



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 16, 2000

Ordinance 13851

Proposed No. 2000-0185.2

Sponsors Sullivan

1 AN ORDINANCE relating to zoning; outlining phasing
2 requirements relative to mixed (residential/commercial)
3 use developments; and adding a new section to K.C.C.
4 chapter 21A.14.

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STATEMENT OF FACTS:

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1. Before the adoption of the current zoning code, K.C.C. Title 21A,
9 King County had two mixed use zones within the former zoning code,
10 K.C.C. Title 21. The two zones were the business residential -
11 neighborhood scale (BR-N) zone and business residential - community
12 scale zone (BR-C).

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2. In the former zoning code, K.C.C. Title 21, these two mixed use
14 zones required both the residential and commercial component to be
15 housed in one structure and to utilize a vertical configuration; that is, the
16 residential component of the project was to be located above the
17 commercial component.

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3. The code was silent on the issue of whether commercial had to

19 precede the residential because the required vertical configuration had
20 the de facto effect of making the structure contain both residential and
21 commercial components from the beginning.

22 4. During the development of the current zoning code, K.C.C. Title 21A,
23 the council considered several factors that made the mixed use zones of
24 the former zoning code unfeasible and that resulted in parcels with
25 mixed use zoning remaining undeveloped.

26 5. The council determined that while the vertical configuration may be
27 workable in densely developed urban cores, a horizontal configuration,
28 allowing the two components of a mixed use development to be
29 developed separately on the same site, was often more appropriate in less
30 densely developed urban areas.

31 6. Furthermore, the council determined that the low percentage of
32 residential use worked against providing the critical mass of residential
33 density that is needed for the financial feasibility of such a development.
34 The council recognized that market conditions would dictate which
35 component would be most feasible to developed first and concluded that
36 phasing should not be pre-judged in the code.

37 7. In reviewing possible solutions to the mixed use dilemma, the council
38 weighed the options against the key goals of the Comprehensive Plan.
39 Two of these goals were to improve housing affordability and increase
40 the financial viability of our commercial lands. The council looked to
41 mixed used projects as one way of achieving these goals.

42 8. Mixed-use projects, which often develop at higher densities, provide
43 additional opportunities for moderately priced housing. The higher
44 residential density has the added effect of creating the market demand
45 that is a key requirement for commercial viability.

46 9. To that end, the council sought to eliminate the provisions of the old
47 code, K.C.C. Title 21, that were barriers to mixed use development and
48 adopted a code that:

- 49 a. Broadens the mixed use concept to allow mixed use of a site,
50 which is horizontal configuration, as well as the more traditional
51 vertical configuration,
- 52 b. Sets a percentage limit for residential use to ensure that the
53 entire site or structure could not be used totally for residential
54 purposes, yet remains silent and neutral on the issue of whether
55 commercial component had to precede the residential component.
- 56 c. Allows a higher percentage of residential use in order to
57 increase housing affordability; and
- 58 d. Improves commercial viability by allowing higher residential
59 densities that create market demand and compensate for the
60 additional cost of health and safety requirements associated with
61 residential use.

62 10. The department would be in error in requiring that the commercial
63 component be built prior to or at the same time as the residential
64 component and that such a requirement has no basis in code.

65 11. This ordinance clarifies council intent and existing code provisions
66 relative to mixed use developments.

67 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

68 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 21A.14
69 a new section to read as follows:

70 Mixed use development - phasing. When residential and commercial uses are
71 proposed to be contained in separate structures and the structures containing residential
72 uses are proposed to be built prior to those containing commercial uses, then a
73 commercial site development permit shall be required and as well as the following:

74 A. The applicant shall submit a site plan showing the entire mixed use
75 development. The plan shall show project features including the location of the
76 residential and commercial structures, parking areas, landscaping planters, sidewalks, and
77 pedestrian linkages. The plan shall be drawn to scale and provide sufficient detail to
78 ensure all zoning and development standards are met for the entire development.

79 B. Infrastructure plans, including storm drainage facilities, shall be sized to
80 accommodate the needs of the entire mixed use development. The infrastructure shall be
81 installed with the first phase of the development up to or near the commercial building(s)
82 unless the applicant demonstrates to the department's satisfaction that there is potential
83 for significant damage to the infrastructure during the construction of any later phase of
84 construction.

85 C. For the purpose of informing future property owners of limitations on future
86 development because of the mixed use provisions of this title, the applicant shall record a
87 covenant on the property that states the restrictions upon the remaining portions of the

88 site that they shall only be used for commercial uses. The covenant shall be recorded
89 prior to the issuance of the building permit for the residential structure(s). The covenant
90 shall be subject to review and approval by the department.

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92 SECTION 2. Pursuant to King County Code section 20.44.080, the Metropolitan
93 King County Council finds that the requirements for environmental analysis, protections
94 and mitigation measures in the chapter of King County Code Title 21A amended by this
95 ordinance, provide adequate analysis of and mitigation for the specific adverse

96 environmental impacts to which the requirements apply.

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Ordinance 13851 was introduced on 3/6/00 and passed by the Metropolitan King County Council on 5/15/00, by the following vote:

Yes: 12 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Nickels, Mr. Gossett, Ms. Hague, Mr. Vance and Mr. Irons

No: 1 - Mr. Pullen

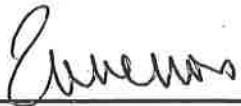
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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



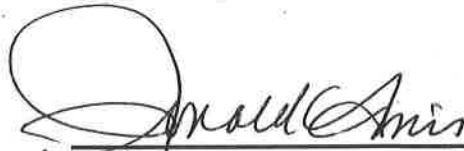
Pete von Reichbauer, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 24 day of May, 2000.



Ron Sims, County Executive

Attachments None