

D# 41 OFFICE IN THE IL

General Description

This docket amendment was requested by David Halinen, of Halinen Law Offices, on behalf of his client, Merlino Land Development Co., Inc. (MLDC). This docket request proposes to amend the Development Standards for Industrial Zoning Designations (RMC 4-2-130A) and the Purpose statement for the Light Industrial Zone (RMC 4-2-020P). Mr. Halinen has requested that "Offices (within the Employment Area Valley land use designation)" be added to the purpose statement for the IL zone. In addition, he has requested to amend the development standards for the IL zone to be consistent with the standards within the CO zone for Office and Hotel uses only. See the applicants requested changes in Attachment A.

Staff has reviewed the proposed docket amendment and propose minor changes to the text amendments originally proposed by the applicant. Docket amendment #D-18 Landscaping and Street Trees amended RMC 4-2-130A to remove the landscaping provisions where a portion of the requested changes are proposed (See Attachment B for existing Landscape regulations). Staff has modified the applicant's proposal to be consistent with current code and simplified a portion of the proposed language (see Attachment C).

Impact Analysis

Effect on rate of growth, development, and conversion of land as envisioned in the Plan

The proposed changes would not have an effect on rate of growth, development, and conversion of land as envisioned in the Plan.

Effect on the City's capacity to provide adequate public facilities

The proposal is not anticipated to have an effect on the City's capacity to provide adequate public facilities.

Effect on the rate of population and employment growth

The proposal is not anticipated to have an effect on the rate of population and employment growth.

Whether Plan objectives are being met as specified or remain valid and desirable

The IL zone is implemented by the Employment Area Industrial (EAI) and Employment Area Valley (EAV) land use designations. However, office uses including medical/dental and veterinary offices are only permitted in the EAV land use designation in the IL zone. The proposed changes to the IL development standards are intended to provide consistency in development standards for office and hotel uses in both the IL and CO zone. The Purpose Statement for the EAV indicates that the EAV is intended to allow for *the gradual transition of the Valley from traditional industrial and warehousing uses to more intensive retail service and office activities*. The intent of EAV is to allow these new activities without making industrial uses non-conforming and without restricting the ability of existing businesses to expand. The proposed changes would be consistent with the existing purpose of the EAV, as the proposed

changes would allow for a smooth transition from industrial to office uses and would allow existing businesses to remain and/or expand.

Effect on general land values or housing costs

Currently the development regulations permit an increase in building height in the IL zone through an approved Administrative Conditional Use Permit. The increase in building height to 100-feet without a Conditional Use Permit may increase property values for parcels zoned Industrial Light (IL).

Whether capital improvements or expenditures are being made or completed as expected

No specific capital improvements or expenditures are associated with this proposal.

Consistency with GMA, the Plan, and Countywide Planning Policies

GMA and statewide planning goals include provisions that discourage urban sprawl, support affordable housing, protect the environment, and support provision of adequate urban services. The proposed changes to the City's IL development standards would maintain consistency with these identified goals and policies within GMA, the County, and the Plan.

Effect on critical areas and natural resource lands

The proposal is not anticipated to have effects on critical areas and natural resource lands.

Effect on other considerations

The applicant has proposed changes to RMC 4-2-130A subsection *Landscaping*. These changes are no longer applicable because the code has been amended by Ordinance 5528. This ordinance eliminated the landscape provisions from the Development Standards tables and relocated regulations to RMC 4-9-070.

The applicant has requested changes to the IL zone's purpose statement to include specific language about office uses. The applicant contends that in view of the broad authorizations for office and hotel uses in the IL zone (in the EAV) the zone's purpose and intent statement should be updated to address these uses. Staff's review of the IL zone indicates that not only are office uses permitted in the IL zone; so are kennels, schools and higher education institutions, parks, eating and drinking establishments, etc... all of which are not specifically included in the purpose statement for the IL zone. The purpose statement for any zone is not intended to list all the possible uses for that zone, but is intended to provide guidance to the Reviewing Official and the public. For example, the purpose statement would guide the Reviewing Official when determining where a use, not identified in the use table, could be established in the City.

Staff Recommendation

Staff recommends denial of the proposed changes to the IL zone's Purpose Statement (RMC 4-2-020) as shown in Attachment and recommends elimination of the requested changes to the Landscape subsection of RMC 4-2-130A as shown in Attachment A. Staff further recommends amending IL Development Standards as shown in Attachment C.

Implementation Requirements

Changes would be required within RMC 4-2-130A *Development Standards For Industrial Zoning Designations* and RMC 4-2-130B *Conditions Associated With Development Standards Table For Industrial Zoning Designations*.

City of Renton Department of Community and Economic Development
Attn: C. E. ("Chip") Vincent, Planning Director
April 27, 2010
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**MLDC's Request That the City's Processing of AG/Virtu Investment's
IL Zoning and EAV Land Use Map Designation Request Be Resumed**

You will recall that, last year, certain issues that you had raised in regard to Virtu's IL Zoning and EAV Land Use Map designation request in regard to the Virtu Property were not resolved. MLDC (and, I understand, Virtu) would like to see the issues resolved and Virtu's request approved. We suggest follow-up discussions with you and Ms. Dolbee as part of a resumption of the City's processing of Virtu's request.

MLDC's Revised Text Amendments Request

In reviewing the Zoning Use Table set forth in RMC 4-2-060, I see that, under the use categories "Medical and dental offices," "Offices, general," and "Veterinary offices/clinics" by virtue of conditions 13 and 38 listed under RMC 4-2-080A the IL zone classification already permits office buildings to be built on IL-zoned properties lying within the EAV Comprehensive Plan Land Use Map designation. In addition, throughout the IL zone, the Zoning Use Table lists "City government offices" as administrative conditional uses and "Other government offices and facilities" as Hearing Examiner conditional uses. Thus, no need for amendments to the Zoning Use Table appears to exist.

Hotel uses would also be appropriate uses on properties lying within the EAV Comprehensive Plan Land Use Map designation. By virtue of condition 38 listed under RMC 4-2-080A, the IL zone classification already permits hotels to be built on properties lying within the EAV Comprehensive Plan Land Use Map designation.

However, the Light Industrial zone's Purpose and Intent Statement fails to address office and hotel uses. In view of the broad authorizations for office and hotel uses in the IL zone (within the Employment Area Valley land use designation), the zone's Purpose and Intent Statement should be updated to address them.

In addition, in comparing the IL development standards (standards that are set forth in RMC 4-2-130A) against the CO development standards (standards that are set forth in RMC 4-2-120B), I see that the IL development standards currently are more restrictive for office buildings and hotels than the CO development standards are. That does not make good land use planning sense. In regard to office buildings and hotels authorized by the Zoning Use Table within the IL Zone, the same development standards that apply in the CO zone logically should also apply in the IL zone.

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To bring about substantial development standard parity for office buildings and hotels within the IL zone compared to office buildings and hotels within the CO zone,² MLDC hereby requests certain text amendments to both (1) the Light Industrial (IL) zone's Purpose and Intent statement set forth on attached Exhibit 1 containing an excerpt from RMC 4-2-020M and (2) the Development Standards for the IL zone set forth on attached Exhibit 2 containing excerpts from RMC 4-2-130A. On those two attached exhibits, I have illustrated the proposed text amendments by "redlining" and underlining and I have embedded in boldfaced, uppercase type some short explanatory comments addressed to the Planning Commission.

Please have the proposed text amendments set forth on attached Exhibits 1 and 2 processed through the Planning Commission and City Council as a substitute for MLDC's December 2008 request for text amendments to portions of the CO zone regulations.

Please respond to the above. Thank you for your cooperation.

Sincerely,

HALINEN LAW OFFICES, P.S.



David L. Halinen

Attachments (Exhibits 1 and 2)

cc: Merlino Land Development Co., Inc. (with copies of attachments)
Attn: Don Merlino and Gary Merlino (via email, with copies of attachments)

AG/Virtu Sunset View, L.L.C.
Attn: Charles Janway (via email, with copies of attachments)

Alex Pietsch, Administrator, City of Renton Department of Community and Economic Development (via email and first class mail, with copies of attachments)

Vanessa Dolbee, Senior Planner, Planning Division, City of Renton Dept of Community and Economic Development (via email and first class mail, with copies of attachments)

Judith Subia, Administrative Secretary, Planning Division, City of Renton Department of Community and Economic Development (via email and first class mail, with copies of attachments)

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² Note that although the maximum building height in the CO zone is 250 feet, as part of MLDC's requested text amendments MLDC is proposing a maximum building height of only 100 feet for office building or hotel uses in the IL zone.

EXHIBIT 1

RMC 4-2-020M with Merlino Land Development Co., Inc.'s 4-27-10 redlined proposed IL text amendments

4-2-020 PURPOSE AND INTENT OF ZONING DISTRICTS:

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P. LIGHT INDUSTRIAL ZONE (IL):

The purpose of the Light Industrial Zone (IL) is to provide areas for low-intensity manufacturing, industrial services, distribution, storage, and technical schools. Uses allowed in this zone are generally contained within buildings. Material and/or equipment used in production are not stored outside. Activities in this zone do not generate external emissions such as smoke, odor, noise, vibrations, or other nuisances outside the building. Offices (within the Employment Area Valley land use designation) and Ccompatible uses that directly serve the needs of other uses in the zone are also allowed.

EXHIBIT 2

Excerpts from RMC 4-2-130A with Merlino Land Development Co., Inc.'s redlined proposed IL text amendments thru 4-27-10

4-2-130A

DEVELOPMENT STANDARDS FOR INDUSTRIAL ZONING DESIGNATIONS

	IL	IM	IH
LOT DIMENSIONS			
Minimum Lot Size for lots created after September 1, 1985	35,000 sq. ft.	35,000 sq. ft.	35,000 sq. ft.
Minimum Lot Width/Depth for lots created after September 1, 1985	None	None	None
LOT COVERAGE			
Maximum Lot Coverage for Buildings	65% of total lot area (or 75% if parking is provided within the building or within a parking garage) [NOTE TO PLANNING COMMISSION: THE PROPOSED CHANGE IS CONSISTENT WITH THE LIKE PROVISION IN THE CO ZONE.]	None	None
HEIGHT			
Maximum Building Height, except for Public uses having a "Public Suffix" (P) designation	50 ft. ^{4,5,13} (or, in the case of an office building or a hotel, 100 ft.) [NOTE TO PLANNING COMMISSION: IN THE CO ZONE, THE MAXIMUM HEIGHT FOR AN OFFICE BUILDING OR A HOTEL IS 250 FEET.]	None	None
Maximum Height for Wireless Communication Facilities	See RMC 4-4-140G.	See RMC 4-4-140G.	See RMC 4-4-140G.

SETBACKS ^{8,11}			
Minimum Front Yard	Principal Arterial streets: ¹² 20 ft. Other streets: 15 ft. provided that 20 ft. is required if a lot is adjacent to a lot zoned R-1, R-4, R-8, RMH, R-10, R-14, or RM.	Principal Arterial streets: ¹² 20 ft. Other streets: 15 ft. Except 50 ft. is required if a lot is adjacent to a lot zoned R-1, R-4, R-8, RMH, R-10, R-14, or RM.	Principal Arterial streets: ¹² 20 ft. Other streets: 15 ft.
Minimum Side Yard Along A Street	Principal Arterial streets: ¹² 20 ft. Other streets: 15 ft. provided that 20 ft. is required if a lot is adjacent to a lot zoned R-1, R-4, R-8, R-10, R-14, or RM.	Principal Arterial streets: ¹² 20 ft. Other streets: 15 ft. Except 50 ft. is required if a lot is adjacent to a lot zoned R-1, R-4, R-8, R-10, or RM.	Principal Arterial streets: ¹² 20 ft. Other streets: 15 ft.
Minimum Freeway Frontage Setback	10 ft. landscaped setback from the property line.	10 ft. landscaped setback from the property line.	10 ft. landscaped setback from the property line.

4-2-130A

DEVELOPMENT STANDARDS FOR INDUSTRIAL ZONING DESIGNATIONS

	IL	IM	IH
SETBACKS^{8,11} (Continued)			
Minimum Rear and Side¹¹ Yards	None, except 20 ft. (15 ft. if the subject building is an office building or a hotel) if lot abuts or is adjacent to a residential zone, R-1, R-4, R-8, RMH, R-10, R-14, or RM. NOTE TO PLANNING COMMISSION: IN THE CO ZONE, 15 FT. REAR OR SIDE YARDS ARE REQUIRED IF THE LOT ABUTS A RESIDENTIAL ZONE. THE CHANGES HERE ARE PROPOSED FOR CONSISTENCY WITH THE CO ZONE IN REGARD TO OFFICE BUILDINGS AND HOTELS.	35,000 sq. ft.	35,000 sq. ft.
Clear Vision Area	In no case shall a structure over 42 in. in height intrude into the 20 ft. clear vision area defined in RMC 4-11-030.	None	None

LANDSCAPING			
General	Except for critical areas, all portions of the site not covered by structures, required parking, access, circulation or service areas shall be maintained as permeable areas and improved with native, drought-resistant vegetative cover. ⁷	Except for critical areas, all portions of the site not covered by structures, required parking, access, circulation or service areas shall be maintained as permeable areas and improved with native, drought-resistant vegetative cover. ⁷	Except for critical areas, all portions of the site not covered by structures, required parking, access, circulation or service areas shall be maintained as permeable areas and improved with native, drought-resistant vegetative cover. ⁷
Minimum On-Site Landscape Width Required Along Principal Arterial Streets¹²	<p><u>For buildings other than office buildings or hotels</u>, 10% of lot depth or 20 ft., whichever is less, but in no case less than 10 ft.</p> <p><u>For office buildings or hotels</u>, 10 ft., except where reduced through the site development plan review process. [NOTE TO PLANNING COMMISSION: THE CHANGES ARE PROPOSED FOR CONSISTENCY WITH THE CO ZONE IN REGARD TO OFFICE BUILDINGS AND HOTELS.]</p>	10% of lot depth or 20 ft., whichever is less, but in no case less than 10 ft.	20 ft. minimum landscape setback.
Minimum On-Site Landscape Width Required Along Non-Principal Arterial Streets¹	<p><u>For buildings other than office buildings or hotels</u>, 10% of lot depth or 15 ft., whichever is less, but in no case less than 10 ft.</p> <p><u>For office buildings or hotels</u>, 10 ft., except where reduced through the site development plan review process. [NOTE TO PLANNING COMMISSION: THE CHANGES ARE PROPOSED FOR CONSISTENCY WITH THE CO ZONE IN REGARD TO OFFICE BUILDINGS AND HOTELS.]</p>	10% of lot depth or 15 ft., whichever is less, but in no case less than 10 ft.	15 ft. minimum landscape setback.
Minimum On-Site Landscape Width Along the Street Frontage Required	15 ft. wide landscaped visual barrier consistent with the definition in RMC 4-11-110 when abutting property zoned R-1, R-4, R-8, RMH, R-10, R-14, or RM. A 10 ft. sight-obscuring	15 ft. wide landscaped visual barrier consistent with the definition in RMC 4-11-110 when abutting property zoned R-1, R-4, R-8,	10 ft. wide sight-obscuring landscaping strip and 6 ft. high fence along common property line of property zoned RC, R-1, R-4,

<p>When an Industrial Lot Is <i>Abutting</i> Property Zoned Residential</p>	<p>landscape strip may be allowed through the site plan review process.^{2,3}</p> <p><u>In the case of an office building or a hotel, a 5 ft. wide sight-obscuring landscaped strip and a solid 6 ft. high barrier used along the common boundary of residential-zoned property is an alternative to the above. [NOTE TO PLANNING COMMISSION: THE CHANGES ARE PROPOSED FOR CONSISTENCY WITH THE CO ZONE IN REGARD TO OFFICE BUILDINGS AND HOTELS.]</u></p>	<p>RMH, R-10, R-14, or RM. A 10 ft. sight-obscuring landscape strip may be allowed through the site plan review process.^{2,3}</p>	<p>R-8, R-10, R-14, or RM.</p>
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RMC 4-4-070 LANDSCAPING:**F. AREAS REQUIRED TO BE LANDSCAPED:**

1. Street Frontage Landscaping Required: Ten feet (10') of on-site landscaping is required along all public street frontages, with the exception of areas for required walkways and driveways and those zones with building setbacks less than ten feet (10'). In those cases, ten feet (10') of landscaping shall be required where buildings are not located.

2. Street Trees and Landscaping Required Within the Right-of-Way on Public Streets: Minimum planting strip widths between the curb and sidewalk are established according to the street development standards of RMC [4-6-060](#). Street trees and, at a minimum, groundcover per subsection L3 of this Section, are to be located in this area when present. Spacing standards shall be as stipulated by the Department of Community and Economic Development, provided there shall be a minimum of one street tree planted per address. Any additional undeveloped right-of-way areas shall be landscaped unless otherwise determined by the Administrator of the Department of Community and Economic Development or designee. Refer to the City's Approved Tree List and spacing standards available through the Department of Community and Economic Development and on the City website.

3. Front Yard Trees Required When Street Trees Are Not Located Within the Right-of-Way Abutting a Front Yard: Where there is insufficient right-of-way space or no public frontage, street trees are required in the front yard subject to approval of the Department of Community and Economic Development Administrator or designee. Front yard trees are not required in the RC and R-1 zones. A minimum of two (2) trees are to be located in the front yard prior to final inspection.

4. Projects Abutting Less Intensive Zones or Uses:

a. Nonresidential Development in a Residential Zone: A fifteen-foot (15') wide partially sight-obscuring landscaped visual barrier, or ten-foot (10') wide fully sight-obscuring landscaped visual barrier, is required along common property lines.

b. When a Residential Multi-family Zone or Use is Abutting a Less Intense Residential Zone: A fifteen-foot (15') wide partially sight-obscuring landscaped visual barrier, or ten-foot (10') wide fully sight-obscuring landscaped visual barrier, is required along the common property line.

c. When a Commercial Zoned Lot or Use is Abutting a Residential Zone: A fifteen-foot (15') wide partially sight-obscuring landscaped visual barrier, or ten-foot (10') wide fully sight-obscuring landscaped visual barrier, is required along the common property line.

d. When an Industrial Zoned Lot or Use is Abutting a Residential or Commercial Zone: A fifteen-foot (15') wide partially sight-obscuring landscaped visual barrier, or ten-foot (10') wide fully sight-obscuring landscaped visual barrier, is required along the common property line.

5. Pervious Areas to be Landscaped: Pervious areas, with the exception of critical areas, shall have landscape treatment. Landscaping may include hardscape such as decorative paving, rock outcroppings, fountains, plant containers, etc.

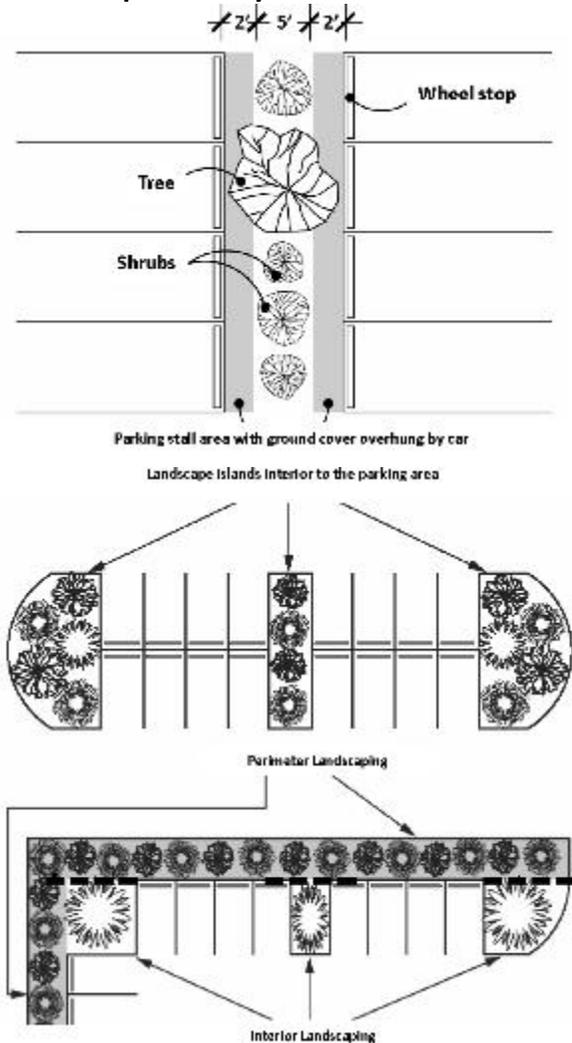
6. Parking Lots: Vehicle parking lots shall meet minimum landscape standards in this section.

a. Perimeter Landscaping: All parking lots shall have perimeter landscaping. See subsection H4 of this Section, Perimeter Parking Lot Landscaping.

b. Minimum Amounts of Interior Parking Lot Landscaping: Surface parking lots with more than fourteen (14) stalls shall be landscaped as follows:

Total Number of Parking Stalls	Minimum Landscape Area
15 to 50	15 sf/parking space
51 to 99	25 sf/parking space
100 or more	35 sf/parking space

c. Optional Layout Patterns:



d. Perimeter and Interior Landscaping: Perimeter landscaping may not substitute for interior landscaping.

e. Exception for Existing Parking Lots: Where compliance would result in the loss of existing required parking spaces, the landscaping provisions shall prevail and the required parking minimum amount may be reduced without the requirement of a parking code modification.

7. Minimum Freeway Frontage Landscaping: For properties abutting a freeway, ten feet (10') of landscaping from the right-of-way line is required.

8. Properties within urban separators are subject to landscaping requirements of RMC [4-3-110E](#) in addition to the requirements of this section.

4-2-130A**DEVELOPMENT STANDARDS FOR INDUSTRIAL ZONING DESIGNATIONS**

	IL	IM	IH
LOT COVERAGE			
Maximum Lot Coverage for Buildings	65% <u>of total lot area or 75% if parking is provided within the building or within a parking garage.</u>	None	None
HEIGHT			
Maximum Building Height, except for Public uses having a "Public Suffix" (P) designation	50 100 ft. ^{4,5,13}	None	None
SETBACKS^{8,11}			
Minimum Rear and Side Yards¹¹	None, except 20 ft. if lot abuts or is adjacent to a residential zone, R-1, R-4, R-8, RMH, R-10, R-14, or RM-; <u>which may be reduced to 15 ft. through the site plan development review process</u>	None, except 50 ft. if lot abuts or is adjacent to a residential zone, R-1, R-4, R-8, RMH, R-10, R-14, or RM.	None, except, 50 ft. if lot abuts a lot zoned R-1, R-4, R-8, R-10, R-14, or RM-I. 20 ft. if lot abuts a lot zoned CN, CV, CA, CD, CO, COR, or P-Suffix.

4-2-130B**CONDITIONS ASSOCIATED WITH DEVELOPMENT STANDARDS TABLE FOR INDUSTRIAL ZONING DESIGNATIONS**

~~4. To construct a building or structure in excess of 50' requires an Administrative Conditional Use Permit.~~