

Legislation Text

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

STATEMENT OF FACTS:

1. Before the adoption of the current zoning code, K.C.C. Title 21A, King County had two mixed use zones within the former zoning code, K.C.C. Title 21. The two zones were the business residential - neighborhood scale (BR-N) zone and business residential - community scale zone (BR-C).
2. In the former zoning code, K.C.C. Title 21, these two mixed use zones required both the residential and commercial component to be housed in one structure and to utilize a vertical configuration; that is, the residential component of the project was to be located above the commercial component.
3. The code was silent on the issue of whether commercial had to precede the residential because the required vertical configuration had the de facto effect of making the structure contain both residential and commercial components from the beginning.
4. During the development of the current zoning code, K.C.C. Title 21A, the council considered several factors that made the mixed use zones of the former zoning code unfeasible and that resulted in parcels with mixed use zoning remaining undeveloped.
5. The council determined that while the vertical configuration may be workable in densely developed urban cores, a horizontal configuration, allowing the two components of a mixed use development to be developed separately on the same site, was often more appropriate in less densely developed urban areas.
6. Furthermore, the council determined that the low percentage of residential use worked against providing the critical mass of residential density that is needed for the financial feasibility of such a development. The council recognized that market conditions would dictate which component would be most feasible to developed first and concluded that phasing should not be pre-judged in the code.
7. In reviewing possible solutions to the mixed use dilemma, the council weighed the options against the key goals of the Comprehensive Plan. Two of these goals were to improve housing affordability and increase the financial viability of our commercial lands. The council looked to mixed used projects as one way of achieving these goals.
8. Mixed-use projects, which often develop at higher densities, provide additional opportunities for moderately priced housing. The higher residential density has the added effect of creating the market demand that is a key requirement for commercial viability.
9. To that end, the council sought to eliminate the provisions of the old code, K.C.C. Title 21, that were barriers to mixed use development and adopted a code that:
 - a. Broadens the mixed use concept to allow mixed use of a site, which is horizontal configuration, as well as the more traditional vertical configuration,
 - b. Sets a percentage limit for residential use to ensure that the entire site or structure could not be used totally for residential purposes, yet remains silent and neutral on the issue of whether commercial component had to precede the residential component.

- c. Allows a higher percentage of residential use in order to increase housing affordability; and
- d. Improves commercial viability by allowing higher residential densities that create market demand and compensate for the additional cost of health and safety requirements associated with residential use.

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

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

C. For the purpose of informing future property owners of limitations on future development because of the mixed use provisions of this title, the applicant shall record a covenant on the property that states the restrictions upon the remaining portions of the site that they shall only be used for commercial uses. The covenant shall be recorded prior to the issuance of the building permit for the residential structure(s). The covenant shall be subject to review and approval by the department.

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

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