily dwellings being used in SMC 20.50.120 Multifamily Residential Design Standards. Also, apartment is one type of multifamily dwellings and is covered in the definition of multifamily dwellings which states, “Multifamily dwellings are separate housing units contained within one building or several buildings within one complex. Multifamily dwellings may have units located above other units. Apartments and mixed-use buildings with apartments are considered multifamily dwellings.

The amendment also adds indexed criteria to the Multifamily use in the Community Business (CB) zone. The indexed criteria are addressed in the next amendment below.

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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 (UPDATED)

- 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. Residential dwelling units are not allowed in commercial spaces.

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- 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. The following incentives are available when the ground floor commercial space is constructed to accommodate a restaurant.
1. Constructed to accommodate a restaurant means space that includes:
 - a. ADA compliant bathrooms (common facilities are acceptable);
 - b. A central plumbing drain line;
 - c. A grease [interceptor](#); and
 - d. A ventilation shaft for a commercial kitchen hood/exhaust.
 2. Height Bonus. An additional twelve (12) feet in height is granted through this bonus. The twelve (12) feet is considered base height and shall be measured in accordance with SMC 20.50.050.
 3. Hardscape Maximum Increase. An additional five percent (5%) of hardscape is granted through this bonus.

The above indexed criteria apply to new multifamily development in the Community Business zones in the areas designated by Figure 20.40.465(A). The areas depicted in Figure 20.40.465(A) are those areas that rated highly for commercial uses in the online survey by both residents and developers (20.40.465(A)). The indexed criteria require that commercial spaces be provided on the ground floor of new multifamily buildings (20.40.465(B)). Commercial spaces include any uses that are allowed in Table 20.40.130 – Nonresidential uses and Table 20.40.140 – Other uses. Staff has recommended that residential uses be specifically called out as not being allowed. As a policy discussion, the Commission can recommend more narrowly defining the types of uses allowed in commercial spaces or the Commission can expand the list of non-permitted uses in commercial spaces. For example, marijuana retail shops are a use that was not preferred in the online survey.

Staff is proposing new parking standards for ground-floor commercial uses (20.40.465(C)). The proposed parking ratio is 1 parking space per 400 square-feet of commercial space. This ratio is the same as general retail uses throughout the city. The parking ratio supports restaurant tenants, a desired use in the survey, since the current parking ratio for a restaurant is 1 per 75 square feet of dining space. Developers decide during construction how many spaces to provide and under the current rules if they do not invest in the additional spaces required for a restaurant up front no restaurant will ever be able to lease space in the building. Research shows that jurisdictions have a

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range of approaches to parking requirements. Some jurisdictions do not require any parking spaces for ground-floor commercial uses while others do. Staff is proposing 1 per 400 square feet based on comments received through the online survey and comments provided by developers in the region.

The last indexed criteria in this section lists available incentives for those uses that were identified as being the most important in the online survey. In this case, restaurants were the use most residents wanted to be provided. Staff considered many incentives if the ground-floor commercial space was restaurant ready. The incentives listed above including height bonus and hardscape increase, were incentives proposed by many of the jurisdictions staff researched for these Development Code amendments. A 15-foot increase in the height of a building in the CB zone could potentially allow a 75-foot building.

An increase in the hardscape of 5 percent will allow a development in the CB zone to cover 90% of the parcel. This is still less than the MUR-70' and Mixed-Business zones which allow hardscape up to 95%.

Some other incentives that were discussed but not included in the proposed draft include permit fee reduction, setback reductions, and parking reductions. The Commission may request to discuss these options further and amend the proposed draft if any of these incentives are warranted.

SMC 20.50 – General Development Standards

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

6a. Staff Report - Ground Floor Commercial Development Code Regulations

Commercial Zones				
STANDARDS	Neighborhood Business (NB)	Community Business (CB)	Mixed Business (MB)	Town Center (TC-1, 2 & 3)
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 (6)	70 ft	70 ft
Hardscape (4)	85%	85% (7)	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.*

6a. Staff Report - Ground Floor Commercial Development Code Regulations

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, barbecue 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 12 feet for properties that qualify under SMC 20.40.465.

(7) Maximum hardscape may be exceeded by an additional five percent (5%) for properties that qualify under SMC 20.40.465.

This amendment adds footnote 6 and 7 to Table 20.50.020(3). These footnotes are based on the incentives included in the Multifamily indexed criteria in 20.40.465. If the Commission agrees with the incentives, the table above must be amended to include the new height and hardscape exceptions.

Subchapter 4.

Commercial and Multifamily Zone Design

20.50.240 Site design.

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;

6a. Staff Report - Ground Floor Commercial Development Code Regulations

- 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;

The above amendments are general clean-up in nature and do not apply directly to the ground-floor commercial requirements. The first amendment applies to buildings that are constructed in zones that require a building setback. This amendment clarifies that if a building is constructed in a zone that requires a setback, the building must be built at the setback line and not at the property line.

The second amendment clarifies that ground floors shall be measured from the finished floor to finished ceiling.

20.50.250 Building design.

C. Ground Floor Commercial.

1. New buildings subject to SMC 20.40.465 shall comply with these provisions.
2. These standards are not eligible for design departures.
3. These requirements apply to the portion of the building's ground floor abutting a public right-of-way (ROW).
4. A minimum of ~~75~~ 100 percent of the lineal frontage shall consist of commercial space. Up to 25 percent of the ~~minimum 100 percent of~~ lineal frontage may consist of facilities associated with the multifamily use, such as lobbies, leasing offices, fitness centers and community rooms.
5. All ground-floor commercial spaces abutting a ROW shall be constructed at a minimum average depth of 20 feet, with no depth less than 15 feet, measured from the wall abutting the ROW frontage to the rear wall of the commercial space.
6. All ground-floor commercial spaces shall be constructed with a minimum ceiling height of 12 feet, measured from finished floor to finished ceiling.

The amendments to 20.50.250 add a new section "C" that requires ground-floor commercial building design. The first amendment (20.50.250(C)(1)) states that these requirements will apply to all new multifamily development in designated areas of the North City and Ridgecrest Neighborhoods as depicted in Figure 20.40.465(A).

6a. Staff Report - Ground Floor Commercial Development Code Regulations

The second amendment (20.50.250(C)(2)) states that the requirements in this section are not eligible for design departures. The Development Code does allow design departures for other building design elements through the Administrative Design Review process. Staff believes that this section should not be eligible for those same design departures in order to get the necessary frontage and commercial spaces the city desires.

The third and fourth amendments (20.50.250(C)(3) and (4)) require a minimum of 75% of the frontage along any facades abutting a public right-of-way to contain ground floor commercial space. It does not make economic sense to require commercial uses to face a side or rear yard. The remaining 25 percent (%) of the frontage may be used for amenities and facilities of the multifamily development including fitness rooms, leasing office, or community gather spaces. This area does not include residential units.

The fifth and sixth amendments (20.50.250(C)(5) and (6)) are the physical dimensions of the ground-floor commercial spaces. The average depth of the ground-floor commercial spaces shall be 20-feet. Staff recommends using average depth in case there is a point in the building that the depth must decrease for utility or mechanical reasons. Staff is also recommending that the ceiling heights be no less than 12-feet. Research has shown that other jurisdictions use a range of ceiling heights between 12-feet and 20-feet.

DECISION CRITERIA

SMC 20.30.350 states, “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”. Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders previously approved by the Director. Regardless of their purpose, all amendments are to implement and be consistent with the Comprehensive Plan.

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 when all the following are satisfied:

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.

6a. Staff Report - Ground Floor Commercial Development Code Regulations

NEXT STEPS

The Ground-Floor Commercial Development Code amendments schedule is as follows:

August 6	Planning Commission Meeting: Discuss Amendments (part 2)
September	Planning Commission Public Hearing
October/November	City Council Study Session and Adoption of Development Code Amendments

Attachments

Attachment A – Proposed Ground-Floor Commercial Development Code Amendments (Strikethrough and Underline Copy)

Attachment B – TIF Exception Table

Attachment C – Nonresidential and Other Use Tables

Attachment D – Station Area Use Table

Attachment E – Loading Zone Regulations

Attachment F – Public Places Regulations

Attachment G – Overview Map

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		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
	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				
	Multifamily		<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									

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	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. 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. The following incentives are available when the ground floor commercial space is constructed to accommodate a restaurant.
1. Constructed to accommodate a restaurant means space that includes:
 - a. ADA compliant bathrooms (common facilities are acceptable);
 - b. A central plumbing drain line;
 - c. A grease interceptor; and
 - d. A ventilation shaft for a commercial kitchen hood/exhaust.
 2. Height Bonus. An additional twelve (12) feet in height is granted through this bonus. The twelve (12) feet is considered base height and shall be measured in accordance with SMC 20.50.050.
 3. 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 12 feet for properties that qualify under SMC 20.40.465.*
- (7) *Maximum hardscape may be exceeded by an additional five percent (5%) for properties that qualify under SMC 20.40.465.*

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.**

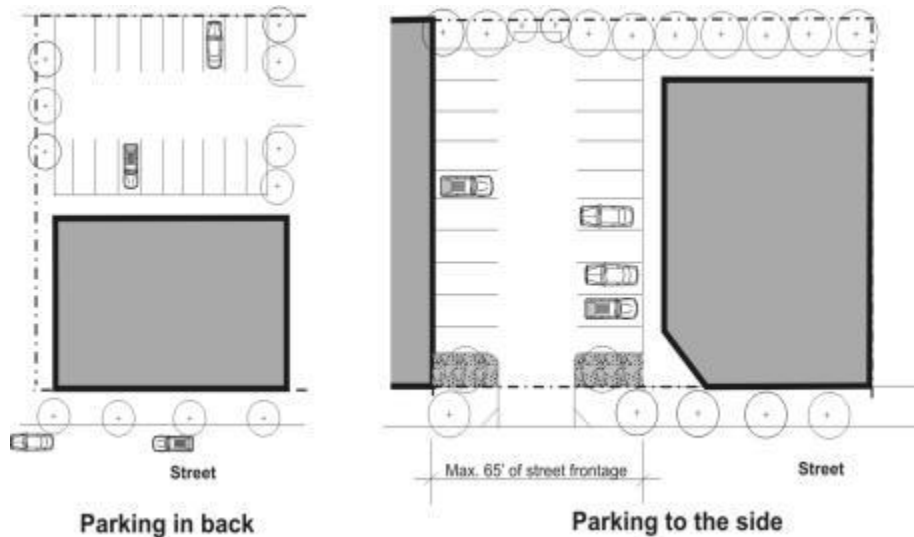
1. Promote and enhance public walking and gathering with attractive and connected development.
2. Promote distinctive design features at high visibility street corners.
3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.
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;



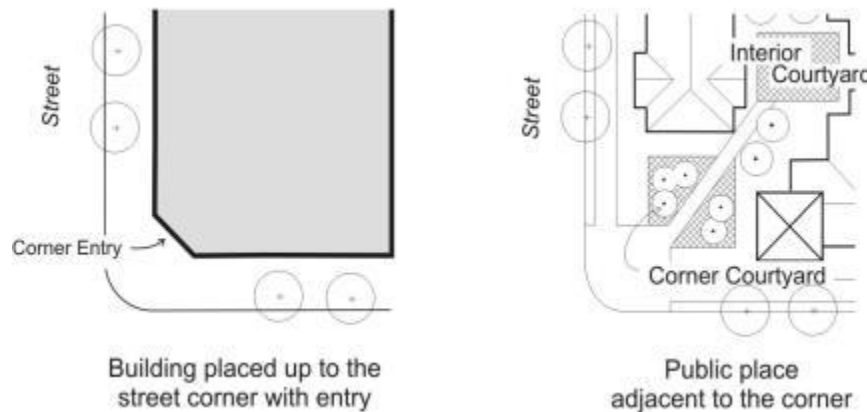
Parking Lot Locations Along Streets

- 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.

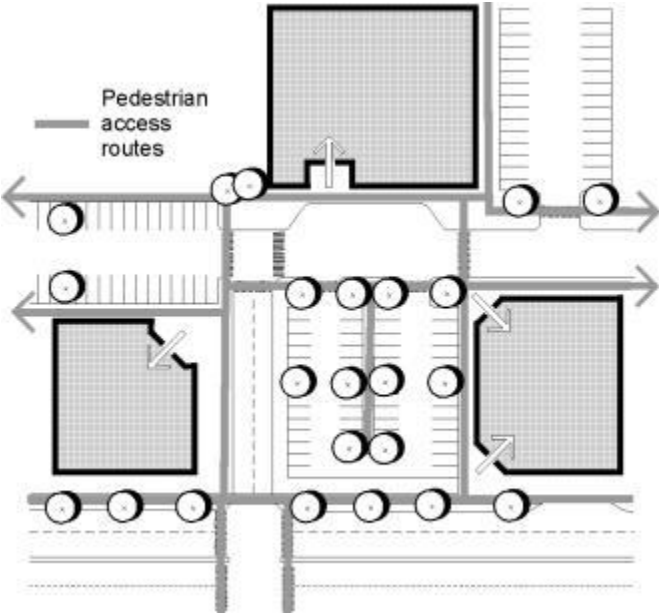


Building Corners

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).

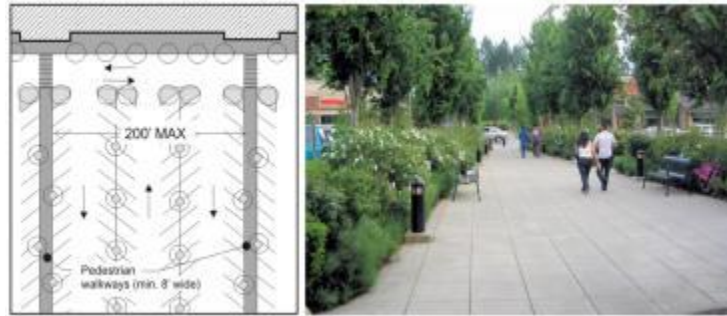
- a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicles or raised six inches and be at least eight feet wide;
- b. Continuous pedestrian walkways shall be provided along the front of all 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.

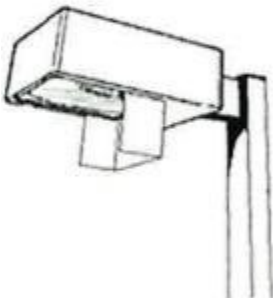
1. All publicly accessible areas on private property shall be illuminated as follows:
 - a. Minimum of one-half footcandle and maximum 25-foot pole height for vehicle areas;
 - b. One to two footcandles and maximum 15-foot pole height for pedestrian areas; and
 - c. Maximum of four footcandles for building 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.

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 standards are not eligible for design departures.
3. These requirements apply to the portion of the building's ground floor abutting a public right-of-way (ROW).
4. 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.
5. All ground-floor commercial spaces abutting a ROW shall be constructed at a minimum average depth of 20 feet, with no depth less than 15 feet, measured from the wall abutting the ROW frontage to the rear wall of the commercial space.
6. All ground-floor commercial spaces shall be constructed with a minimum ceiling height of 12 feet, measured from finished floor to finished ceiling.

3.80.070 Exemptions.

Except as provided for below, the following shall be exempted from the payment of all transportation impact fees:

I. Businesses – Exemption. A business building permit applicant shall receive an exemption of impact fees under the following conditions:

1. To be eligible for an exemption, an applicant shall meet the following criteria:
 - a. Qualify as a “business” based on the following Institute of Transportation Engineers (ITE) code categories:

ITE Code	Land Use Category/Description
110	Light industrial
140	Manufacturing
310	Hotel
320	Motel
444	Movie theater
492	Health/fitness club
565	Day care center
710	General office
720	Medical office
820	General retail and services (includes shopping center)
841	Car sales
850	Supermarket
851	Convenience market – 24 hour
854	Discount supermarket
880	Pharmacy/drugstore
912	Bank
932	Restaurant – sit down
934	Fast food
937	Coffee/donut shop
941	Quick lube shop
944	Gas station
948	Automated car wash

b. If none of the ITE fee categories in subsection (l)(1)(a) of this section accurately describes or captures a new business, the director shall determine the applicable ITE fee category and whether that ITE category is the type of business intended to be eligible for exemption under this section.

2. The amount of impact fees not collected from businesses pursuant to this exemption shall be paid from public funds other than the impact fee account.

3. Term. This subsection shall expire on December 31, 2023.

20.40.130 Nonresidential uses.

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC- 4	NB	CB	MB	TC-1, 2 & 3
RETAIL/SERVICE									
532	Automotive Rental and Leasing						P	P	P only in TC-1
81111	Automotive Repair and Service					P	P	P	P only in TC-1
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	C	P	P	P	P
	Brewpub					P	P	P	P
513	Broadcasting and Telecommunications						I	P	P
812220	Cemetery, Columbarium	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Houses of Worship	C	C	P	P	P	P	P	P
	Construction Retail, Freight, Cargo Service						I	P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P
	Daycare II Facilities	P-i	P-i	P	P	P	P	P	P
722	Eating and Drinking Establishments (excluding Gambling Uses)	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i	C-i		P-i	P-i	P-i
447	Fuel and Service Stations					P	P	P	
	General Retail Trade/Services					P	P	P	P
811310	Heavy Equipment and Truck Repair						I	P	
481	Helistop			S	S	S	S	C	C

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC- 4	NB	CB	MB	TC-1, 2 & 3
485	Individual Transportation and Taxi						C	P	P only in TC-1
812910	Kennel or Cattery						C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
31	Light Manufacturing						I	P	P
	Marijuana Operations – Medical Cooperative	P	P	P	P	P	P	P	P
	Marijuana Operations – Retail					P	P	P	P
	Marijuana Operations – Processor						I	S	P
	Marijuana Operations – Producer						I	P	
	Microbrewery						P	P	P
	Microdistillery						P	P	P
441	Motor Vehicle and Boat Sales						I	P	P only in TC-1
	Professional Office			C	C	P	P	P	P
5417	Research, Development and Testing						I	P	P
484	Trucking and Courier Service						P-i	P-i	P-i
	Self-Storage Facilities						P-i	P-i	
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade						I	P	
	Wireless Telecommunication Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC- 4	NB	CB	MB	TC-1, 2 & 3
P = Permitted Use						S = Special Use			
C = Conditional Use						-i = Indexed Supplemental Criteria			

20.40.140 Other uses.

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	TC- 4	NB	CB	MB	TC- 1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						P-i	P-i	
71312	Amusement Arcade						I	P	P
71395	Bowling Center					C	P	P	P
6113	College and University					S	P	P	P
56192	Conference Center	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C	C		I		
	Gambling Uses (expansion or intensification of existing nonconforming use only)					S-i	S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i	P-i		I		
514120	Library	C	C	C	C	P	P	P	P
71211	Museum	C	C	C	C	P	P	P	P
	Nightclubs (excludes Adult Use Facilities)						C	P	P

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
7111	Outdoor Performance Center						I	S	P
	Parks and Trails	P	P	P	P	P	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						P-i	P-i	P-i
6111	School District Support Facility	C	C	C	C	C	P	P	P
6111	Secondary or High School	C	C	C	C	C	P	P	P
6116	Specialized Instruction School	C-i	C-i	C-i	C-i	P	P	P	P
71399	Sports/Social Club	C	C	C	C	C	P	P	P
6114 (5)	Vocational School	C	C	C	C	C	P	P	P
GOVERNMENT									
9221	Court						P-i	P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
92212	Police Facility					S	P	P	P
92	Public Agency Office/Yard or Public Utility Office/Yard	S-i	S-i	S	S	S	P	P	
221	Utility Facility	C	C	C	C	P	P	P	P
HEALTH									
	Enhanced Services Facility						I	S	
	Evaluation and Treatment Facility						I	S	

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
622	Hospital			C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	Medical Office/Outpatient Clinic			C-i	C-i	P	P	P	P
623	Nursing Facility			C	C	P	P	P	P
	Residential Treatment Facility			C-i	C-i	C-i	P-i	P-i	P-i
REGIONAL									
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i	S-i	
	Secure Community Transitional Facility						I	S-i	
	Transfer Station	S	S	S	S	S	S	S	
	Light Rail Transit System/Facility	S-i	S-i	S-i	S-i	S-i	S-i	S-i	S-i
	Transit Bus Base	S	S	S	S	S	S	S	
	Transit Park and Ride Lot	S-i	S-i	S-i	S-i	P	P	P	P
	Work Release Facility						I	S-i	

P = Permitted Use

C = Conditional Use

S = Special Use

**-i = Indexed Supplemental
Criteria**

20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
COMMERCIAL				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	Brewpub	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A
	Marijuana Operations – Medical Cooperative	P	P	P
	Marijuana Operations – Retail			
	Marijuana Operations – Processor			
	Marijuana Operations – Producer			
	Microbrewery		P (Adjacent to Arterial Street, cannot abut R-6 zone)	P

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Microdistillery		P (Adjacent to Arterial Street, cannot abut R-6 zone)	P
	Mini-Storage		C -A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P-i
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION				
	Amusement Arcade		P -A	P -A
	Bowling Center		P-i (Adjacent to Arterial Street)	P
	College and University			P
	Conference Center		P-i (Adjacent to Arterial Street)	P
	Elementary School, Middle/Junior High School	C	C	P
	Library		P-i (Adjacent to Arterial Street)	P
	Museum		P-i (Adjacent to Arterial Street)	P
	Parks and Trails	P	P	P

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Performing Arts Companies/Theater (excludes Adult Use Facilities)		P -A	P -A
	School District Support Facility		C	C
	Secondary or High School	C	C	P
	Specialized Instruction School		P-i (Adjacent to Arterial Street)	P
	Sports/Social Club		P-i (Adjacent to Arterial Street)	P
	Vocational School		P-i (Adjacent to Arterial Street)	P
GOVERNMENT				
	Fire Facility	C-i	C-i	C-i
	Police Facility	C-i	C-i	C-i
	Public Agency Office/Yard or Public Utility Office/Yard	S	S	S
	Utility Facility	C	C	C
HEALTH				
	Hospital	C	C	C
	Medical Lab	C	C	C
	Medical Office/Outpatient Clinic		P-i (Adjacent to Arterial Street)	P
	Nursing Facilities		P-i (Adjacent to Arterial Street)	P
OTHER				

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	S-i	S-i	S-i
	Transit Park and Ride Lot		S	P

<p>P = Permitted Use</p> <p>S = Special Use</p> <p>A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.</p>	<p>C = Conditional Use</p> <p>-i = Indexed Supplemental Criteria</p>
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20.50.410 Parking design standards.

L. Every nonresidential building engaged in retail, wholesale, manufacturing or storage activities, excluding self-service storage facilities, shall provide loading spaces in accordance with the standards listed below in Table 20.50.410L.

Table 20.50.410L

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
10,000 to 16,000 square feet	1
16,001 to 40,000 square feet	2
40,001 to 64,000 square feet	3
64,001 to 96,000 square feet	4
96,001 to 128,000 square feet	5
128,001 to 160,000 square feet	6
160,001 to 196,000 square feet	7
For each additional 36,000 square feet	1 additional

M. Every building engaged in retail, hotel, office building, restaurant, hospital, auditorium, convention hall, exhibition hall, sports arena/stadium, or other similar use shall provide loading spaces in accordance with the standards listed in Table 20.50.410M.

Table 20.50.410M

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
40,000 to 60,000 square feet	1
60,001 to 160,000 square feet	2
160,001 to 264,000 square feet	3
264,001 to 388,000 square feet	4

GROSS FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
388,001 to 520,000 square feet	5
520,001 to 652,000 square feet	6
652,001 to 784,000 square feet	7
784,001 to 920,000 square feet	8
For each additional 140,000 square feet	1 additional

N. Each loading space required by this section shall be a minimum of 10 feet wide, 30 feet long, and have an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by the Engineering Development Guide. Loading spaces shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from required parking areas and shall be designated as truck loading spaces.

O. Any loading space located within 100 feet of areas zoned for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation.

P. Multi-story self-service storage facilities shall provide two loading spaces, single-story facilities one loading space, adjacent to each building entrance that provides common access to interior storage units. Each loading berth shall measure not less than 25 feet by 12 feet with an unobstructed vertical clearance of 14 feet six inches, and shall be surfaced, improved and maintained as required by the Engineering Development Guide.

Q. Any floor area additions or structural alterations to a building shall be required to provide loading space or spaces as set forth in this section.

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.

