



PLANNING COMMISSION

REGULAR MEETING

AGENDA

Thursday, September 4, 2014
7:00 p.m.

Council Chamber • Shoreline City Hall
17500 Midvale Ave North

	<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	7:03
a. August 7, 2014 Regular Meeting - Draft Minutes	
Public Comment and Testimony at Planning Commission	
<i>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. In all cases, speakers are asked to come to the podium to have their comments recorded, 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.</i>	
5. GENERAL PUBLIC COMMENT	7:05
6. STUDY ITEM	7:10
a. Development Regulations for 185th Street Light Rail Station Subarea Plan	
• Staff Presentation	
• Public Testimony	
7. DIRECTOR'S REPORT	8:40
8. UNFINISHED BUSINESS	8:45
9. NEW BUSINESS	8:50
10. REPORTS OF COMMITTEES & COMMISSONERS/ANNOUNCEMENTS	8:55
11. AGENDA FOR SEPTEMBER 18, 2014	
a. 185th Street Subarea Plan Development Regulations "other topics" & New Commissioner, Laura Mork first meeting	8:56
12. ADJOURNMENT	9:00

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DRAFT

CITY OF SHORELINE

**SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING**

August 7, 2014
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Pro Tem Craft
Commissioner Montero
Commissioner Moss
Commissioner Strandberg

Staff Present

Rachael Markle, Director, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Lisa Basher, Planning Commission Clerk

Commissioners Absent

Chair Scully
Commissioner Malek
Commissioner Maul

Others Present

Scott Clark, Clark Design Group

CALL TO ORDER

Easton Craft, Chair Pro Tem called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Pro Tem Craft and Commissioners Montero, Moss and Strandberg. Chair Scully and Commissioners Malek and Maul were absent and excused.

APPROVAL OF AGENDA

The Commission added a discussion regarding a letter of support for Ronald Wastewater Assumption to their agenda. The agenda was then accepted as amended.

APPROVAL OF MINUTES

The minutes of July 10, 2014 were adopted as submitted.

GENERAL PUBLIC COMMENT

No one in the audience indicated a desire to address the Commission during this portion of the meeting.

DISCUSSION ITEM: PLANNING COMMISSION LETTER OF SUPPORT FOR RONALD WASTEWATER ASSUMPTION

Director Markle said the Commission has been asked to consider sending a letter to the King and Snohomish County Boundary Review Boards in support of the City's assumption of the Ronald Wastewater District (RWD). She reviewed that the assumption is per the agreement signed by the RWD in 2002 and in concurrence with the City's adopted Comprehensive Plan. She further reviewed that the assumption is supported by both the RWD Commission and the City of Shoreline City Council. However, Snohomish County and the Olympic View Water and Sewer District invoked jurisdictions in both King and Snohomish Counties in July, triggering a hearing in front of both Boundary Review Boards that would not have been required otherwise.

Director Markle advised that the letter of support is intended to illustrate to the Boundary Review Boards that assumption of the RWD has been, and currently is, an important part of the City's vision, goals and policies. Due to the timing of both hearings, it would be optimal to have the Commission decide tonight if they are in support of submitting a letter. She further advised that City Council Members are considering signing personal letters of support, as residents, and the Commissioners have been asked to consider doing the same.

Chair Pro Tem Craft observed that assumption of the RWD has been discussed as far back as 2002, when the original agreement between the RWD and the City was signed. In addition, the Commission reconfirmed support for the assumption when they reviewed the Comprehensive Plan in 2013. He expressed his belief that assumption of the RWD makes sense from both an economic and overall City planning perspective, and he supports signing the letter as drafted.

Commissioner Montero said he has been a long-time supporter of assumption of the RWD, and he supports the Commission signing the letter. Commissioner Moss concurred and said she supports the content of the draft letter of support. However, she suggested that the word "economic" in the last paragraph should be changed to "economical."

Commissioner Strandberg advised that she is an employee of the Snohomish County Planning Department that has been working to develop a recommendation to the Snohomish County Boundary Review Board. She said she would abstain from the discussion and potential action.

Given Commissioner Strandberg's decision to abstain, questions were raised about whether or not the remaining Commissioners constituted a quorum that could take formal action. Anne MacFarlane, Registered Parliamentarian, was in the audience and explained that four of seven Commissioners constitutes a quorum and allows them to take action. If three are in favor and none are against, the vote would be considered a majority.

CHAIR PRO TEM CRAFT MOVED THAT THE COMMISSION MOVE FORWARD WITH A LETTER OF SUPPORT FOR RONALD WASTEWATER DISTRICT ASSUMPTION. COMMISSIONER MOSS SECONDED THE MOTION, WHICH CARRIED 3-0-1, WITH COMMISSIONERS CRAFT, MOSS AND MONTERO VOTING IN FAVOR, AND COMMISSIONER STRANDBERG ABSTAINING.

STUDY ITEM: DEVELOPMENT REGULATIONS FOR 185TH STREET LIGHT RAIL STATION SUBAREA PLAN

Staff Presentation

Mr. Szafran explained that the purpose of the study session is to conduct an initial review of the Development Code Regulations for the proposed 185th Street Light Rail Station Subarea Plan, inform the Commission of topics that will require greater study in the future, provide information and solutions for issues identified by staff, ask direction on options for certain Development Code Regulations, respond to questions regarding the proposed regulations, and gather public comment. He further explained that the proposed regulations are intended to implement the goals and policies identified in the Comprehensive Plan, specifically Land Use Policies 20 through 43. They are also intended to be innovative, flexible, form-based, encourage transit-oriented communities, and support the light rail station at 185th Street. He reviewed the proposed amendments, which fall into the following general topics:

- **New Zoning Designations.** Mr. Szafran said staff is proposing that four new Mixed-Use Residential (MUR) zoning designations (MUR 35, MUR 45, MUR 85 and MUR 140) be created. These new zoning designations would represent a more form-based regulatory approach that is flexible enough to allow for a mix of compatible uses and styles (both residential and commercial) as supported by the market. Density would be controlled by simple bulk and scale requirements. The MUR zones would be defined by height and aid in the creation of land available for multi-family housing. Currently, only 4% of the City's land area is devoted to multi-family zoning.
- **Bulk Standards.** Mr. Szafran noted that, as proposed, bulk standards would be defined by form, and no density limit is identified in the proposed table. However, density would be limited by the height, setbacks, lot coverage, landscaping and parking requirements.

Scott Clark, Clark Design Group, said he was asked to provide feedback in terms of what is actually happening in the market place and how the different zoning designations would work, particularly along 185th Street where the plan is to develop a more pedestrian-oriented residential community. He reviewed a series of plates to illustrate various concepts. He provided diagrams to illustrate prototypical ways in which the City could take advantage of the existing street pattern to achieve the density goals identified in the Comprehensive Plan. The diagrams illustrated how densities of between 76 and 433 units per acre could be achieved using the proposed new MUR zoning designations, depending on how the building types are blended. The drawings show primarily four-story buildings flanking 185th street, with commercial uses likely on the ground floor to help activate the pedestrian environment along the sidewalk. Two and three-story buildings (MUR 35) would be on either side as you start to go in the direction of the established single-family

zones to buffer the transition. Entries would be located on 185th Street, and either surface or below grade parking could be provided. The smaller housing types shown to the north and south would be more like duplex and townhouse types, with a height of about 30 feet or two to three stories.

Mr. Clark reviewed another diagram that provided a better sense of the scale and density that could be achieved. He explained that the density numbers are based on projects his company is currently doing and range anywhere from 625 to 650 square feet for an average residential unit. The drawing illustrates dimensionally-accurate buildings with quantifiable densities based on what is being developed in the market now. He noted that dimensional requirements for the various housing types were also considered, as well as parking and access. He provided several visual examples to show how the units could look in the MUR 35, MUR 45 and MUR 85 zones and to give a sense of scale and pedestrian interface. He particularly noted the quality of the open spaces and pedestrian environments, as well as how parking could be achieved to make the units more marketable. He pointed out that there is an opportunity for taller buildings closer to the transit-oriented areas near Interstate 5 and the light rail station. He has worked with the City's planners to give them some confidence in terms of the dimensional requirements and criteria that would be needed to achieve the various building types, which are consistent with the building and land-use codes.

Mr. Szafran concluded that potential issues related to the new zones include whether there should be minimum lot size and/or minimum density requirements and what the appropriate height limits should be.

- **Uses.** Mr. Szafran advised that, as proposed, the housing uses would be limited to those that support transit-oriented communities and the future light rail station. In addition, many of the uses would be listed as accessory to the primary residential uses. He shared examples of micro housing projects, and live/work housing projects.

Building and Site Design. Mr. Szafran explained that, although the new zones would be categorized as “residential,” most building design would be regulated by the commercial design standards in Shoreline Municipal Code (SMC) 20.50.250. The low-rise residential buildings would be regulated by the existing multi-family design standards. The existing standards strive for quality building design with a variety of building materials, façade breaks, and providing human scale to enhance the pedestrian experience. He shared images from the current Development Code having to do with building design, façade elements, etc. He reminded the Commission that the commercial design standards were updated recently.

Mr. Szafran stated that site design would also be regulated by the current code (SMC 2.050.240), but a new section would be added to focus on access to new development on North 185th Street. As currently proposed, access must be from a side street or alley. The intent is to lessen the number of curb cuts on North 185th, which will be the primary bus, pedestrian and bicycle route between the light rail station and North City and Point Wells. He shared images from the current Development Code to illustrate site design elements, including plazas, open space, corner treatments, etc.

- **New Permit Type and Procedures.** Mr. Szafran said staff is proposing to introduce the “development agreement” concept, which has been implemented by numerous jurisdictions in the

region. He explained that development agreements define the parameters of development in exchange for more flexible regulations or added development potential. They can be used for single buildings, developments or entire transit systems. Commissioner Moss asked for more information about what is meant by “entire transit system.” As an example, Mr. Szafran pointed out that Sound Transit will build tracks, overhead lines, stations and garages. A development agreement could define the development parameters for that entire system or transit way.

Mr. Szafran advised that the Commission’s September meetings will focus on topics that need more discussion, including access on North 185th Street, affordable housing, green building/infrastructure, development agreements, single-family residential, and parking. He explained that, although there is currently some single-family development within the subarea area, single-family residential uses would not be allowed in the proposed new MUR zones. The Commission needs to discuss the best way to address these existing uses.

Mr. Szafran clarified the process further by explaining that the Commission’s August 21st meeting would be a continuation of this same topic. It is staff’s intent to review pages of the proposed language. When the more specific topics are discussed in September, staff would provide model code language. The development code amendments would be combined with the subarea plan and final Environmental Impact Statement (EIS) and presented to the Planning Commission as an entire package for a study session, public hearing and recommendation to the City Council before the end of the year.

Commissioner Moss asked if row houses would be attached to each other, similar to condominiums. Mr. Szafran answered that row houses are attached to each other. He explained that the term “condominium” is related more to the form of ownership than the housing type. Commissioner Moss recalled that there has been a lot of thought and discussion in recent years about the proliferation of “skinny houses.” She asked if this housing type would be allowed in the MUR 35 and MUR 45 zones. Mr. Szafran said the City’s current code would consider “skinny houses” to be single-family residential units, which would not be allowed in the proposed MUR zones.

Commissioner Montero requested more information about the current micro housing project. Director Markle said the City has received a building permit application for a micro housing project at the former Taboo Video site on Aurora Avenue. She briefly reviewed the project proposal and explained that the City’s code does not currently have a definition for “micro housing.” When the code is unclear or does not have a provision for something that would be allowed, an administrative order is used to define project requirements such as parking. She advised that the current project, as well as definitions from other jurisdictions, informed the proposed definition.

Commissioner Moss requested an explanation of how staff identified the types of uses allowed in each of the MUR 35 zones. Mr. Szafran reminded the Commission that the MUR 35 zone is intended to provide a transition between the MUR 45 (4-story) development on North 185th Street and the existing single-family residential neighborhoods. While it would be primarily limited to two and three-story residential development, some commercial uses could be allowed along arterial streets such as 1st or 5th, which will be heavily traveled by people going to and from the Sound Transit parking garage.

Commissioner Moss asked how home occupations would be regulated differently than live/aboard developments. Mr. Szafran pointed out that the home-occupation regulations limit the amount of square footage that can be used for a home-based business, as well as the number of employees. The live/work requirements are not as restrictive.

Public Comment

No one in the audience indicated a desire to address the Commission during this portion of the meeting.

DIRECTOR'S REPORT

Ms. Markle announced that the City received the Governor's Smart Communities Award for participation in the Growing Transit Communities Program.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

Commissioner Moss said she appreciates the Staff's weekly report, which provides a helpful overview of what is happening in the City. Chair Pro Tem Craft concurred that the report is a good way for Commissioners to stay connected.

AGENDA FOR NEXT MEETING

Mr. Szafran said the Commission would continue their discussion of Development Regulations for the 185th Street Light Rail Station Subarea Plan on August 21st. Because several Commissioners were absent from tonight's meeting, Mr. Szafran agreed to review the highlights of his presentation prior to the continued discussion. The Commissioners agreed that the diagrams provided by the consultant were helpful and some could be incorporated as attachments into the August 21st Staff Report. Commissioners were invited to email additional questions to Mr. Szafran.

ADJOURNMENT

The meeting was adjourned at 7:51 p.m.

Keith Scully
Chair, Planning Commission

Lisa Basher
Clerk, Planning Commission

TIME STAMP
August 7, 2014

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA: 1:40

APPROVAL OF MINUTES: 2:01

GENERAL PUBLIC COMMENT: 2:19

DISCUSSION ITEM: PLANNING COMMISSION LETTER OF SUPPORT FOR RONALD WASTEWATER ASSUMPTION: 2:40

STUDY ITEM: DEVELOPMENT REGULATIONS FOR 185TH STREET LIGHT RAIL STATION SUBAREA PLAN

Staff Presentation: 12:43

Public Comment: 45:20

DIRECTOR'S REPORT: 46:15

UNFINISHED BUSINESS: 47:11

NEW BUSINESS: 47:20

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS: 47:30

AGENDA FOR NEXT MEETING: 47:58

ADJOURNMENT:

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 Planning Commission Meeting Date: September 4, 2014

 Agenda Item

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: 185th Street Station Subarea Plan- Potential Development Code Regulations

DEPARTMENT: Planning & Community Development

PRESENTED BY: Miranda Redinger, Senior Planner, P&CD
Steve Szafran, AICP, Senior Planner, P&CD
Paul Cohen, Planning Manager, P&CD
Rachael Markle, AICP, Director, P&CD

<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Study Session	<input type="checkbox"/> Recommendation Only
<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Update	<input type="checkbox"/> Other

BACKGROUND

This staff report provides strategies for potential affordable housing and green building code amendments pertaining to the 185th Street Station Subarea Plan (185SSSP). These strategies would be in addition to the amendments presented at the August 7 Commission meeting that dealt with dimensional, design, and other core standards for new zoning designations. Strategies contained in this staff report focus on implementing existing goals of the Comprehensive Plan regarding affordable housing and green building practices, which were topics of importance to the public involved in Station Subarea planning process. Some strategies were introduced at the April 3, 2014 Commission meeting where tools to encourage "Housing for All" were discussed.

AFFORDABLE HOUSING

Most of these strategies come from King County Housing Development Consortium's (HDC) "Workforce Housing Toolkit" (Attachment A). The City has implemented or is considering almost all of them, plus a few that are not listed in the Toolkit. Below is the summary of these strategies as existing or proposed Development Code regulations or as City actions outside the Development Code. Strategies listed with an "*" are considered the most effective by HDC.

Shoreline's Existing Code Provisions Applicable to the 185th Street Station Subarea

The following existing code provisions do not require affordable housing, nor have they resulted in any built. They indirectly decrease the cost of development by encouraging more housing units on parcels, which may make housing more affordable to develop, but does not necessarily ensure the units developed are affordable for ownership or rent.

Approved By:

Project Manager



Planning Director



- Accessory Dwelling Units (ADU) - As per Section 20.40.210 of the Shoreline Development Code, ADUs are permitted in all zoning designations, subject to requirements such as maximum square footage, resident ownership, and parking. ADUs may contribute to affordable housing because it infills additional units that are 50% the size of the main residence, thereby possibly creating a more affordable option for adult children or aging parents, or a rental revenue stream for the homeowners, for example.
- Micro-Housing- Is currently allowed (Please see attached Administrative Order for details – Attachment B), but has not been explicitly defined in the Development Code. As per SMC 20.40.160, discussed by the Commission on August 7, micro-housing could offer a housing choice at rents that are more affordable and often include utilities. Because micro-housing relies mainly on small unit size to control price, rather than subsidy or incentive, there would be no monitoring requirement to ensure continued affordability. Micro Housing, also called “Apodments” or residential suites, is still an emerging concept in the Puget Sound area. It will be important for the Commission to discuss this concept in order to determine if it is an appropriate housing choice in the 185th Street Station Subarea. Shoreline resident, Liz Poitras provided thought-provoking testimony at the August 25 City Council meeting regarding questions she has about this housing type. Her comments are found in Attachment C.

Questions: Should micro housing be permitted “out right” or require a Conditional Use permit? What design or development aspects if any, should be regulated differently for micro housing in comparison to apartments (max/min unit size, required storage)? How should parking be determined?

- Form-Based Zoning (no maximum density) - As per SMC 20.50.020, City standards for commercial and mixed-use developments have incorporated more form-based design standards, which dictate dimensions like height and parking requirements, rather than a maximum density. Through the subarea planning process, the City is also considering form-based standards for new zoning designations. Proposed new zoning categories of Mixed Use Residential (MUR)-35, -45, and -85 represent a shift from defining residential designations by a density maximum to a height limit. Controlling density limits through the height and bulk of a building makes requiring affordable units more feasible because it can increase the unit count, which decreases per unit construction costs.
- State Environmental Protection Act (SEPA) Categorical Exemption- Adoption of a Planned Action as part of the Environmental Impact Statement (EIS) for the 185th Street Station Subarea Plan process means that up to the threshold analyzed in the Final EIS, developers do not need to perform their own SEPA analysis, including traffic modeling. This represents a savings in direct and indirect development costs, such as time and risk of appeal for the developer, which could be used to subsidize affordable units.

- Impact Fee Waivers or Reductions- While developers of market rate housing will be required to pay traffic impact fees under recently adopted SMC Title 12, low income housing provided by a non-profit entity, at a cost not to exceed 30% of the income for a household making 60% of the King County median income adjusted for family size, is exempted from this cost.

New Development Code Provisions Proposed through the 185th Street Station Subarea Plan

- Development Agreements*- SMC 20.30.338 of proposed code amendments discussed by the Commission on August 7 introduced the base requirements for development agreements. Development agreements can be used by the City in accordance with State law currently, but the City has not employed this tool to date. Although specific language is being proposed for development agreements as part of the 185th Street Station Subarea Plan, they can be used for developments in other parts of the city (note – this is not a change from current entitlements).

Council, as part of their August 25 decision on the Preferred Alternative zoning scenario for the 185SSSP, chose to analyze School District properties using the Mixed Use Residential- 85 foot height limit (MUR-85) designation rather than Master Use Permit zone (MUP) in the Final EIS. The MUR-85 would be allowed “outright”, but to achieve greater heights and flexibility a developer could apply for a development agreement. Development agreements are a highly effective tool for conditioning projects to provide community amenities like affordable housing in exchange for additional height and density. This process allows consideration of unique, site-specific opportunities. In short, the mechanism for a developer to achieve heights greater than 85 feet (in MUR-85 zones with a minimum lot size) would be to enter into a development agreement and provide some combination of amenities to be defined.

In response to Council direction, staff revised proposed regulations for Commission consideration. Development agreements may also be the best mechanism to promote considerations such as Net Zero buildings and universal design, which fall under the purview of the building code rather than the zoning code. See Attachment D for examples of development agreements from other jurisdictions.

Although we are proposing the use of a development agreement, there are multiple ways to reach the same end. We could create a new permit type such as a Master Use Permit or amend the Master Development Plan permitting processing to include Station Subareas. The “must have” factors regardless of what method we select are: specific criteria to approve the increase in height and flexibility; a public review process; and the list of amenities desired in exchange for the increased development potential.

Question: Does the Commission have a preference as to the method that would be used to achieve increased densities, heights, and development potential in the MUR-85 zones?

The proposed criteria should show how a development addresses identified City and community values by incorporating elements of Vision 2029, Land Use Element policies 20 through 43, Housing Element goals and policies, Natural Environment Element goals and policies, Economic Development Element goals and policies, and Capital Facility Element goals and policies.

Question: Does the proposed criteria in Attachment E for approval of a Development Agreement in MUR-85 zones accurately reflect the Vision and Goals? What additional criteria should be considered? Do we have the right menu of required amenities?

- **Incentive Zoning*** - This strategy could be implemented through development agreements by exchanging greater development potential through additional height or density, or reduced parking (for example) in exchange for amenities such as affordable housing. This incentive is currently a proposed code amendment that the Commission discussed on August 7.
- **Inclusionary Zoning or Fee-In-Lieu*** - This strategy could be instrumental in creating affordable housing or establishing a Housing Trust Fund. The concept is to require developments of a certain size to include a specific percentage of units affordable to households making a defined percentage of the Area Median Income (AMI) for King County, or to pay a fee-in-lieu of such development, which could be dedicated to a Housing Trust Fund. An additional percentage or more affordability may be negotiated through a development agreement. Some additional staff resources would be necessary to implement and track such a system over time. Attachments F and G are HDC examples from around the country and Washington, and in East King County Cities, respectively.

Questions: Inclusionary- Should a percentage of all multi-family units and mixed use with multiple family units in the MUR-85 zone be required to be affordable? If yes, to what household income level – 60% AMI, 30% AMI or use a sliding scale for incomes 0-60%? What percent of the total units should be required to be affordable – 10%, 20%? Should affordable units be required in any of the other proposed zones?

Fee In Lieu- Should the City consider an option that allows developers to pay a fee in lieu of constructing affordable units? If yes, in which zones should this provision be applied? How should the fee be derived?

- **Minimum Densities-** As per SMC 20.50.020, discussed by the Commission August 7th, the MUR-85 zoning designation, and possibly MUR-45 and -35 may include minimum densities. The intent is to reserve property closest to the station for the highest density housing options, and also to prevent development of lower density uses in the near term, which would likely be torn down when the

market is ready to build taller buildings, thereby causing the neighborhood to undergo transition multiple times. This helps ensure that there is a healthy supply of housing in close proximity to the light rail station and its associated amenities, which may allow residents to forego the cost of owning a car. People living in proximity to light rail may not be able to be completely car-free, but if station subarea residents could average ownership of one vehicle per household, as opposed to two, it could have a significant impact on family budgets and Shoreline's carbon footprint. Draft minimum density provisions are in the proposed code amendments (Attachment E).

Question: What are the Commissioners' thoughts on minimum densities? In which zones or geographic areas in the subarea should minimum densities be applied, if at all? What specifically should the minimum density be in each of the MUR zones?

- **Reduced Parking Requirements** - In SMC 20.50.400, the City allows reduced parking standards for one bedroom units starting at .75. The ratio can be reduced up to 25% for projects that meet criteria such as proximity to transit. It also allows all affordable housing to have up to a 50% reduction, which could be .37 stalls per unit. Staff is continuing to discuss and revise these standards to create code language that reduces the number of parking spaces required for housing (especially affordable housing) within proximity to light rail, while balancing neighborhood concerns about overflow parking. Staff will provide details about proposed standards at the September 4 meeting.

Generally speaking, parking reductions decrease cost to build housing, which should make units more affordable. Low-income and senior households tend to have lower rates of car ownership, so the argument can be made that reductions for developments serving these populations should not impact parking available in the neighborhood. Some would also argue that parking in general should be reduced near light rail in order to create a transit-supportive community. However, public input to date has shown that there is a broader spectrum of opinions regarding parking than any other topic under consideration, and that overflow parking is a major concern of residents. It is also worth mentioning that there are degrees of "low-income" and "senior" housing, which may have different rates of car ownership. For example, most adults in their 60's and 70's still drive, while those in their 80's and 90's may not.

Question: Should the City consider reducing required parking "out right" by 25%, 50% or greater within a ¼ mile (or another selected proximity) to the light rail station? Should the existing parking standards and avenues for reductions apply?

- **Transit Oriented Development (TOD)**- This strategy creates special zoning regulations around transit to promote density, mixed-use, and walkable neighborhoods. One benefit of TOD is that higher density communities with transit nearby tend to reduce housing and transportation costs for lower income

families. The proposed 185SSSP intends to support the development of a Transit-Oriented Community.

City Actions in Addition to the Development Code

- Capital Infrastructure Investments- One of the components of the 185SSSP will be a list of prioritized capital projects the City may consider initiating to promote and mitigate for redevelopment of the subarea, including transportation and stormwater infrastructure improvements. Goals of the subarea planning process are to not only identify the most significant and necessary projects to undertake, but also to make them competitive for grant funding from a variety of sources. The City's investment in infrastructure to support development in the station subarea correlates to cost savings that would benefit both market-rate and affordable housing developers.
- Education and Communication about Affordable Housing Issues - This strategy has been pursued by the City through forums hosted in conjunction with HDC, the "Housing For All" initiative, and materials created during the light rail station subarea planning process. Education and communication about the local need for and benefits of affordable housing can reduce opposition to individual projects.
- Housing Trust Fund* - This recommendation is not included in the HDC Toolkit, but this is one way the City could directly contribute to the creation of affordable housing projects. Without a dedicated funding source, such as a fee-in-lieu program (mentioned earlier), it is unlikely that the City would be able to support this through the general fund. Administering a Housing Trust Fund and potentially a fee-in-lieu program to finance it would create on-going staffing needs.
- Property Tax Exemption* - Using PTE, the City has about 100 affordable units built at 80% of AMI in North City. Attachment H is a sample ordinance defining PTE requirements for the Ridgecrest subarea. Staff will likely include a similar ordinance in conjunction with adoption of the 185SSSP. Recommendations in the Subarea Plan could include a requirement for a certain percentage of units to be affordable to households earning 60% or less of AMI.

Question: Does the Commission have a preference on the use of PTEs for affordable housing?

- Surplus Property Agreements* - This strategy is not included in the HDC Toolkit, but staff believes this may be one the City's best opportunities to promote affordable housing development. Sound Transit will likely acquire property to be used for staging and construction of light rail facilities that will become surplus once the system is operational. Sound Transit's policies include considerations for making agreements with local governments or non-profit housing providers to promote affordable TOD.
- Parcel Assembly* - This strategy is not included in the HDC Toolkit, but it represents an opportunity to aid in development of affordable housing. Staff

recently met with Enterprise Community Partners. Enterprise is an advocate for affordable housing and lends funds, finances development, manages and builds affordable housing. When asked what would be the most impactful action the City could take in the station areas to support the provision of affordable housing, their advice to Shoreline is to invest in parcel assembly.

Question: Should parcel assembly be pursued by the City? If so, one option would be to include a policy in the Subarea Plan to investigate this opportunity and potentially establish mechanisms.

- Separate Rehabilitation Building Code - Rather than requiring rehabilitation projects to adhere to codes for current new construction, the City could adopt a separate rehabilitation code for existing buildings, lowering the cost of rehabilitation. This strategy is better suited for adaptive reuse of older commercial buildings and not single family neighborhoods that are redeveloped into multifamily and commercial buildings. To date, the City has flexed the current building code to allow adaptive reuse projects.

GREEN BUILDING

Some strategies below would require development of model code language to be amended into the Building Code in order for them to be a part of a development agreement. The City Council may amend the Building Code as it pertains to commercial and multi-family buildings, but revisions pertaining to single-family homes require permission at the State level.

- Universal Design - This strategy requires building and unit design that increases the ability for people to "age in place". This can include design features like wider hallways and doorways, and wiring ground-level garages in multi-story townhomes for plumbing in case they needed to become a living area. However, because these standards are embedded in the Building Code, rather than the Development Code, and pertain to single-family, the City may have limited authority to implement, except through development agreements.

Question: Should inclusion of a defined percentage of units meeting universal design standards be one of the ways a project in the MUR-85 zone could meet the criteria to obtain a development agreement to achieve increased height/density? Should universal design of a defined percentage of units in the MUR-85 zone (or additional zones) be required without incentive?

- District Energy and Combined Heat and Power Systems- Innovative systems to capture waste heat or otherwise save energy at neighborhood, block, and building scales will be studied as part of the 145th Street Station Subarea Plan. It is possible that information from this effort will translate into capital and building projects in the 185th Street Station Subarea.

Question: Should inclusion of innovative "green" community utility systems in a development be one of the ways a project in the MUR-85 zone can meet the criteria to obtain a development agreement to achieve increased height/density?

- Net Zero Buildings and the Living Building Challenge (LBC)- These technologies represent a step beyond green building, where buildings are designed and constructed to generate their own power and/or water, and dispose of their own waste on-site. The Carbon Wedge Analysis, currently being undertaken by the City and Climate Solutions New Energy Cities program will likely recommend that if Shoreline is to meet greenhouse reduction target commitments adopted through the 2013 Climate Action Plan, all new construction should strive to meet Net Zero standards by 2030. A more holistic version of Net Zero is the Living Building Challenge, with the Bullitt Center in Seattle being the best local example. The Challenge is a green building certification program that defines the most advanced measure of sustainability for buildings and landscapes possible today, and is comprised of seven performance categories called Petals: Place, Water, Energy, Health and Happiness, Materials, Equity, and Beauty. Attachment I is Seattle's code language for the Living Building Challenge pilot program. Staff will continue to research common code barriers to Net Zero or LBC buildings. Net Zero requirements are regulated by the Building Code.

Question: Should meeting some or all Net Zero or the Living Building Challenge standards be one of the ways a project in the MUR-85 zone can meet the criteria for obtaining a development agreement for increased height/density?

- Solarize Program – This strategy promotes installation of photovoltaic systems for power generation and hot-water heating within the city. A strategy that may come out of the Carbon Wedge Analysis is to partner with NW SEED, the Shoreline Community College, NW Mechanical, and Solar Shoreline to promote local resources and increase installation of solar panels. Staff is following the work of cities that are pioneering processes to reduce permitting hurdles and researching funding mechanisms for initiatives like Community Solar Projects.

Question: Should inclusion of photovoltaic panels be one of the ways a project in the MUR-85 zone could meet the criteria to obtain a development agreement to achieve increased height/density? Should solar power serving a defined percentage of units in the MUR-85 zone (or additional zones) be required without incentive?

- Green Modular Housing- A new trend in housing style and building technology is modular units that are engineered and constructed with sustainability and affordability as foundational design principles. They tend to be smaller in size, which means they usually have innovative design solutions for storage, use sustainably-sourced materials, incorporate passive solar lighting, and capture and store stormwater, which means many models are certified as green buildings. Construction of pre-fabricated homes creates much less waste than building on-site, and also reduces time and costs. Many builders have customizable options that could be selected from a base plan, including primary

residences, Accessory Dwelling Units, home offices, etc. This would allow the City to consider pre-approving plans for expedited permitting as an incentive for this housing style. More information about green, modular housing development can be found at:

University of Virginia's ecoMOD program- <http://ecomod.virginia.edu/>;
GreenPod (local)- <http://www.greenpoddevelopment.com/>;
Method Homes (local)- <http://methodhomes.net/>.

Question: Is this a housing type that we should promote in the 185th Street Station Subarea? If yes, which zones?

SUMMARY

To date, City regulations and incentives have done little to promote affordable housing and green building. Many policies in the Comprehensive Plan, Comprehensive Housing Strategy, and the Climate Action Plan call for adoption of meaningful incentives, and public input received to date as part of the light rail station subarea planning process has also included requests for these types of amenities. Yet few of the progressive policies included in these guiding documents have been codified.

The Puget Sound Regional Council identified a risk of displacement as older, more affordable housing is replaced by newer construction. It is important that as the subarea redevelops, inflation does not drive out those who most need affordable options near transit.

There is no "magic bullet" when it comes to addressing affordability issues, which is why the lack of affordable housing is such a rampant problem. However, through working with partner organizations, adopting progressive regulations that create meaningful incentives, and investigating more sophisticated mechanisms related to financing and parcel aggregation, the City could use a combination of tools to make affordable housing development more feasible.

Green building is quickly becoming more cost-competitive with standard construction practices, and as more building professionals become familiar with techniques and technologies become more common, this gap will continue to close, especially considering life-cycle costs and return on investment. If Shoreline is to tout the sustainability and greenhouse reduction benefits of light rail transit service, it is important that new building stock within station subareas also promotes conservation and responsible stewardship of resources.

RECOMMENDATION

Staff recommends that the Commission consider the most effective strategies to promote affordable housing and green building, and make final recommendations to the City Council through Development Code amendments, the 185th Street Station Subarea Plan, and Planned Action Ordinance.


ATTACHMENTS

- Attachment A: Housing Development Consortium's Workforce Housing Toolkit
- Attachment B: Administrative Order regarding parking for Micro Housing
- Attachment C: Comment letter submitted to Council regarding Micro Housing
- Attachment D: Example Development Agreement Codes
- Attachment E: Proposed Development Code Amendments
- Attachment F: Incentive Zoning: Best practices from around the country and Washington State
- Attachment G: East King County Cities: Incentive Zoning Programs
- Attachment H: Property Tax Exemption Ordinance for Ridgecrest Subarea
- Attachment I: Seattle's Living Building Challenge Pilot Program

A WORKFORCE HOUSING TOOLKIT

Code Flexibility, Incentives & Development Process Tools







Code flexibility and development process tools are generally used to increase housing supply and to promote density, mixed-use neighborhoods, and a diverse housing stock. In some cases, governments may tie code flexibility tools to affordability requirements. Incentive tools make it more cost-effective for developers to build and maintain affordable housing.

Accessory Dwelling Units (ADUs)	Allows small dwelling units to be built on the same lot as a single family home.
Capital Infrastructure Investments	Cities can proactively provide capital infrastructure investments in order to offset costs of development.
 Development Agreements	A contract between a developer and a jurisdiction regulating the development of a given property.
Form-Based Zoning	Focuses on the physical design of development, rather than a more traditional use-based regulation.
Infill Development	The development of vacant land or the redevelopment of existing properties to increase density in already developed urban areas, often times used as part of a planned neighborhood strategy.
Lot Size Averaging	Uses metric of average lot size when measuring against zoned maximum density. Allows for development on smaller lots.
Micro-Housing	The allowance of small apartments, generally between 100 and 300 square feet, which often share amenities such as kitchens.
Minimum Densities	Sets a minimum density for a residentially-zoned area to encourage compact development and the efficient use of infrastructure.
Prefabricated Housing	The allowance of modular, panelized, manufactured, or other prefabricated housing. Prefabricated construction methods are used to decrease the cost and time of development.
No Maximum Density	Eliminates restrictions on dwelling units per acre. Instead, cities may use tools like floor area ratio, height, or setbacks to look at the design of a project, allowing developers to achieve higher density.
Performance Zoning	Uses non-use criteria, such as floor area ratio, to set development requirements, promoting mixed-use development and process efficiency. Cities approve developments using a points system.



Most highly recommended tools

Code Flexibility, Incentives & Development Process Tools Continued

 Permitting Priority, Streamlining, or Flexibility	Allows permitting priority, streamlining, or leeway for developments that meet a city's housing goals. Assists developers by simplifying or fast-tracking the permitting process.
Planned Unit Development	Allows deviation from zoning criteria within a certain area, promoting more development flexibility, cluster development, and mixed-use neighborhoods.
 Reduced Parking Requirements	Lessens the parking requirements for commercial and/or residential construction, reducing costs.
Separate Rehabilitation Code	Rather than requiring rehabilitation projects to adhere to codes for current new construction, cities could create a separate rehabilitation code for existing buildings, lowering the cost of rehabilitation.
Short Plats	Increases the number of lots allowed in a short subdivision, expediting the plat approval process for individual projects.
TOD Overlays	Creates special zoning regulations around transit to promote density and mixed-use, walkable neighborhoods.
Zero Lot Line Development	Allows for flexible placement of a house on a property lot, maximizing lot space.
 Fee Waivers or Reductions	Reduces or eliminates certain fees associated with development in exchange for providing an affordability benefit.
 Incentive Zoning	Allows a developer a density bonus or other regulatory benefit in exchange for production (or fee-in-lieu) of affordable housing.
 Multifamily Tax Exemption (MFTE)	Property tax exemption for multifamily housing, with WA State requirements that 20% of homes are affordable.
State Environmental Protection Act (SEPA) Categorical Exemption	Relatively small projects are exempt from SEPA review. Jurisdictions can amend the exemption threshold to exempt slightly larger projects.
 Transfer of Development Rights for Affordable Housing (TDR)	Designates affordable housing as a TDR sending area, allowing these sites to sell density credits.



Planning & Community Development.

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ADMINISTRATIVE ORDER#050114

CODE INTERPRETATION

CODE SECTION: 20.50.390 Minimum off-street parking standards

I. ISSUE

What is the required number of parking stalls for “micro-apartments?”

II. FINDINGS

- Current Shoreline Municipal Code (SMC) does not define nor include parking requirements for “micro-apartments”, “residential suites”, or “A-podments.”
- The SMC defines a “*Dwelling Unit*” as a: Residential living facility, used, intended or designed to provide physically segregated complete independent living facilities for one or more persons, including living, sleeping, cooking and sanitation facilities. A dwelling unit is to be distinguished from lodging, such as hotel/motel or dormitory.
- SMC 20.20.016 defines “Apartments” as a building containing three or more dwelling units that may be located one over the other in a multi-unit configuration.
- Current parking standards under SMC 20.50.390A requires “studio units” in “apartments” to provide .75 stalls, and “two-bedroom plus units” to provide 1.5 stalls per dwelling unit.
- SMC 20.50.390B requires “Community residential facilities” and “Dormitory” must provide 1 stall per 2 units.
- Single-family detached structures are required to provide two stalls.
- City of Redmond requires “single room occupancy units” or “dormitories” to provide .5 stall per bed.
- City of Kirkland requires “residential suites” to provide .5 stall per bedroom. Kirkland defines “Residential Suites” as: A structure containing single room

living units with a minimum floor area of 120 square feet and maximum floor area of 350 square feet offered on a monthly basis or longer where residents share bathroom and/or kitchen facilities. "Residential suites" does not include dwelling units, assisted living facility, bed and breakfast house, convalescent center, nursing home, facility housing individuals who are incarcerated as the result of a conviction or other court order, or secure community transition facility. For purposes of zones where minimum density or affordable housing is required, each living unit shall equate to one (1) dwelling unit.

- City of Seattle has imposed requirements of 0 to 1 stall per micro unit, depending on the zone.

III. CONCLUSIONS

Traditional apartment units can be easily distinguished by the "x"-number of bedrooms and the kitchen it contains. However, "micro-units," with a configuration where multiple bedrooms with bathrooms and one shared kitchen is provided for a congregate situation, are not a typical apartment setting. As such, standard parking ratios for apartments should not be applied to micro-units.

A configuration consisting of multiple bedrooms and one kitchen should be considered something greater than "one dwelling unit." To that extent, a threshold should be identified to establish when this determination would be applicable.

As for the ratio, research of other jurisdictions and conversation with experienced professionals familiar with micro-units the Director concludes that a requirement of at .5 stalls per bedroom is reasonable. This standard, .5 parking spaces per bedroom was then compared to the City's existing parking requirements for other similar uses.

Analogous Single Family Configuration

Single Family residences can accommodate more residents than a typical one, two or three bedroom apartment. Families, as defined by SMC 20.20.020:

An individual; two or more persons related by blood or marriage, a group of up to eight persons who may or may not be related, living together as a single housekeeping unit; or a group living arrangement where eight or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. For purposes of this definition, minors living with a parent shall not be counted as part of the maximum number of residents.

Single family residences are therefore allowed to house up to 8 unrelated individuals plus minors living with the parents. In some cases the bedrooms are rented out to individuals and the kitchen and other areas are shared by all of the residents. This type of living arrangement is analogous to micro units that are configured with 5 or more individual bedrooms w/ bathrooms that share a common cooking facility. Therefore, the parking requirements for single family

residences are being considered for comparison purposes as the City determines the parking standard for micro-units. SMC Table 20.50.390A-General Residential Parking Standards require Single Family Residences to have 2 parking spaces per dwelling unit. The same 8 bedroom single family home would require 2 parking spaces.

Analogous Apartment Configuration

The SMC requires apartments with more 2 or more (the upper limit not defined) to have 1.5 parking spaces per unit. Although not the standard floor plans, four bedroom apartments would be required to have at a minimum 1.5 parking spaces and an eight bedroom apartments would also be required to have at a minimum 1.5 spaces.

Analogous to Dormitories

Micro-units are similar to dormitories in that several individual bedrooms share common areas such as kitchens, bathrooms and recreation areas. The SMC requires dormitories to provide parking at a 1 space per 2 units. This could translate into .5 per unit.

Proposed Micro-Unit Parking Requirements

For an 8 bedroom/with bathroom micro units with a shared common kitchen .5 parking spaces per bedroom would be required for a total of 4 parking spaces.

IV. DECISION

Based on the findings and conclusions, a configuration of 8 bedrooms with a shared kitchen should not be considered a single “dwelling unit.” As such, applying the current parking requirement of 1.5 stalls equivalent to a “two-bedroom plus” apartment unit would not be adequate. Under the City’s definition of a dwelling unit each of the 8 bedrooms are not dwelling units, since the bedrooms do not contain “physically segregated complete independent living facilities”. Based on market research and comparable requirements of other jurisdictions in relation to the City’s existing parking ratios for other uses, a parking ratio of .5 stalls per bedroom shall be applicable for any multifamily configuration involving five (5) or more bedrooms (micro-units).



Director’s Signature

Ce-18-14

Date

Prepared by: Brian Lee, Associate Planner

8-25-14

Liz Poitras

Shoreline resident

Since micro-housing is a new concept I think the city needs to think it out very carefully and learn by the mistakes of other cities such as Seattle.

I would like to comment on the following items:

1. Size of units
2. Width of corridors
3. Housing for seniors
4. Occupants per unit
5. Communal areas

• Unit Size

I think a minimum of 120 sq. ft. is too small. This minimum is listed in the definition that the staff is proposing for the revised development codes. See picture #1 at the end for an actual unit of this size in Seattle. Note that this size must also include any storage space such as for clothes and a bathroom. The unit in picture #1 does have a bathroom. The smaller micro-units have no clothes closet. See picture # 2 below for typical storage. Some have no cooking facilities. See picture #5. Also in the definition the staff is proposing allows for communal bathrooms.

• Width of Corridors

Some micro-units in Seattle have hallways just 36 inches wide – not enough space for two people to easily pass under normal circumstances, let alone safely and calmly in the event of a fire or natural disaster.

• Housing for Seniors

If a developer indicates he will have his portion of low-income housing suitable for seniors, maybe we should have some requirements for that. Some existing micro-housing units have sleeping lofts with an open staircase access. Probably not suitable for seniors. See picture #3 below.

Will all units have a small kitchen space such as a sink, microwave and small refrigerator? If you are expecting seniors to live in such dwellings, I think it would be necessary. Most seniors take prescription medicines. Some of those must be kept refrigerated. I don't think such people would want to trust expensive medicines to a communal refrigerator.

Will all buildings containing micro-housing for seniors have elevators?

• Occupants per unit

Will the number of occupants be limited by ordinance? The assumption may be that there will be only 1 person in a 120 sq ft unit but the unit, like a studio apt, could contain a sofa bed instead of a twin bed and hence at night sleep 2 people.

• Communal Areas

How many sleeping units will share one communal kitchen? What about the size of the shared kitchen? See picture #4 for a shared kitchen in one Seattle building.

- Comments from the internet:

An excerpt from the Puget Sound Business Journal (<http://www.bizjournals.com/seattle/print-edition/2014/01/17/seattle-slides-backward-crowded-apodment.html?page=all>)

“The typical apodment structure is five clusters of eight units and a communal kitchen – 40 tenants, leases, numbered doors and locking mailboxes, 40 independent dwelling units. But City Hall counts them as only five units, defining a unit of housing based on the kitchen stove. If the city counted each apodment properly, a full bathroom and kitchen and a minimum of 220 square feet of private living space would be required. To avoid these requirements, apodment structures are “stacked boarding houses” and the units are “sleeping rooms.” Additionally, a new version of the apodment is showing up as “congregate housing.” The building codes were written for dorms of students with meal plans, but the developers are building dorms of tenants without realistically usable kitchens. For example, the 115-unit apodment building proposed for 2820 Eastlake Ave. E. has two kitchens. Access to natural light for some units is two stories down a window well. Hallways only 36 inches wide don’t allow tenants to pass in stride.”

<http://www.dailymail.co.uk/news/article-2320605/Attack-U-S-aPodments-boom-residents-warn-10ft-10ft-micro-homes-make-cities-overcrowded.html>

“Opponent Carl Winter said the projects are seeing older homes torn down to make way for people who may only stay for a few months.

Mr. Winter, is among those lobbying Seattle City Council for a moratorium. He believes the city is providing an incentive for builders by not enforcing the normal regulations.

Builders are claiming they have only six or eight kitchens, the definition of a dwelling unit, to bypass the need for a full design and environmental review usually required for a large-scale development.

But conversely, they are using the total number of sleeping units, 56 or 64 for example, to take advantage of a tax exemption scheme by reserving some for low-income workers.

Council member Tim Burgess said the city is missing out on a substantial amount of money in lost tax revenue.

“What’s troubling is the city looks like it’s twisting the rules to favour developers, and that’s not appropriate,” he told the Seattle Times.”

Picture # 1

<http://www.dailymail.co.uk/news/article-2320605/Attack-U-S-aPodments-boom-residents-warn-10ft-10ft-micro-homes-make-cities-overcrowded.html>



“Not great for dinner parties... King, 36, works as a counselor at a downtown Seattle homeless service centre and pays \$750 for his unit, roughly 120 square feet, which includes utilities and Internet”

(Will we be proud to have the world know that this is how we house Shoreline citizens?)

Picture # 2

<http://www.capitolhillseattle.com/2012/09/chs-pics-what-it-looks-like-inside-a-capitol-hill-apodment/>



(The closet in smaller micro-housing)

Picture # 3



https://www.facebook.com/apodment.suites/photos_stream

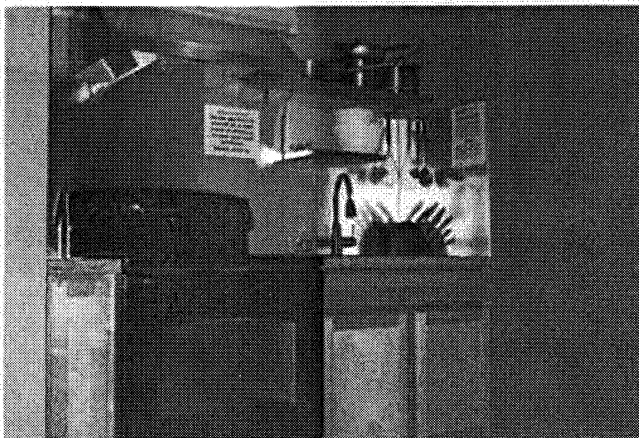
Apodment Suites

October 25, 2013

Expanded loft ladder and new wetbar design with storage space beneath

(Not safe for seniors)

Picture #4



<http://www.capitolhillseattle.com/2012/09/chs-pics-what-it-looks-like-inside-a-capitol-hill-apodment/>

Shared Kitchen area

(Note the caption – this is the shared kitchen!)

Picture #5

<http://apodment.com/capitol-hill-apodments/pine-north/>



Pine North

Capitol Hill Area aPodment® Suites

furnished with bed, table, chair and refrigerator

with private baths

Private lockers for pantry items

SEATAC

15.22.055 Development Agreements

A. A person or entity having ownership or control of real property within the City may file an application for a development agreement with the Department of Community and Economic Development, solely and exclusively on the current form approved by the said Department, together with the filing fee set forth in the current edition of the City's fee schedule as adopted by resolution of the City Council.

B. Terms of the proposed development agreement shall be subject to the Development Review Committee process set forth at SMC [16A.05.020](#) and such other provisions of SMC Title [16A](#) as may be deemed appropriate by the City.

C. The City Manager, and such designee or designees as may be appointed for the purpose, is authorized, but not required, to negotiate acceptable terms and conditions of the proposed development agreement with due regard for the following criteria:

1. The development agreement conforms to the existing Comprehensive Plan policies.
2. The terms of the development agreement are generally consistent with the development regulations of the City then in effect.
3. Appropriate project or proposal elements such as permitted uses, residential densities, and nonresidential densities and intensities or structure sizes are adequately provided, to include evidence that the site is adequate in size and shape for the proposed project or use, conforms to the general character of the neighborhood, and would be compatible with adjacent land uses.
4. Appropriate provisions are made for the amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications.

5. Adequate mitigation measures, development conditions, and mitigation requirements under Chapter [43.21C](#) RCW are provided.
6. Adequate and appropriate design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features are provided.
7. If applicable, targets and requirements regarding affordable housing are addressed.
8. Provisions are sufficient to assure requirements of parks and open space preservation.
9. Interim uses and phasing of development and construction are appropriately provided. In the case of an interim use of a parcel of property, deferments or departures from development regulations may be allowed without providing a demonstrated benefit to the City; provided, that any departures or deferments to the code requested for a final use of the property shall comply with subsection (C)(11) of this section. The agreement shall clearly state the conditions under which the interim use shall be converted to a permanent use within a stated time period and the penalties for noncompliance if the interim use is not converted to the permanent use in the stated period of time.
10. Where a phased development agreement is proposed, a site plan shall be provided and shall clearly show the proposed interim and final use subject to the agreement.
11. In the case of a development agreement where the proposed use would be the final use of the property, it shall be clearly documented that any departures to the standards of the code, requested by the applicant, are in the judgment of the City offset by providing a benefit to the City of equal or greater value relative to the departure requested. In no case shall a departure to the code be granted if no benefit to the City is proposed in turn by the applicant.

12. Conditions are set forth providing for review procedures and standards for implementing decisions.

13. A build-out or vesting period for applicable standards is provided.

14. Any other appropriate development requirements or procedures necessary to the specific project or proposal are adequately addressed.

15. If appropriate, and if the applicant is to fund or provide public facilities, the development agreement shall contain appropriate provisions for reimbursement over time to the applicant.

16. Appropriate statutory authority exists for any involuntary obligation of the applicant to fund or provide services, infrastructure, impact fees, inspection fees, dedications, or other service or financial contributions.

D. If the City Manager deems that an acceptable development agreement has been negotiated and recommends the same for consideration, the City Council shall hold a public hearing and then may take final action, by resolution, to authorize entry into the development agreement. In addition, the Council may continue the hearing for the purpose of clarifying issues, or obtaining additional information, facts, or documentary evidence.

E. The decision of the Council shall be final immediately upon adoption of a resolution authorizing or rejecting the development agreement.

F. Following approval of a development agreement by the Council, and execution of the same, the development agreement shall be recorded with the King County Recorder.

G. Because a development agreement is not necessary to any given project or use of real property under the existing Comprehensive Plan and development regulations in effect at the time of making application, approval of a development agreement is wholly discretionary and any action taken by the City Council is legislative only, and not quasi-judicial. (Ord. 14-1006 § 2; Ord. 11-1002 § 2; Ord. 01-1022 § 3; Ord. 99-1045 § 3)

SEATTLE

23.61.016 Development agreements

A. The Director may recommend that the Council approve a development agreement pursuant to Chapter 36.70B RCW for real property within the Station Area Overlay District.

B. The Director's recommendation shall be informed by a coordinated development plan or urban design framework that the Director has developed through a community involvement process.

C. The Director may recommend a development agreement in the following Station Area Overlay Districts:

1. Capitol Hill Station Area Overlay District.

a. The proposed development agreement shall be for the development of real property that:

1) Is owned by or under the control of a regional transit authority authorized under Chapter 81.112 RCW for the purpose of developing a light rail transit station; and

2) Is contiguous or is bisected only by streets, alleys, or other public rights of way.

b. The proposed development agreement may set forth development standards that vary from otherwise applicable development regulations, subject to the following limitations:

1) Any additional structure height allowed may not exceed 85 feet, except, where the underlying zone designation is Neighborhood Commercial, structures may exceed 85 feet as provided for in subsection [23.47A.012.D](#);

2) Uses prohibited in the underlying zone shall not be permitted;

3) FAR requirements may be varied for an individual lot, however, the total FAR as calculated for all lots under the proposed development agreement shall not exceed six;

4) Variations of Green Factor requirements for an individual lot shall not result in a Green Factor ratio for the aggregated lots that is less than the ratio that would result from imposition of otherwise applicable Green Factor requirements to all individual lots; and

5) The provisions of Chapter 23.41 shall apply to development proposals within the scope of the development agreement, except that the recommendation of the Design Review Board shall be consistent with the development agreement, and if there is a conflict between a Design Review Board recommendation and the terms of the development agreement, the latter shall prevail.

D. The Director shall prepare a written report on a proposed development agreement. The Director shall submit the report and proposed development agreement to the Council after any applicable SEPA appeal period has lapsed without an appeal being initiated or, if a SEPA appeal is timely initiated, after the Hearing Examiner issues a decision affirming the Director's compliance with SEPA. The report shall include:

1. An evaluation of the proposed development agreement's consistency with any applicable coordinated development plan or urban design framework that the Director has developed through a community involvement process and any applicable Comprehensive Plan goals and policies;
2. Proposed development standards for the site; and
3. The Director's recommendation.

E. The Council shall hold a public hearing on the proposed development agreement. Notice of the hearing shall be provided at least 30 days prior to the hearing by inclusion in the Land Use Information Bulletin.

F. If the Council determines to approve a proposed development agreement, the Council may:

1. Set forth development standards that vary from otherwise applicable development regulations, subject to any applicable limitations in subsection 23.61.016.C; and
2. Set forth other provisions, unrelated to development standards, that the Council deems appropriate.

G. After its approval by the Council and after all parties to the development agreement approve and execute it, the City Clerk shall record the development agreement in the real property records of King County.

H. Nothing in this Section 23.61.016 limits the Council's authority to enter into a development agreement authorized by Chapter 36.70B RCW in situations other than those described in subsection 23.61.016.C.

Redmond

J. Development Agreement.

1. Purpose. The purpose of this section is to provide a mechanism whereby developers and the City can be certain that upon approval a project may proceed in accordance with existing policies and regulations, and that public facilities and services will be adequate to serve existing and new development at such time as development occurs. Development agreements are authorized by RCW 36.70B.170, et seq.
2. Scope. Any person having ownership or control of real property within the City desiring to enter may apply for a development agreement in order to set forth the development standards and other provisions that will apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.
3. Decision Criteria. A development agreement may be entered into if the following criteria are met:
 - a. The agreement must be consistent with the applicable development regulations for the property;
 - b. All impacts of the development must be mitigated by the measures set forth in the agreement or the agreement must provide a mechanism for analyzing and mitigating such impacts as they occur;
 - c. The agreement must reserve the City's authority to impose new or different regulations to the extent required by a serious threat to public health and safety;
 - d. The duration of the agreement must be reasonable in light of the anticipated build-out period for the proposed development and the needs of the City; and
 - e. The agreement must be in the public interest and provide a public benefit.

20C.45.50 Overlake Village Subarea Incentive Program.

20C.45.50-010 Purpose.

The purpose of this division is to enhance the character and overall livability of the Overlake Village Subarea by encouraging provision of bonus features that implement neighborhood goals and needs for public amenities, housing opportunities, and environmental sustainability, and reducing the cost of these bonus features by allowing

increased building height and floor area above the base site requirements. This division also indicates the City's priorities for provision of bonus features. (Ord. 2493; Ord. 2385; Ord. 2383)

20C.45.50-020 Applicability.

(1) Within the Overlake Village Subarea, the Technical Committee may allow increases to the base site requirements and standards shown in RCDG 20C.45.40-020, Site Requirements Chart – Overlake Districts, and 20C.45.70-040, Site Requirements – Overlake Design District, for developments that the Technical Committee determines comply with the requirements of this division.

(2) The available incentives may be aggregated as follows:

(a) Within the Overlake Village Design District the maximum building height which may be achieved is as follows:

(i) Cornerstone sites as shown on the Overlake Village Subarea Map may achieve up to a maximum building height of nine stories.

(ii) Other sites in the Overlake Village Design District may achieve up to a maximum building height of eight stories.

(iii) Properties in the portion of the Overlake Village Design District located north of the eastbound SR 520 off-ramp at 148th Avenue NE may achieve up to a maximum building height of five stories.

(b) Within the Overlake Design District the maximum building height which may be achieved is as follows:

(i) Residential buildings (including ground floor nonresidential uses): 12 stories, not to exceed 125 feet;

(ii) Full service hotel/conference center: 12 stories, not to exceed 135 feet;

(iii) Office and other uses: 10 stories, not to exceed 126 feet.

(c) Within the Overlake Village Design District the maximum floor area ratios which may be achieved are as follows:

(i) Maximum residential floor area ratio of 4.0;

(ii) Maximum nonhotel commercial floor area ratio of 0.55, or, for those sites with a FAR of 0.48 or greater as of December 11, 2007, an increase of up to 0.15 nonresidential FAR above the existing FAR in 2007;

(iii) Maximum hotel commercial floor area ratio of 1.35.

(d) Within the Overlake Design District the maximum floor area ratios which may be achieved are as follows:

(i) Maximum residential floor area of 4.0;

(ii) Maximum nonhotel commercial floor area ratio of 1.0;

(iii) Maximum hotel commercial floor area ratio of 1.2.

(e) Transfer of development rights may not be used to exceed the maximum building height allowed through this program.

(f) Floor area calculations shall be based on the gross site area prior to any provision of space for public amenities. (Ord. 2493; Ord. 2385; Ord. 2383)

20C.45.50-030 Bonus Features and Incentives.

(1) Table 1 of this section indicates the priority bonus features and maximum incentives available for properties shown on the Overlake Village Subarea Map. Table 2 of this section indicates additional bonus features and incentives.

(2) In order for sites to qualify for building height greater than the four- or five-story maximum specified in RCDG 20C.45.40-020, the applicant must provide the applicable bonus feature(s) described in Table 1: Priority Bonus Features and Incentives.

(3) Additional bonus features from Table 1 or 2 may be provided to qualify for additional development incentives up to the building height limits identified above in RCDG 20C.45.50-020, Applicability. The same land area may not be used to qualify for two bonus features. For example, an applicant whose site is shown for a major park and who satisfies that requirement can seek additional development incentives by also providing space for an outdoor plaza.

(4) Bonus features provided through this program for parks, stormwater facilities or plazas may not be counted towards satisfaction of the minimum area requirements

in RCDG 20C.45.40-110 for residential usable open space. Open spaces provided through the incentive program may be combined with residential open space, provided all standards are met.

Table 1

Priority Bonus Features and Incentives

	Priority Bonus Feature	Maximum Incentive per Feature
1.	<p>Sites Shown for a Regional Stormwater Management Facility: Dedicate a minimum of two to four acres of land to the City of Redmond for use as a regional stormwater management facility.</p> <p>Site Shown for a Major Park: Provide a minimum of 2.5 acres of land that is accessible and welcoming to the public as an urban park and open space.</p>	<p>Building height of up to eight stories, Residential floor area of up to 4.0, and Commercial floor area ratio of up to 0.55.</p>
	<p>May be in one or two open space areas, with one of the spaces a minimum of 1.5 acres in size to provide sufficient size for informal recreation. If provided in two areas, these spaces shall be contiguous or connected by a pathway which promotes a clear visual connection and relationship between the spaces. The pathway shall be designed at a minimum to meet the requirements of RCDG <u>20C.45.40-080(4)</u>, Urban Pathway. Visual connection may be achieved through proximity of the spaces or through enhanced design treatments along the pathway which enable pedestrians to readily perceive the connection between the spaces.</p> <p>The intended character of the open space(s) is to:</p> <ul style="list-style-type: none"> • Include a balance of open lawn and 	

<p>trees,</p> <ul style="list-style-type: none"> • Include hard surfaces such as plazas as well as soft surfaces (lawns), • Provide a central gathering place and a place that can be programmed, such as for concerts, • Include space for refuge as well as space for active recreation such as small play areas, • Help serve needs for a variety of ages, from children through seniors, and • Be located either near 152nd Avenue NE or provide a clear connection to 152nd Avenue NE through at least one pathway. <p>The City and applicant shall establish an agreement regarding the design, funding and timing for completion of improvements for this park. The completion of improvements for this park shall be commensurate with the progress on the construction of the development.</p> <p>The space shall be dedicated after improvement to the City of Redmond or be subjected to covenants or other legally binding provisions mutually agreed upon by the property owner and City to assure the property is open and accessible to the public.</p>	
<p>2. Other Sites in Overlake Village</p> <p>Provide a minimum of five percent of the gross site area, an equivalent fee in lieu based on fair market value, or a combination of land and fee for the purpose of providing space for an outdoor plaza.</p> <p>The space shall be dedicated after improvement to the City of Redmond or be subject to covenants or other legally</p>	<p>For land dedication: One additional story for 50 percent of the buildings in the development.</p>

<p>binding provisions mutually agreed upon by the property owner and City to assure the property is open and accessible to the public.</p> <p>The Technical Committee shall review and determine whether proposed sites qualify for plaza locations based on considerations including:</p>	
<p>(a) Consistency of the proposed location with the preferred vicinities shown on the Overlake Village Subarea Map,</p> <p>(b) The suitability of the proposed location for an outdoor plaza, and</p> <p>(c) Opportunities to create an open space of greater value by locating this space in conjunction with other open spaces, such as those required for residential open space (RCDG <u>20C.45.40-110</u>).</p> <p>Improvements</p> <p>Applicants may seek additional incentives for completion of plaza improvements to provide a space that is accessible and welcoming to the public. These applicants shall submit a plan which shows landscaping, lighting, seating, color and materials, relationship to building frontage, and relationship to and coordination with the pedestrian system, addressing at a minimum the design requirements specified in RCDG <u>20D.40.200-090</u>. Proposed improvements shall be reviewed and approved by the Technical Committee.</p>	<p>For completion of plaza improvements, the applicant may select one of the following incentives (in addition to above height incentive):</p> <p>Residential floor area of up to 4.0, Commercial floor area ratio of up to 0.55, hotel floor area ratio of up to 1.35 (in Overlake Village Design District only), or for sites with a FAR of 0.48 or greater as of December 11, 2007, an increase of up to 0.15 nonresidential FAR above the existing FAR in 2007,</p>
	<p>One additional story for 50 percent of the buildings in the development, or Expanded list of nonresidential land uses to include General Business Park Uses from RCDG <u>20C.45.30-030</u> that are not</p>

		<p>materially detrimental in terms of noise, truck traffic, and other potential operational impacts with nearby multi-story mixed-use/residential developments. Only available if required residential development per RCDG <u>20C.45.40-100</u> has been constructed.</p>
<p>3.</p>	<p>Complete a master plan approved by the City Council, with review by Technical Committee and Design Review Board (Type V review) that at a minimum contains the elements listed below. This is a requirement for sites three acres in size and larger in the Overlake Village Design District and Overlake Design District, or properties under one ownership totaling three acres in size or larger (as of December 11, 2007). Applicants for sites smaller than three acres that, through the Site Plan Entitlement process (Type II review), complete the master plan elements listed below are eligible for this incentive. A master plan shall be approved prior to approval of any subdivision, binding site plan or site plan entitlement for any development located on a site within the Overlake Village Design District or Overlake Design District, excluding modification of an existing structure. Master plan coordination is required between adjacent sites proposing development at similar times. The term “master plan” as used in this section means a conceptual plan providing for the development and use of land that contains the following elements:</p>	<p>One additional story for 50 percent of the buildings in the development.</p>
	<p>(a) A design concept that is in conformance with the Overlake policies, development regulations, and Overlake Master Plan and Implementation Strategy;</p>	

- (b) Conceptual site plan indicating all proposed land uses;
- (c) Height and bulk study that demonstrates how building mass, height and scale relate to open spaces, pedestrian pathways, streets and other buildings;
- (d) Analysis of shading effects of taller buildings (for sites smaller than three acres, only required if the Technical Committee or Design Review Board determine based on the height and bulk study that analysis of shading effects is needed);
- (e) Transportation and circulation plan indicating the layout and conceptual design of all streets, pedestrian pathways, parking, and location of transit facilities (as available), in plan view and cross section for streets;
- (f) Location of proposed space for parks, open space and any cultural facilities;
- (g) Phasing plan for bonus features and affordable housing component showing that the completion of improvements of bonus features and affordable housing shall be commensurate with the progress on the construction of the development (for sites smaller than three acres, only required if the Technical Committee determines is needed);
- (h) Location of any environmentally sensitive areas;
- (i) Landscape and tree retention concepts, including consideration of the health and structural stability of retained trees, as determined by an arborist report;
- (j) Preliminary plan indicating required connections to adjacent properties for

<p>transportation and open space systems;</p> <p>(k) Approach to sustainable design, including consideration of the use of environmentally sustainable materials such as permeable pavement, where possible; and</p> <p>(l) Preliminary plan for other major infrastructure improvements (for sites smaller than three acres, only required if the Technical Committee determines is needed).</p>	
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Table 2

Additional Bonus Features and Incentives

	Additional Bonus Features	Maximum Incentive per Feature
1.	Minimum of LEED Silver Certification or comparable BuiltGreen certification as determined by the Technical Committee.	One additional story for each building designed and constructed to meet this certification, and Expanded list of nonresidential land uses to include General Business Park Uses from RCDG <u>20C.45.30-030</u> that are not materially detrimental in terms of noise, truck traffic, and other potential operational impacts with nearby multi-story mixed-use/residential developments. Only available if required residential development per RCDG <u>20C.45.40-100</u> has been constructed.
2.	Provide and maintain at least 75 percent of the total gross floor area for the development in residential uses in the Overlake Village – mixed-use, emphasizing residential area, and at least 50 percent in the rest of the Overlake Village Subarea.	One additional story for all buildings in the development.
3.	At least 60 percent of parking for the development is located below grade.	One additional story for all buildings in the development,

<p>Or,</p>	<p>Residential floor area of up to 4.0, Commercial floor area ratio of up to 0.55 (0.70 when combined with Major Park feature) or for sites with a FAR of 0.48 or greater as of December 11, 2007, an increase of up to 0.15 nonresidential FAR above the existing FAR in 2007, and Expanded list of nonresidential land uses to include General Business Park Uses from RCDG <u>20C.45.30-030</u> that are not materially detrimental in terms of noise, truck traffic, and other potential operational impacts with nearby multi-story mixed-use/residential developments. Only available if required residential development per RCDG <u>20C.45.40-100</u> has been constructed.</p>
<p>At least 60 percent of off-street parking for the development is located in parking structures, some or all of which may be above-grade, provided above-grade parking structures do not have frontage on 152nd Avenue NE, 156th Avenue NE, public park space or a public pedestrian pathway system, and have ground level retail or other pedestrian-oriented uses incorporated into the structure where it is adjacent to other public streets so that none of the parking structure fronts on the ground level in these areas. This bonus applies only in locations where this standard is not otherwise required by RCDG <u>20D.40.200-030</u>, Parking Garage Design.</p>	<p>Applicant may select one of the incentives offered for a minimum 60 percent off-street parking located below-grade.</p>
<p>4. Provide and maintain at least 10 percent of the retail floor area in the development at 25 percent below market rate for new construction to retain existing retail</p>	<p>Addition of commercial floor area on a square foot to square foot basis, up to a maximum FAR of 0.55 or for sites with a FAR of 0.48 or greater as of December</p>

<p>businesses in the area. If the property owner is not able to lease the space to an existing retail business after offering it for at least six months, the property owner may request approval from the Code Administrator to offer below market rate space for one of the following substitute methods that meet identified neighborhood goals for the area:</p> <p>(a) Non-chain retail business specializing in ethnic goods, or (b) Desired community facility such as a library or teen center.</p>	<p>11, 2007, an increase of up to 0.15 nonresidential FAR above the existing FAR in 2007. The additional commercial floor area may be used to increase building height by up to one story.</p>
<p>5. Provide a minimum of 20 percent of the total dwellings in the development as affordable as defined by RCDG <u>20A.20.010</u>.</p>	<p>Addition of residential floor area at 2.5 times the equivalent floor area for each affordable unit provided above the minimum requirement of 10 percent of the total dwellings, up to a maximum total residential FAR of 3.75. The bonus residential floor area may be used to increase building height by up to one story.</p>

(Ord. 2493; Ord. 2385; Ord. 2383)

City of Mill Creek

Chapter 17.19

EGUV – EAST GATEWAY URBAN VILLAGE

Sections:

17.19.010 Purpose.

17.19.020 Detailed master development plan required.

17.19.030 Detailed master plan elements.

17.19.040 Principal uses.

17.19.045 Secondary uses.

17.19.050 Project design.

17.19.060 *Repealed.*

17.19.070 Maximum height.

17.19.075 *Repealed.*

17.19.080 Setbacks.

17.19.085 Streetscape and roadway buffer/cutting preserves.

17.19.090 Major and minor modifications.

17.19.100 Recoupment of costs.

17.19.110 Open space and recreation facilities.

17.19.010 Purpose.

The purpose of the planned urban village zone district (“PUV” or “district”) is to implement the planned urban village policies and East Gateway Urban Village illustrative development plan contained in the Mill Creek comprehensive plan. This district is intended to accommodate pedestrian-oriented mixed-use commercial, office, residential and public uses that conform to the design and layout of an approved detailed master development plan. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.020 Detailed master development plan required.

Development in this district requires approval of a detailed master development plan that shall include a binding site plan and a development agreement between the owner and the city setting forth conditions for development. The detailed master development plan may be for all or a portion of the site and shall be substantially consistent with the East Gateway Urban Village illustrative development plan. The detailed master development plan shall be reviewed in accordance with the binding site plan provisions of MCMC Title 16. All development and uses shall thereafter occur in accordance with the approved detailed master development plan. (Ord. 2012-746 § 1 (Exh. A); Ord. 2010-718 § 16 (Exh. P); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.030 Detailed master plan elements.

The detailed master development plan shall contain, at a minimum, the following elements:

A. A binding site plan that includes the specific location of the following:

1. Buildings;
2. Roads;
3. Parking areas;
4. Open spaces, e.g., plazas, squares or courtyards;
5. Wetland areas and required buffers;
6. Pedestrian pathways;
7. Transit facilities;
8. Landscape areas;
9. Additional requirements as set forth in MCMC 16.12.080 through 16.12.110;
10. Other elements as determined by the director.

B. An evaluation of consistency with the adopted urban village design guidelines that at a minimum specifically address the following design components as set forth in Chapter 17.34 MCMC:

1. Overall architectural character illustrated through building elevations and orientation of buildings to streets, parking areas, and pedestrian ways;
2. Public plazas, open spaces and buffer areas;
3. Relationship to adjacent properties, parcels, neighboring uses, and adjacent buildings;
4. Pedestrian pathways and sidewalks;
5. Construction materials and colors;
6. Coordinated signage and graphics;
7. Streetscape plan including landscaping and street tree location and species, street furniture such as benches, kiosks, fountains, etc.;

8. Landscape plans for individual sites and parking areas; and

9. Stormwater management facilities emphasizing low impact development (LID) techniques to minimize stormwater facilities that manage stormwater as close to where it falls as possible and help facilitate the natural hydrologic patterns of the area. LID stormwater management techniques include, but are not limited to, on-site bioretention facilities, the use of permeable surfacing alternatives, and the retention of clustered, native vegetation.

C. Development agreement in accordance with RCW 36.70B.170. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.040 Principal uses.

All uses shall be identified on the approved detailed master development plan. Principal uses are:

A. Retail sales and services except automotive, boat, and recreational vehicle sales;

B. Eating and drinking establishments (drive-through service prohibited);

C. Banks, financial and professional services;

D. Multi-Family Residential.

1. West of the 44th Avenue SE intersection, multi-family residential is permitted only above ground floor commercial;

E. Business and professional offices;

F. Personal services, dry cleaners, salons, etc.;

G. Medical and dental clinics and offices;

H. Parking structures;

I. Commercial day care;

J. Craft shops and galleries;

K. Public buildings, facilities/utilities;

L. Transit facilities/stops;

M. Hotel and motels;

N. Open space, parks and plazas;

O. Religious facilities;

P. Theaters and performing arts uses; and

Q. Other uses consistent with the purposes of the district. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.045 Secondary uses.¹

Secondary uses are:

A. Outside sales, display and eating/drinking establishment seating subject to the performance standards under MCMC 17.22.070(C). (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-682 § 2)

17.19.050 Project design.²

A. The design, layout and distribution of uses and site elements such as buildings, roadways, landscaping, parking areas, open space, public areas, pedestrian facilities and streetscapes shall comply with the approved detailed master development plan and adopted design guidelines.

B. Buildings proposed for sites adjacent to the central spine street shall be designed to accommodate ground floor nonresidential uses. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.060 Minimum number of dwelling units.

Repealed by Ord. 2012-746. (Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.070 Maximum height.

The maximum height shall be four stories not to exceed 50 feet, except for mixed-use residential buildings, which shall be a maximum of five stories and 60 feet; provided, that the maximum height shall be three stories and 35 feet for buildings built adjacent to the single-family homes in the adjacent LDR zoning district. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.075 Maximum ground floor commercial use.

Repealed by Ord. 2012-746. (Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.080 Setbacks.

Setbacks will be established through the design guidelines, and in compliance with other applicable city regulations (e.g., Chapter 18.06 MCMC, and the streetscape element of the comprehensive plan). (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.085 Streetscape and roadway buffer/cutting preserves.

Streetscape design and roadway buffer/cutting preserve tracts adjacent to arterial and collector streets shall be provided in accordance with the comprehensive plan, streetscape element. Roadway buffer/cutting preserves to be provided range from 35 feet from the right-of-way for nonresidential uses to 50 feet for residential uses adjacent to arterial streets. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.090 Major and minor modifications.

A. Minor amendments to an approved detailed master development plan may be administratively approved by the director of community development subject to the provisions of MCMC 14.09.010(A)(3).

B. Major amendments are changes that do not qualify as minor amendments. Major amendments shall be processed as a new development application pursuant to this chapter. Approval may require re-recording of project documents. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.100 Recoupment of costs.

The city manager is authorized to keep account of all administrative time and costs expended in developing, reviewing and implementing the detailed master development plan(s) contemplated by this chapter. The city manager is authorized to assess against the developer of any parcel of land, or portion thereof, governed by a detailed master development plan, a fee or charge as determined by Chapter 3.42 MCMC, which shall be payable prior to issuance of any building permit. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

17.19.110 Open space and recreation facilities.

Open space and recreation facilities shall be provided pursuant to the provisions of Chapter 17.22 MCMC or as may be established through the approved detailed master plan. (Ord. 2012-746 § 1 (Exh. A); Ord. 2009-702 § 2 (Exh. C); Ord. 2008-676 § 2)

185th Street Light Rail Station Development Regulations

Chapter 20.10
General Provisions

20.10.020 Purpose.

It is the purpose of this Code to:

- Promote the public health, safety, and general welfare;
- Guide the development of the City consistent with the Comprehensive Plan;
- Carry out the goals and policies of the Comprehensive Plan by the provisions specified in the Code;
- Provide regulations and standards that lessen congestion on the streets;
- Encourage high standards of development;
- Prevent the overcrowding of land;
- Provide adequate light and air;
- Provide for planned areas of Transit Oriented Communities around light rail stations and along other high-capacity transit corridors. Avoid excessive concentration of population;
- Facilitate adequate provisions for transportation, utilities, schools, parks, and other public needs;
- Encourage productive and enjoyable harmony between man and his environment;
- Promote efforts which will prevent or eliminate damage to the environment and biosphere;
- Protect the functions and values of ecological systems and natural resources important to the public; and
- Encourage attractive, quality construction to enhance City beautification. (Ord. 324 § 1, 2003; Ord. 238 Ch. I § 2, 2000).

Chapter 20.20
Definitions

20.20.016 D definitions.

Development Agreement

A legal agreement between the City and a person having ownership or control of property in which that person is allowed to develop a parcel or parcels of land consistent with applicable development regulations. A development agreement must set forth the development standards and other provisions that shall apply to and

govern and vest the development, use, and mitigation of the development for the duration specified in the agreement.

Dwelling, Live/Work

Live-work unit means a structure or portion of a structure: (1) that combines a commercial activity that is allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household; (2) where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and (3) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

Dwelling, Microhousing

A structure that contains single room living spaces with a minimum floor area of 120 square feet and a maximum floor area of 350 square feet. These spaces contain a private bedroom and may have private bathrooms and kitchenettes (microwaves, sink, and small refrigerator). Full scale kitchens are not included in the single room living spaces. These single room living spaces share a common full scale kitchen (stove, oven, full sized or multiple refrigeration/freezers); and may share other common areas such as bathroom and shower/bath facilities; recreation/eating space.

Master Development Plan

A plan that establishes site-specific development standards for an area designated campus zone, ~~station area~~ ~~mixed~~ or essential public facility as defined in the Comprehensive Plan. Master development plans incorporate proposed development, redevelopment and/or expansion of uses as authorized in this Code. (Ord. 507 § 4, 2008).

Comment [r1]: Staff chose separate the process from Campus Master Development Plan permits. Using this process & criteria seemed confusing.
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**Chapter 20.30
Procedures and Administration**

20.30.060 Quasi-judicial decisions – Type C.

These decisions are made by the City Council or the Hearing Examiner, as shown in Table 20.30.060, and involve the use of discretionary judgment in the review of each specific application.

Prior to submittal of an application for any Type C permit, the applicant shall conduct a neighborhood meeting to discuss the proposal and to receive neighborhood input as specified in SMC [20.30.090](#).

Type C decisions require findings, conclusions, an open record public hearing and recommendations prepared by the review authority for the final decision made by the City Council or Hearing Examiner. Any administrative appeal of a SEPA threshold determination shall be consolidated with the open record public hearing on the project permit, except a determination of significance, which is appealable under SMC [20.30.050](#).

There is no administrative appeal of Type C actions.

Table 20.30.060 – Summary of Type C Actions, Notice Requirements, Review Authority, Decision Making Authority, and Target Time Limits for Decisions

Action	Notice Requirements for Application and Decision ^{(3),(4)}	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE ^{(1),(2)}	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE ^{(1),(2)}	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE ^{(1),(2)}		120 days	20.30.330
4. Critical Areas Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1),(2)}		120 days	20.30.333
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ^{(1),(2)}		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450

7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.40.505
8. Street Vacation	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	See Chapter 12.17 SMC
9. Master Development Plan	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.353
10. Development Agreement	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.338

⁽¹⁾ Including consolidated SEPA threshold determination appeal.

⁽²⁾ HE = Hearing Examiner.

⁽³⁾ Notice of application requirements are specified in SMC [20.30.120](#).

⁽⁴⁾ Notice of decision requirements are specified in SMC [20.30.150](#).

Ord. 621 § 2, 2011; Ord. 591 § 1 (Exh. A), 2010; Ord. 581 § 1 (Exh. 1), 2010; Ord. 568 § 2, 2010; Ord. 534 § 2, 2009; Ord. 507 § 4, 2008; Ord. 406 § 1, 2006; Ord. 324 § 1, 2003; Ord. 309 § 3, 2002; Ord. 299 § 1, 2002; Ord. 238 Ch. III § 3(c), 2000).

Deleted: ⁽³⁾ Master Development Plans with a Development Agreement follow the procedure in number ten (10) above.

20.30.338 Development Agreement (Type C).

A. Purpose: The purpose of a development agreement is to define the development of property in order to ~~implement framework goals to achieve the City's adopted vision as stated in the Comprehensive Plan.~~

Deleted: promote Transit Oriented Development in close proximity of the future light rail stations and high capacity transit stops

B. Development Agreement Contents (~~General~~): Each Development Agreement approved by the City Council shall ~~contain the following:~~

Deleted: The parameters of development including building height, parking, and uses will be approved through a Master Development Plan Permit SMC 20.30.353.

1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

Deleted: comply with the following criteria

2. The amount of payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

3. Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW;

4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

5. Parks and open space preservation;

6. Phasing of development;

7. Review procedures and standards for implementing decisions;

8. A build-out or vesting period for applicable standards;

9. Any other appropriate development requirement or procedure; and

10. Affordable Housing Units.

C. Development Agreement Contents for Property Zoned MUR 85. Each Development Agreement approved by the City Council for property zoned MUR 85 shall contain the following:

1. 20 percent of the housing units constructed onsite shall be affordable. 10 percent of the units must be affordable to those earning less than 30 percent of King County median income and 10 percent of the units must be affordable to those earning between 30-60 percent of King County median income. An in lieu of fee may be paid into the City's affordable housing program instead of constructing affordable housing units onsite. The in lieu of fee shall be agreed upon through the Development Agreement; or shall be \$XXXXX per XXXX.

Comment [r2]: Do we want to include a the maximum height of 140 ft. somewhere in the standards for Development Agreements in the MUR-85 zone?

2. Development Agreements in MUR-85 shall include at least two (2) of the following components:

Comment [r3]: Commission – we need to discuss the in-lieu concept & percentages.

a. Site infrastructure that includes net zero-energy, on-site waste management, other items addressed in the City's Sustainability Strategy and Climate Action Plan.

b. The development shall include at least XXX full time permanent jobs within XXX years.

Comment [r4]: Commission – are jobs an amenity that should be incentivized w/ development potential? If so, how many, what type?

c. Parks, open space, or other recreational opportunities open and accessible to the public that meet XXXX dimensional minimums.

Comment [r5]: Commission – what is the minimum amenity, or what are the “side boards” for open space / recreation / parks that would be accepted in return for increased development potential?

d. Significant tree retention.

Comment [r6]: Commission – How would we define this? Should we define this?

e. Universal design and/or senior housing units.

Comment [r7]: Commission – Do we need/want to specify an amount/percentage?

f. LEED certification or other green building classification system.

g. Undergrounding regional power lines.

D. Decision Criteria. A Development Agreement shall be granted by the City only if the applicant demonstrates that

1. The project is consistent with goals and policies of the Comprehensive Plan. If the project is located within a Subarea Plan, then the project must implement the goals and policies of the Subarea Plan.

2. The proposed development uses innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design.

3. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed development agreement, then the applicant must identify a plan for funding their proportionate share of the improvements.

4. There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed development agreement, then the applicant must identify a plan for funding their proportionate share of the improvements.

5. The development agreement proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping,

provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and property zoned R-4, R-6, R-8 or MUR 35.

E. Development Agreement Approval Procedures: The City Council may approve Development Agreements through the following procedure:

1. A Development Agreement application incorporating the elements stated in subsection B of this section may be submitted by a property owner with any additional related information as determined by the Director. After staff review and SEPA compliance, the Hearing Examiner shall conduct a public hearing on the application. The Hearing Examiner shall then review the application pursuant to the criteria set forth in SMC 20.30.353(B) and the applicable goals and policies of the Comprehensive Plan. Within 10 days of the public hearing, the Hearing Examiner shall make a recommendation to the City Council. The City Council shall approve, approve with additional conditions, or deny the Development Agreement. The City Council shall approve the Development Agreement by ordinance or resolution;

2. Recorded Development Agreement: Upon City Council approval of a Development Agreement under the procedure set forth in subsection C of this section, the City and property owner shall execute and record the Development Agreement with the King County Recorder's Office to run with the land and bind and govern development of the property.

20.30.353 Master development plan.

A. **Purpose.** The purpose of the master development plan is to define the development of property zoned, campus or essential public facilities in order to serve its users, promote compatibility with neighboring areas and benefit the community with flexibility and innovation. With the exception of those uses and standards contained in this section, all other aspects of development, redevelopment or expansion will be regulated as prescribed in this title and other applicable codes for all uses that are permitted outright or through conditional or special use processes in the underlying zones.

B. **Decision Criteria.** A master development plan shall be granted by the City only if the applicant demonstrates that:

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1. The project is designated as ~~campus~~ or essential public facility in the Comprehensive Plan and Development Code and is consistent with goals and policies of the Comprehensive Plan.
2. The master development plan includes a general phasing timeline of development and associated mitigation.
3. The master development plan meets or exceeds the current regulations for critical areas if critical areas are present.
4. The proposed development uses innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design (including low impact development stormwater systems and substantial tree retention) to mitigate impacts to the surrounding neighborhoods.
5. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.
6. There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed master development plan, then the applicant must identify a plan for funding their proportionate share of the improvements.
7. The master development plan proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and adjacent neighborhoods and between institutional uses and residential uses.
8. The applicant shall demonstrate that proposed industrial, commercial or laboratory uses will be safe for the surrounding neighborhood and for other uses on the campus.

Deleted: station area, mixed-use.

C. **Amendments.** Minor amendments to an approved master development plan may be approved by the Director if the amendment meets the development standards and criteria applicable to the zoning and requirements set forth in this section. Minor amendments include any revision or modification of the previously approved master development plan that would result in any one or more of the following:

1. An increase in the square footage of any proposed building or structure by 10 percent or less; or
2. A change of 15 percent or less in the number of new parking spaces, parking spaces created by restriping existing parking areas and/or a combination of both except for an increase in parking spaces for bicycles or electric vehicles; or
3. A change in the original phasing timeline for mitigation of the master development plan; or
4. Changes to building placement when located outside of the required setbacks and any required setbacks for critical areas; or
5. A cumulative increase in impervious surface of 10 percent or less or a cumulative decrease in tree cover of 10 percent or less; or
6. Other specific changes as noted in the master development plan.

Major amendments are changes that exceed the thresholds for a minor amendment or were not analyzed as part of an approved master development plan. Major amendments to an approved master development plan shall be processed as a new master development plan.

D. **Development Standards.**

1. Density is limited to a maximum of 48 units per acre. ▼
2. Height is limited to a maximum of 65 feet. ▼
3. Buildings must be set back at least 20 feet from property lines at 35 feet building height abutting all R-4 and R-6 zones. Above 35 feet buildings shall be set back at a ratio of two to one;
4. New building bulk shall be massed to have the least impact on neighboring single-family neighborhood(s) and development on campus;

Deleted: Density in the MUR-85 and commercial zones are not limited. 1

Deleted: Heights above 85 feet may be approved through a Development Agreement. 1

5. At a minimum, landscaping along interior lot lines shall conform with the standards set forth in SMC [20.50.490](#);

6. Construction of buildings and parking areas shall preserve existing significant trees to the maximum extent possible. Landscaping of parking areas shall at a minimum conform with the standards set forth in SMC [20.50.500](#);

7. Development permits for parking shall include a lighting plan for review and approval by the Planning Director. The lighting shall be hooded and directed such that it does not negatively impact adjacent residential areas;

8. The location, material, and design of any walkway within the campus shall be subject to the review and approval of the Planning Director; and

9. Where adjacent to existing single-family residences, campus roadways and parking areas shall be landscaped as much as possible in the space available to provide a visual screen. The amount and type of plant materials shall be subject to the review and approval of the Planning Director.

These standards may be modified to mitigate significant off-site impacts of implementing the master development plan in a manner equal to or greater than the code standards.

E. New Uses or New Development Standards. Any new use or new uses on a campus zoned site must be processed as part of a master development plan permit. New uses requested through a master development permit shall be considered concurrently with an amendment to SMC [20.40.150](#). Campus uses.

F. Early Community Input. Applicants are encouraged to develop a community and stakeholders consensus-based master development plan. Community input is required to include soliciting input from stakeholders, community members and any other interested parties with bubble diagrams, diagrammatic site plans, or conceptual site plans. The meeting notice shall be provided at a minimum to property owners located within 1,000 feet of the proposal, the neighborhood chair as identified by the Shoreline Office of Neighborhoods (note: if a proposed development is within 1,000 feet of adjacent neighborhoods, those chairs shall also be notified), and to the City of Shoreline Planning and Development Services Department. Digital audio recording, video recording, or a court reporter transcription of this meeting or meetings is required at the time of application. The applicant shall provide an explanation of the comments of these entities to the City regarding the incorporation (or not) of these comments into the design and development of the proposal.

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G. Master Plan Vesting Expiration. A master development plan's determination of consistency under RCW 36.70B.040 shall vest for 10 years after issuance or after a major amendment, unless extended vesting for phased development is approved in the master development plan permit. After 10 years, the Planning Commission may review the master development plan permit for consistency with current City vision, goals, strategies (such as the Economic Development Strategy, Housing Strategy, Environmental Sustainability Strategy), Comprehensive Plan and other sections of the Development Code. If changes are recommended, staff shall initiate a major amendment under this section to achieve consistency unless the revision is approved by the owner. (Ord. 669 § 1 (Exh. A), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 507 § 4, 2008).

**Chapter 20.40
Zoning and Use Provisions**

20.40.010 Purpose.

The City is divided into zones established in this Code for the following purpose:

- A. To provide for the geographic distribution of land uses into zones those reflect the goals and policies of the Comprehensive Plan.
- B. To maintain a stability in land use designation with similar characteristics and level of activity through the provisions of harmonious groupings of zones together.
- C. To provide and efficient and compatible relationship of land uses and zones. (Ord. 238 Ch. IV § 1(A), 2000).

D. To facilitate the redevelopment of the light rail station subareas to encourage a mix of residential, jobs and uses to support the stations at NE 185th and NE 145th Streets.

20.40.020 Zones and map designations.

B. The following zoning and map symbols are established as shown in the following table:

ZONING	MAP SYMBOL
RESIDENTIAL	
(Low, Medium, and High Density)	R-4 through 48, (Numerical designator relating to base density in dwelling units per acre) Mixed-Use Residential 35, 45, and 85 (MUR35, MUR45, and

	MUR85)
NONRESIDENTIAL	
Neighborhood Business	NB
Community Business	CB
Mixed Business	MB
Campus	CCZ, FCZ, PHZ, SCZ ¹
Town Center District	TC-1, TC-2, TC-3, TC-4
Planned Area	PA

20.40.046 Mixed-use residential zones.

A. The purpose of the mixed-use residential zones (MUR35, MUR45, and MUR85) is to provide for a mix of predominantly multi-family residential buildings ranging in height from 35 feet to 85 feet in appropriate locations with other non-residential uses that are compatible and complementary.

B. Specific mixed-use residential zones have been established to provide for single-family residential, low-rise multi-family residential, mid-rise multi-family residential and high-rise multi-family residential. The mixed use zones also provide for accessory commercial uses, retail, and other compatible uses within the light-rail station subareas.

C. All development within the MUR85 zone that seeks additional height and alternative development standards shall be governed by a development agreement, pursuant to SMC 20.30.060, 20.30.338 and 20.30.353.

- Comment [s8]: New
- Deleted: Master Development Plan Permit
- Deleted: approved in conjunction with a Development Agreement

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR35	MUR45	MUR 85
Residential				
	Accessory Dwelling Unit	P-1	P-1	P-1

	Affordable Housing	P-1	P-1	P-1
	Apartment		P-1	P-1
	Duplex, Townhouse, Rowhouse	P-1	P-1	P-1
	Home Occupation	P-1	P-1	P-1
NAICS #	SPECIFIC LAND USE	MUR35	MUR45	MUR 85
	Live/Work	P-1	P	P
	Micro-Housing		P	P
	Single-Family Attached	P-1	P-1	
	Single-Family Detached			
	Boarding House	P-1	P-1	P-1
	Bed and Breakfasts	P-1	P-1	P-1
	Hotel/Motel			P
	Tent City		P-1	P-1
	Animals, Small, Keeping and Raising	P-1	P-1	P-1
Commercial				
NAICS #	SPECIFIC LAND USE	MUR35	MUR45	MUR 85
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P-1 (Adjacent to Collector	P	P

		or Arterial Street)		
	Houses of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	C	C	C
	Eating and Drinking Establishments (Excluding Gambling Uses)	P-1 (Adjacent to Collector or Arterial Street)	P	P
	General Retail Trade/Services	P-1 (Adjacent to Collector or Arterial Street)	P	P
	Individual Transportation and Taxi			P-A
	Kennel or Cattery			C-A
	Mini-Storage		P-A	C-A
	Professional Office	P (Adjacent	P	P

		to Collector or Arterial Street]		
	Research, Development and Testing			
	Veterinary Clinics and Hospitals			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	P
	College and University			P
	Conference Center		P	P
	Elementary School, Middle/Junior High School	C	C	C
	Library		P	P
	Museum		P	P
	Outdoor Performance Center		P-A	P-A
	Parks and Trails	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use		P-A	P-A

	Facilities)			
	School District Support Facility		C	C
	Secondary or High School	C	C	C
	Specialized Instruction School		P	P
	Sports/Social Club		P	P
	Vocational School		P	P
Government				
	Fire Facility		C-1	C-1
	Police Facility		C-1	C-1
	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	P
	Nursing and Personal Care Facilities		P	P
Other				
	Transit Park and Ride Lot		O	O

	Transit Station and Related Facilities			P
	Unlisted Uses		P-i	P-i

P = Permitted Use **C = Conditional Use**
S = Special Use **-i = Indexed Supplemental Criteria**
R = Required
A= Accessory = 30 percent of the gross floor area of a building or the first level of a multi-level building.

20.40.230 Affordable housing.

Insert language here.

20.40.436 Live/Work

Live/work units may be located in the MUR35 zone only if the project site is located on a Collector/Arterial Street.

20.40.570 Unlisted use.

A. Recognizing that there may be uses not specifically listed in this title, either because of advancing technology or any other reason, the Director may permit or condition such use upon review of an application for Code interpretation for an unlisted use (SMC [20.30.040](#), Type A Action) and by considering the following factors:

1. The physical characteristics of the unlisted use and its supporting structures, including but not limited to scale, traffic, hours of operation, and other impacts, and
2. Whether the unlisted use complements or is compatible in intensity and appearance with the other uses permitted in the zone in which it is to be located.

B. A record shall be kept of all unlisted use interpretations made by the Director; such decisions shall be used for future administration purposes. (Ord. 238 Ch. IV § 3(B), 2000).

Chapter 20.50
General Development Standards

Subchapter 1.
Dimensions and Density for Development

20.50.010 Purpose.

The purpose of this subchapter is to establish basic dimensional standards for development at a range of densities consistent with public health and safety and the adopted Comprehensive Plan.

The basic standards for development shall be implemented in conjunction with all applicable Code provisions. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 1(A), 2000).

20.50.020 Dimensional requirements.

Table 20.50.020(2) – Densities and Dimensions in Mixed-Use Residential Zones

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

STANDARDS	MUR35	MUR45	MUR85(10)
Base Density: Dwelling Units/Acre	Based on bldg. bulk limits	Based on bldg. bulk limits	Based on bldg. bulk limits
Min. Density	NA	18 du/ac	48 du/ac
Min. Lot Width (2)	NA	NA	NA
Min. Lot Area (2)	NA	NA	NA
Min. Front Yard Setback (2) (3) See 20.50.021	0	10ft min 15ft max	0 10ft min if adjacent to 185 th
Min. Rear Yard Setback (2) (4)	5 ft	5 ft	5 ft

Comment [r9]: updated

(5) See 20.50.021			
Min. Side Yard Setback (2) (4) (5) See 20.50.021	5 ft	5 ft	5 ft
Base Height (9)	35ft	45ft	85ft
Max. Building Coverage (2) (6)	NA	NA	NA
Max. Hardscape (2) (6)	85%	90%	95%

Exceptions to Table 20.50.020(1) and Table 20.50.020(2):

(1) Repealed by Ord. 462.

(2) These standards may be modified to allow zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

(3) For single-family detached development exceptions to front yard setback requirements, please see SMC [20.50.070](#).

(4) For single-family detached development exceptions to rear and side yard setbacks, please see SMC [20.50.080](#).

(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC [20.50.130](#).

(6) The maximum building coverage shall be 35 percent and the maximum hardscape area shall be 50 percent for single-family detached development located in the R-12 zone.

(7) The base density for single-family detached dwellings on a single lot that is less than 14,400 square feet shall be calculated using a whole number, without rounding up.

(8) For development on R-48 lots abutting R-12, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

(9) Base height for high schools in all zoning districts except R-4 is 50 feet. Base height may be exceeded by gymnasiums to 55 feet and by theater fly spaces to 72 feet.

10) Dimensional standards in the MUR 85 zone may be modified with a Development Agreement.

Comment [r10]: updated

20.50.021 Transition areas.

Development in ~~commercial~~ zones: NB, CB, MB and TC-1, 2 and 3, ~~and residential zones, MUR45, and~~

MUR85 abutting or directly across street rights-of-way from R-4, R-6, or R-8 zones shall minimally meet the following transition area requirements:

Comment [r11]: updated

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A. From abutting property, a 35-foot maximum building height for 25 feet horizontally from the required setback, then an additional 10 feet in height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet up to the maximum height of the zone. From across street rights-of-way, a 35-foot maximum building height for 10 feet horizontally from the required building setback, then an additional 10 feet of height for the next 10 feet horizontally, and an additional 10 feet in height for each additional 10 horizontal feet, up to the maximum height allowed in the zone.

B. Type I landscaping (SMC [20.50.460](#)), significant tree preservation, and a solid, eight-foot, property line fence shall be required for transition area setbacks abutting R-4, R-6, or R-8 zones. Twenty percent of significant trees that are healthy without increasing the building setback shall be protected per SMC [20.50.370](#). The landscape area shall be a recorded easement that requires plant replacement as needed to meet Type I landscaping and required significant trees. Utility easements parallel to the required landscape area shall not encroach into the landscape area. Type II landscaping shall be required for transition area setbacks abutting rights-of-way directly across from R-4, R-6 or R-8 zones. Required tree species shall be selected to grow a minimum height of 50 feet.

C. All vehicular access to proposed development in commercial zones shall be from arterial classified streets, unless determined by the Director to be technically not feasible or in conflict with state law addressing access to state highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use local streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 609 § 10, 2011; Ord. 560 § 1 (Exh. A), 2009).

**Subchapter 3.
Multifamily and Single-Family Attached Residential Design**

20.50.120 Purpose.

The purpose of this subchapter is to establish standards for multifamily and single-family attached residential development in TC-4, PA3, and R-8 through R-48 and the MUR 35 zone when located on a Local Street as follows:

- A. To encourage development of attractive residential areas that is compatible when considered within the context of the surrounding area.
- B. To enhance the aesthetic appeal of new multifamily residential buildings by encouraging high quality, creative and innovative site and building design.
- C. To meet the recreation needs of project residents by providing open spaces within the project site.
- D. To establish a well-defined streetscape by setting back structures for a depth that allows landscaped front yards, thus creating more privacy (separation from the street) for residents.
- E. To minimize the visual and surface water runoff impacts by encouraging parking to be located under the building.
- F. To promote pedestrian accessibility within and to the buildings. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 3(A), 2000).

20.50.125 Thresholds – Required site improvements.

The purpose of this section is to determine how and when the provisions for full site improvement standards apply to a development application in TC-4, PA3, and R-8 through R-48 zones and the MUR35 zone when located on a Local Street. Site improvement standards of 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 five-year period after March 30, 2013, 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. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 581 § 1 (Exh. 1), 2010; Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

Subchapter 4. Commercial Zone Design

20.50.220 Purpose.

The purpose of this subchapter is to establish design standards for the MUR35 zone when not on a Local Street, MUR45, and MUR85 and all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB) and town center (TC-1, 2 and 3). 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 Chapter 20.50 SMC. In the event of a conflict, the standards of this subchapter will prevail. (Ord. 654 § 1 (Exh. 1), 2013).

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 MUR35 zone when not located on a Local Street, MUR45, and MUR85. Site improvements standards of 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 five-year period after March 30, 2013, 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. (Ord. 654 § 1 (Exh. 1), 2013).

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 the town center subarea as expressed in the Comprehensive Plan.

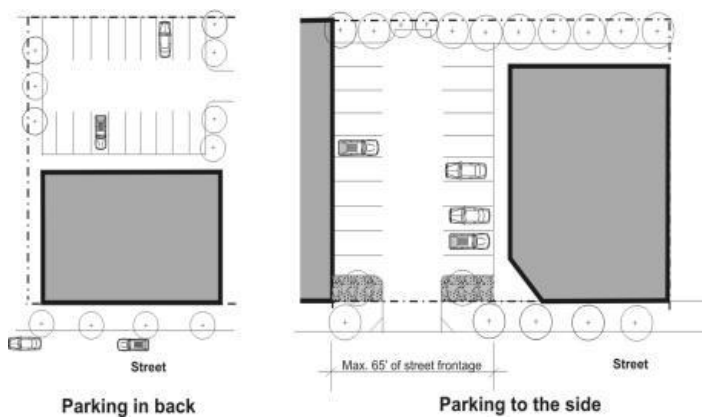
B. Overlapping Standards. Site design standards for on-site landscaping, sidewalks, walkways, public access easements, public places, and open space may be overlapped if their separate, minimum dimensions and functions are not diminished.

C. Site Frontage.

1. Development abutting NB, CB, MB, TC-1, 2 and 3 and the MUR35 zone when not located on a Local Street, MUR45, and MUR85 shall meet the following standards:

- a. Buildings shall be placed at the property line or abutting public sidewalks if on private property. However, buildings may be set back farther if public places, landscaping and vehicle display areas and future street widening is required are included or a utility easement is required between the sidewalk and the building;

- b. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code. These spaces may be used for any permitted land use;
- c. Minimum window area shall be 50 percent of the ground floor façade for each front façade which can include glass entry doors;
- d. 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;
- e. 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;
- f. 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; and
- g. 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

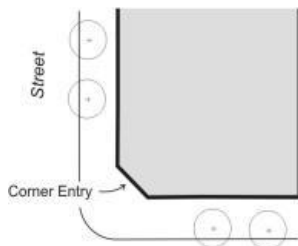
h. New structures on N. 185th Street shall access parking areas from a side street or alley. New structures shall provide an easement or dedication for access.

2. Rights-of-Way Lighting.

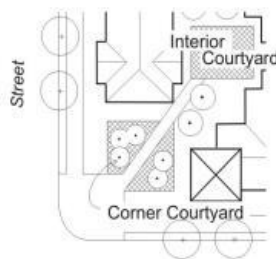
- a. Pedestrian lighting standards shall meet the standards for Aurora Avenue pedestrian lighting standards and must be positioned 15 feet above sidewalks.
- b. Street light standards shall be a maximum 25-foot height and spaced to meet City illumination requirements.

D. Corner Sites.

- 1. All development proposals located on street corners (except in MUR35) 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.



Building placed up to the street corner with entry



Public place adjacent to the corner

Street Corner Sites

2. Corner buildings 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.



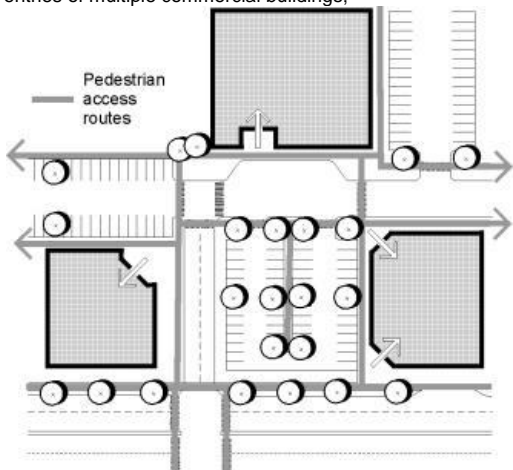
Building Corners

E. Site Walkways.

1. Developments shall include internal walkways that connect building entries, public places, and parking areas with the adjacent street sidewalks and Interurban Trail where adjacent; (except in the MUR35 zone).

- a. All buildings shall provide clear, illuminated, and six-inch raised and at least an eight-foot wide walkways between the main building entrance and a public sidewalk;

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 4 square feet of public space per 20 square feet of net commercial floor area up to a maximum of 5,000 square feet. This requirement may be divided into 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; and
 - e. Not located adjacent to dumpsters or loading areas.



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

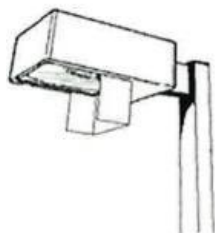
H. Outdoor Lighting.

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 luminaries.
 - 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; and
 - 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.

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. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013).

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 no more than every 40 lineal feet facing a street, parking lot, or public place. 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.

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:

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 street front 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. (Ord. 654 § 1 (Exh. 1), 2013).

**Subchapter 6.
Parking, Access and Circulation**

20.50.390 Minimum off-street parking requirements – Standards.

A. Off-street parking areas shall contain at a minimum the number of parking spaces stipulated in Tables 20.50.390A through 20.50.390D.

Table 20.50.390A – General Residential Parking Standards

RESIDENTIAL USE	MINIMUM SPACES REQUIRED
Single detached/townhouse:	2.0 per dwelling unit
Apartment:	Ten percent of required spaces in multifamily and residential portions of mixed use development must be equipped with electric vehicle infrastructure for units where an individual garage is not provided. ¹
Studio units:	.75 per dwelling unit
One-bedroom units:	.75 per dwelling unit
Two-bedroom plus units:	1.5 per dwelling unit
Accessory dwelling units:	1.0 per dwelling unit
Mobile home park:	2.0 per dwelling unit
Microhousing	.5 per bedroom or "sleeping room"

Comment [r12]: Is this the right ratio?

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent or up to 50 percent for multifamily development if located within a one-quarter mile walk shed from a light rail station for multifamily development may be approved by the Director

using a combination of the following criteria:

1. On-street parking along the parcel's street frontage.
2. Shared parking agreement with adjoining parcels and land uses that do not have conflicting parking demands.
3. High-occupancy vehicle (HOV) and hybrid or electric vehicle (EV) parking.
4. Conduit for future electric vehicle charging spaces, per National Electrical Code, equivalent to the number of required disabled parking spaces.
5. High-capacity transit service available within a one-half mile walk shed.
6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
7. Concurrence with King County Right Size Parking data, census tract data, and other parking demand study results.
8. The applicant uses permeable pavement on at least 20 percent of the area of the parking lot.

B. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing.

C. The Director may impose performance standards and conditions of approval on a project including a financial guarantee.

D. Reductions of up to 50 percent may be approved by Director for the portion of housing providing low-income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development. (Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 6(B-2), 2000).

Comment [r13]: Do we want to reduce parking further as this proposes?

20.50.540 Sign design.

A. Sight Distance. No sign shall be located or designed to interfere with visibility required by the City of Shoreline for the safe movement of pedestrians, bicycles, and vehicles.

B. Private Signs on City Right-of-Way. No private signs shall be located partially or completely in a public right-of-way unless a right-of-way permit has been approved consistent with Chapter [12.15](#) SMC and is allowed under SMC [20.50.540](#) through [20.50.610](#).

C. Sign Copy Area. Calculation of sign area shall use rectangular areas that enclose each portion of the signage such as words, logos, graphics, and symbols other than nonilluminated background. Sign area for signs that project out from a building or are perpendicular to street frontage are measured on one side even though both sides can have copy.

D. Building Addresses. Building addresses should be installed on all buildings consistent with SMC [20.70.250](#)(C) and will not be counted as sign copy area.

E. Materials and Design. All signs, except temporary signs, must be constructed of durable, maintainable materials. Signs that are made of materials that deteriorate quickly or that feature impermanent construction are not permitted for permanent signage. For example, plywood or plastic sheets without a sign face overlay or without a frame to protect exposed edges are not permitted for permanent signage.

F. Illumination. Where illumination is permitted per Table 20.50.540(G) the following standards must be met:

1. Channel lettering or individual backlit letters mounted on a wall, or individual letters placed on a raceway, where light only shines through the copy.
2. Opaque cabinet signs where light only shines through copy openings.
3. Shadow lighting, where letters are backlit, but light only shines through the edges of the copy.
4. Neon signs.
5. All external light sources illuminating signs shall be less than six feet from the sign and shielded to prevent direct lighting from entering adjacent property.



Individual backlit letters (left image), opaque signs where only the light shines through the copy (center image), and neon signs (right image).

G. Table 20.50.540(G) – Sign Dimensions.

A property may use a combination of the four types of signs listed below.

	All Residential (R) Zones, MUR35, Campus, PA3 and TC-4	MUR45, MUR 85, NB, CB and TC-3 (1)	MB, TC-1 and TC-2
MONUMENT Signs:			
Maximum Area Per Sign Face	4 sq. ft. (home occupation, day care, adult family home, bed and breakfast) 25 sq. ft. (nonresidential use, residential subdivision or multifamily development) 32 sq. ft. (schools and parks)	50 sq. ft.	100 sq. ft.
Maximum Height	42 inches	6 feet	12 feet
Maximum Number Permitted	1 per street frontage	1 per street frontage Two per street frontage if the frontage is greater than 250 ft. and each sign is minimally 150 ft. apart from other signs on same property.	1 per street frontage

	All Residential (R) Zones, MUR35, Campus, PA3 and TC-4	MUR45, MUR 85, NB, CB and TC-3 (1)	MB, TC-1 and TC-2
Illumination	Permitted	Permitted	
BUILDING-MOUNTED SIGNS:			
Maximum Sign Area	Same as for monument signs	25 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.	50 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.
Maximum Height	Not to extend above the building parapet, soffit, or eave line of the roof. If perpendicular to building then 9-foot clearance above walkway.		
Number Permitted	1 per street frontage	1 per business per facade facing street frontage or parking lot.	
Illumination	Permitted	Permitted	Permitted
UNDER-AWNING SIGNS			
Maximum Sign Area	6 sq. ft. (Nonresidential uses, schools, residential subdivision or multifamily development)	12 sq. ft.	
Minimum Clearance from Grade	9 feet		
Maximum Height (ft.)	Not to extend above or beyond awning, canopy, or other overhanging feature of a building under which the sign is suspended		
Number	1 per business	1 per business per facade facing street frontage or	

	All Residential (R) Zones, MUR35, Campus, PA3 and TC-4	MUR45, MUR 85, NB, CB and TC-3 (1)	MB, TC-1 and TC-2
Permitted		parking lot.	
Illumination	Prohibited	Permitted	
DRIVEWAY ENTRANCE/EXIT:			
Maximum Sign Area	4 sq. ft. (Nonresidential uses, schools, residential subdivision or multifamily development)	8 sq. ft.	
Maximum Height	42 inches	48 inches	
Number Permitted	1 per driveway		
Illumination	Permitted	Permitted	

Exceptions to Table 20.50.540(G):

(1) The monument sign standards for MB, TC-1, and TC-2 apply on properties zoned NB, CB, and TC-3 where the parcel has frontage on a State Route, including SR 99, 104, 522, and 523.

(2) Sign mounted on fence or retaining wall may be substituted for building-mounted or monument signs so long as it meets the standards for that sign type and does not increase the total amount of allowable signage for the property.

H. Window Signs. Window signs are permitted to occupy maximum 25 percent of the total window area in zones MUR45, MUR 85, NB, CB, MB, TC-1, TC-2, and TC-3. Window signs are exempt from permit if non-illuminated and do not require a permit under the building code.

I. A-Frame Signs. A-frame, or sandwich board, signs are exempt from permit but allowed only in the MUR45, MUR 85, NB, CB, MB, and TC-1, TC-2, and TC-3 zones subject to the following standards:

1. Maximum one sign per business;
2. Must be directly in front of the business with the business' name and may be located on the City right-of-way where the property on which the business is located has street frontage;
3. Cannot be located within the required clearance for sidewalks and internal walkways as defined for the specific street classification or internal circulation requirements;
4. Shall not be placed in landscaping, within two feet of the street curb where there is on-street parking, public walkways, or crosswalk ramps;
5. Maximum two feet wide and three feet tall, not to exceed six square feet in area;
6. No lighting of signs is permitted;
7. All signs shall be removed from display when the business closes each day; and
8. A-frame/sandwich board signs are not considered structures.

J. Other Residential Signs. One sign maximum for home occupations, day cares, adult family homes and bed and breakfasts which are located in residential (R) zones, **MUR35** or TC-4 not exceeding four square feet in area is exempt from permit. It may be mounted on the residence, fence or freestanding on the property, but must be located on the subject property and not on the City right-of-way or adjacent parcels. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 4 (Exh. A), 2009; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(B), 2000).

20.50.550 Prohibited signs.

A. Spinning devices; flashing lights; searchlights, electronic changing messages or reader board signs.

Exception 20.50.550(A)(1): Traditional barber pole signs allowed only in **MUR45, MUR 85**, NB, CB, MB and TC-1 and 3 zones.

Exception 20.50.550(A)(2): Electronic changing message or reader boards are permitted in CB and MB zones if they do not have moving messages or messages that change or animate at intervals less than 20 seconds, which will be considered blinking or flashing and are not allowed.

B. Portable signs, except A-frame signs as allowed by SMC [20.50.540\(l\)](#).

C. Outdoor off-premises advertising signs (billboards).

D. Signs mounted on the roof.

E. Pole signs.

F. Backlit awnings used as signs.

G. Pennants; swooper flags; feather flags; pole banners; inflatables; and signs mounted on vehicles. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 631 § 1 (Exh. 1), 2012; Ord. 560 § 4 (Exh. A), 2009; Ord. 369 § 1, 2005; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(C), 2000).

20.50.560 Monument signs.

A. A solid-appearing base is required under at least 75 percent of sign width from the ground to the base of the sign or the sign itself may start at grade.

B. Monument signs must be double-sided if the back is visible from the street.

C. Use materials and architectural design elements that are consistent with the architecture of the buildings. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(D-1), 2000).

20.50.570 Building-mounted signs.

A. Building signs shall not cover building trim or ornamentation.

B. Projecting, awning, canopy, and marquee signs (above awnings) shall clear sidewalk by nine feet and not project beyond the awning extension or eight feet, whichever is less. These signs may project into public rights-of-way, subject to City approval. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 560 § 4 (Exh. A), 2009; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(D-2), 2000).

20.50.580 Under-awning signs.

These signs may project into public rights-of-way, subject to City approval. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(D-3), 2000).

20.50.590 Nonconforming signs.

A. Nonconforming signs shall not be altered in size, shape, height, location, or structural components without being brought to compliance with the requirements of this Code. Repair and maintenance are allowable, but may require a sign permit if structural components require repair or replacement.

B. Outdoor advertising signs (billboards) now in existence are declared nonconforming and may remain subject to the following restrictions:

1. Shall not be increased in size or elevation, nor shall be relocated to another location.
2. Shall be kept in good repair and maintained.
3. Any outdoor advertising sign not meeting these restrictions shall be removed within 30 days of the date when an order by the City to remove such sign is given. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(E), 2000).

20.50.600 Temporary signs.

A. General Requirements. Certain temporary signs not exempted by SMC [20.50.610](#) shall be allowable under the conditions listed below. All signs shall be nonilluminated. Any of the signs or objects included in this section are illegal if they are not securely attached, create a traffic hazard, or are not maintained in good condition. No temporary signs shall be posted or placed upon public property unless explicitly allowed or approved by the City through the applicable right-of-way permit. Except as otherwise described under this section, no permit is necessary for allowed temporary signs.

B. Temporary On-Premises Business Signs. Temporary banners are permitted in zones **MUR45, MUR 85**, NB, CB, MB, TC-1, TC-2, and TC-3 to announce sales or special events such as grand openings, or prior to the installation of permanent business signs. Such temporary business signs shall:

1. Be limited to not more than one sign per business;
2. Be limited to 32 square feet in area;
3. Not be displayed for a period to exceed a total of 60 calendar days effective from the date of installation and not more than four such 60-day periods are allowed in any 12-month period; and
4. Be removed immediately upon conclusion of the sale, event or installation of the permanent business signage.

C. Construction Signs. Banner or rigid signs (such as plywood or plastic) identifying the architects, engineers, contractors or other individuals or firms involved with the construction of a building or announcing purpose for which the building is intended. Total signage area for both new construction and remodeling shall be a maximum of 32 square feet. Signs shall be installed only upon City approval of the development permit, new construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

D. Temporary signs in commercial zones not allowed under this section and which are not explicitly prohibited may be considered for approval under a temporary use permit under SMC [20.30.295](#) or as part of administrative design review for a comprehensive signage plan for the site. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 299 § 1, 2002; Ord. 238 Ch. V § 8(F), 2000).

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Incentive Zoning: best practices from around the country and Washington State

Jurisdiction	Set Aside	Income Targeting		Off-Site Development	In-Lieu Fee ⁺
		Rent	Sale		
Boulder, CO*	20% of units	60%	Boulder low-income limit	Yes	\$131,301-\$146,910 per unit (less for small units or buildings)
Burlington, VT*	15-25% of units	65%	75%	Yes, at 125% of obligation	No
Cambridge, MA*	15% of units	65%	65%	No	No
Denver, CO*	10% of units	n/a	80-95%	Allowed in adjacent or contiguous areas if units exceed set-aside	Half the sale price of each forgone unit
New York, NY	20% of residential floor area	160% of HUD very low income limit	Unknown	Yes, for substantial rehabilitation or preservation	No
San Francisco, CA*	12% of units	55%	90%	Yes but increases set aside to 20%	\$135,963-\$191,349 per bedroom
Bel-Red, Bellevue, WA	no minimum	80%	100%	No	Yes
Issaquah Urban Core, WA*	10% of units	70%	80%	Yes	No
Kirkland, WA*	10% of units	60-70%	70-100%	Yes	Limited
Redmond, WA*	10% of units	80%	80%	Yes	Yes

*Mandatory program in at least some areas of the city

+Even when an in-lieu fee is not allowed as an alternative compliance method, it may be allowed for fractional units.

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East King County Cities: Incentive Zoning Programs

Jurisdiction	Geographic Focus	Set Aside Minimum	Required Participation	Incentives Offered	Income Targeting (AMI)		In-Lieu Fee
					Rent	Owner	
Kirkland	Commercial zones, high-density residential zones, medium density zones, office zones	10% of units (including base)	Yes	Height bonus, bonus units, density bonus, and fee exemptions	60-70% AMI	70-100% AMI	Based on cost of construction vs. revenue generated
Bellevue	New multifamily residential developments	None	No	One bonus market-rate unit per affordable unit	Up to 80% AMI	Up to 80% AMI	
Bel-Red, Bellevue	All Bel-Red Land Use Districts	None	No	Density bonus	Up to 80% AMI	Up to 100% AMI	\$18/sq. ft
Central Issaquah Density Bonus Program	Central Issaquah*	20% of density bonus sq. ft.	No	Density bonus	50% AMI	60% AMI	\$15/sq. ft of density bonus
Central Issaquah Urban Core*	Central Issaquah Urban Core*	10% of units (including base)	Yes	Exemption from various impact fees	80% AMI for first 300 units, 70% after	90% AMI for first 300 units, 80% after	For fractional units only
Redmond: Overlake District	All new dwelling units	10% of units (including base)	Optional for first 100 units** Required after first 100 units**	Density bonus of up to one story	80% AMI (if 50% or less, counts as two affordable units)	80% AMI (if 50% or less, counts as two affordable units)	Administrative order needed to calculate formula
Redmond: Downtown	All new dwelling units	10% of units (including base)	Yes	Density credit equal to sq. footage of affordable units	80% AMI (if 50% or less, counts as two affordable units)	80% AMI (if 50% or less, counts as two affordable units)	Administrative order needed to calculate formula
Redmond: Willows/Rose Hill, Education Hill, Grass Lawn, North Redmond	All new single family attached and detached dwelling units	10% of units (including base)	Yes	1 bonus market-rate unit/affordable unit, impact fee waivers (depending on affordability)	80% AMI (if 50% or less, counts as two affordable units)	80% AMI (if 50% or less, counts as two affordable units)	Administrative order needed to calculate formula
Redmond: Affordable Senior Housing Bonus***	Any zoning district that allows retirement residents or multifamily housing	50% of housing or retirement residence units	No	Density bonus if 50% of units or more are affordable for seniors	50% AMI	50% AMI	

*Developers can use the Density Bonus Program in addition to the mandatory Urban Core program

**Requirements are optional for the first 100 housing units built in the district. Each proposed development site may qualify for waiver of no more than 25 units of affordable housing.

***Senior Housing Bonus program is a special incentive program that can be used in addition to other programs

*Central Issaquah & Central Issaquah Urban Core identified on page 34 of Central Issaquah Plan - <http://issaquahwa.gov/DocumentCenter/View/1139>

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ORDINANCE NO. 496

AN ORDINANCE ESTABLISHING AS AN URBAN CENTER RIDGECREST COMMERCIAL PLANNED AREA 2(a), 2(c) AND 2(d) AND RESIDENTIAL AREAS DESIGNATED R-18 AND R-24 ADJACENT TO THESE PORTIONS OF RIDGECREST COMMERCIAL PLANNED AREA 2 AND EXPANDING THE PROPERTY TAX EXEMPTION PROGRAM INTO THIS URBAN CENTER

WHEREAS, on November 25, 2002, the City Council adopted a Property Tax Exemption Program for the North City Business District; and

WHEREAS, Chapter 84.14 RCW provides that an area designated as a residential target areas must be within an urban center, must lack sufficient available, desirable, and convenient residential housing to meet the needs of the public who would be likely to live in the urban center, if the desirable, attractive, and livable places to live were available; and the providing of additional housing opportunity in the area will assist in achieving one of the stated purposes in RCW 84.14; and

WHEREAS, the Council held a public hearing on March 24, 2008 to consider expanding the Shoreline property tax exemption program to a portion of PA 2 and R-18 and R-24 zoning districts adjacent to PA2

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Sections 1-4 of Ordinance 310 as amended by Ordinance No. 479 are further amended to read as follows:

Section 1. *Findings*

- A. The North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) are urban centers of the City of Shoreline as defined under RCW 84.14.010 (16).
- B. The North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) lack sufficient available, desirable and convenient residential housing, including

ORIGINAL

affordable housing, to meet the needs of the public, and current and future residents of the City of Shoreline would be likely to live in the North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) if additional desirable, convenient, attractive and livable places were available.

- C. Provision of additional housing opportunities, including affordable housing, will assist in promoting further economic development and growth management goals by bringing new residents to utilize urban services and encourage additional residential and mixed use opportunities.

Section 2. *Purpose*

- A. It is the purpose of this ordinance to stimulate the construction of new multifamily housing and the rehabilitation of existing vacant and underutilized buildings for revitalization of the North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d). The limited exemption from ad valorem property taxation for multifamily housing in the residential targeted area is intended to:
 - 1. Encourage increased residential opportunities within the residential targeted area;
 - 2. Stimulate new construction or rehabilitation of existing vacant and underutilized buildings for revitalization of the North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d).
 - 3. Assist in directing future population growth to the residential targeted area, thereby reducing development pressure on single-family residential neighborhoods; and
 - 4. Achieve development densities that stimulate a healthy economic base and are more conducive to transit use in the designated residential targeted areas.

Section 3. *Designation of Residential Targeted Areas*

The North City Business District, as defined in the Shoreline Municipal Code Chapter 20.90.020, the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d), as defined in Shoreline Municipal Code Chapter 20.91, and residential areas designated R-18 and R-24 adjacent to the Ridgecrest Commercial Planned Area 2(a), 2(c), and 2(d) are designated as residential target areas as defined in chapter 84.14 RCW and the boundaries of the target area are coterminous with the North City Business District, the Ridgecrest Commercial Planned Area 2(a), 2(c), and

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2(d), and residential areas designated R-18 and R-24 adjacent to the Ridgcrest Commercial Planned Area 2(a), 2(c), and 2(d).

Section 4. Standards and Guidelines

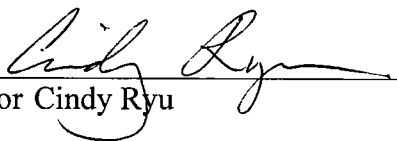
- A. Project Eligibility. A proposed project must meet the following requirements for consideration for a property tax exemption:
1. Location. The project must be located within the North City Business District, the Ridgcrest Commercial Planned Area 2(a), 2(c), and 2(d), or residential areas designated R-18 and R-24 adjacent to the Ridgcrest Commercial Planned Area 2(a), 2(c), and 2(d) targeted areas as designated in section 3.
 2. Limits on Tax Exempt Units. The project's residential units must be within the first 250 tax exempt units of new or rehabilitated multifamily housing applied for and approved within the North City Business District residential targeted area or within the first 350 tax exempt units in the Ridgcrest Commercial Planned Area 2(a), 2(c), and 2(d) and residential areas designated R-18 and R-24 adjacent to the Ridgcrest Commercial Planned Area 2(a), 2(c), and 2(d).
 3. Size. The project must provide for a minimum of fifty percent of the space for permanent residential occupancy. At least four additional residential units must be added to existing occupied multi-family housing. Existing multi-family housing that has been vacant for 12 months does not have to provide additional units so long as the project provides at least fifty percent of the space for permanent residential occupancy and rehabilitated units failed to comply with one or more standards of the applicable state or local building or housing codes. Transient housing units (rental of less than one month) are not eligible for exemption.
 4. Proposed Completion Date. New construction multi-family housing and rehabilitation improvements must be scheduled to be completed within three years from the date of approval of the application.
 5. Compliance With Guidelines and Standards. The project must be designed to comply with the City's comprehensive plan, building, and zoning codes and any other applicable regulations in effect at the time the application is approved including Chapters 20.90 and 20.91 of the Shoreline Municipal Code.
 - a. Consistent with SMC 20.90.020(B)(1), projects located on 15th Avenue N.E. and within the property tax exemption program target area must have pedestrian-oriented business uses at the street level fronting on 15th Avenue N.E. The minimum depth of street level pedestrian-oriented business uses shall be 20 feet from the frontage line of the structure on 15th Avenue N.E., and all other requirements of Main Street 1 properties shall apply.

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- B. Exemption - Duration. Projects qualifying under this chapter for a Multiple Family Tax Exemption that rent or sell at least twenty percent of the residential units as affordable housing units as defined by Chapter 84.14 RCW will be exempt from ad valorem property taxation for twelve successive years beginning January 1 of the year immediately following the calendar year after issuance of the Final Certificate of Tax Exemption; provided, however, that for the Ridgecrest target area the household income may in no case exceed 90% of the median family income adjusted for family size. Projects qualifying under this chapter for a Multiple Family Tax Exemption for market rate housing will be exempt from ad valorem property taxation for eight successive years beginning January 1 of the year immediately following the calendar year after issuance of the Final Certificate of Tax Exemption.
- C. Limits on Exemption. The exemption does not apply to the value of land or nonhousing-related improvement, nor does the exemption apply to increases in assessed valuation of land and non-qualifying improvements. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.
- D. Contract. The applicant must enter into a contract with the city approved by the City Council under which the applicant has agreed to the implementation of the development on terms and conditions satisfactory to the Council.

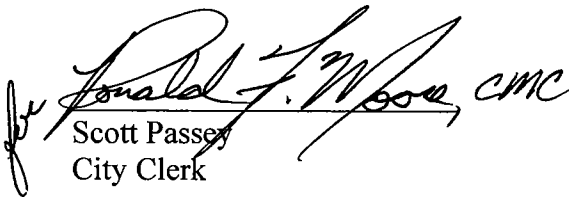
Section 2. Effective Date. A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after publication.

ADOPTED BY THE CITY COUNCIL ON MARCH 31, 2008



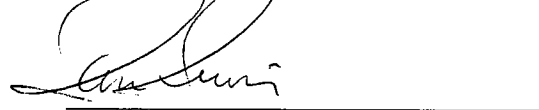
Mayor Cindy Ryu

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Publication Date: April 3, 2008
Effective Date: April 8, 2008

Seattle Municipal Code

Information retrieved August 25, 2014 10:40 PM

Title 23 - LAND USE CODE

Subtitle III - Land Use Regulations

Division 2 - Authorized Uses and Development Standards

Chapter 23.40 - COMPLIANCE WITH REGULATIONS REQUIRED—EXCEPTIONS

23.40.060 Living Building and Seattle Deep Green Pilot Program

- A. Purpose. The purpose of this section is to establish a Living Building Pilot Program. The goal of the Pilot Program is to encourage the development of buildings that meet the Living Building Challenge by allowing departures from code requirements that might otherwise discourage or prevent buildings from meeting this standard. Overall, the Living Building Pilot Program is intended to:
1. stimulate innovative development that meets the goals of the Living Building Challenge and City of Seattle design guidelines.
 2. encourage development that will serve as a model for other projects throughout the City and region and will stimulate development of new Living Buildings.
 3. identify barriers to Living Buildings in current codes and processes.
- B. Project qualification.
1. Eligible projects. Only projects that are eligible for design review under Section [23.41.004](#) and located outside of the shoreline jurisdiction may qualify for the Living Building Pilot Program or the Seattle Deep Green Pilot Program.
 2. Enrollment period. The enrollment period for both the Living Building Pilot Program and the Seattle Deep Green Pilot Program expires on the earlier of December 31, 2015 or for each program as follows:
 - a. The enrollment period for the Living Building Pilot Program shall expire when applications for twelve projects have been submitted for a Master Use Permit for the Living Building Pilot Program; and
 - b. The enrollment period for the Seattle Deep Green Pilot Program shall expire when applications for three projects have been submitted for a Master Use Permit under the standards of subsection 23.40.060.E.1.a or b for the Living Building Pilot Program or the Seattle Deep Green Pilot Program.
 3. Application requirements. In order to qualify for the Living Building Pilot Program, applicants must submit a plan demonstrating how their project will meet each of the prerequisites of the Living Building Challenge, including an overall design concept, proposed energy balance, proposed water balance, and descriptions of innovative systems. In addition, an applicant shall include a description of how the project serves as a model for testing code improvements to stimulate and encourage Living Buildings in the city.
 4. Qualification process. An eligible project shall qualify for the Pilot Program upon determination by the Director that it has submitted a complete application

pursuant to Section [23.76.010](#) and has complied with the application requirements in Section 23.40.060.B.3.

- C. Design review. All Living Building Pilot Program projects are subject to Design Review and shall be reviewed in accordance with the Design Review Process provided in Section [23.41.014](#)
- D. Height measurement technique. At the discretion of the applicant, the height of a qualifying project shall be determined using either the definition of building height in Section 502 of the Seattle Building Code or the method described in Chapter 23.86 of the Land Use Code.
- E. Compliance with minimum standards.
 - 1. Minimum Standards for both the Living Building Pilot Program and the Seattle Deep Green Pilot Program. Qualifying projects under both the Living Building Pilot Program and the Seattle Deep Green Pilot Program that are granted departures shall meet one of the following:
 - a. Living Building Challenge. The intent of the Living Building Pilot Program is to encourage development of buildings that meet or exceed the goals of the Living Building Challenge. A qualifying project shall meet:
 - 1) all of the Imperatives of the Living Building Challenge, version 2.1; or
 - 2) at least three of the seven performance areas, or "petals," of the Living Building Challenge, version 2.1 (Site, Water, Energy, Health, Materials, Equity, and Beauty), including at least one of the following three petals: Energy, Water, or Materials, and all of the following standards:
 - a) total building energy usage, not including energy generated on site, shall be 25 percent or less of the average energy usage for a comparable building not in the Living Building Pilot Program, based on the Seattle Energy Code in effect at the time a complete building permit application is submitted;
 - b) total building water usage, not including harvested rainwater, shall be 25 percent or less of the average water usage for a comparable building not in the Living Building Pilot Program, based on Seattle Public Utility estimates or other baseline approved by the Director that would provide a comparable estimate; and
 - c) at least 50 percent of stormwater shall be captured and used on site.
 - b. Seattle Deep Green Pilot Program. Qualifying Seattle Deep Green Pilot Program projects that are granted departures shall meet a minimum of 60 percent of the Imperatives of the Living Building Challenge, version 2.1, and all of the following alternative standards:
 - 1) total building energy usage, not including energy generated on site, shall be 25 percent or less of the average energy usage for a comparable building not in the Living Building or Seattle Deep Green Pilot Program, based on the Energy Information Administration's 2003 Commercial Buildings Energy Use Survey, Energy Information Administration's 2005 Residential Energy Consumption Survey, or other baseline approved by the Director that would provide a comparable estimate; and
 - 2) total building water usage, not including harvested rainwater, shall be 25 percent or less of the average water usage for a comparable building not in the

Living Building or Seattle Deep Green Pilot Program, based on Seattle Public Utility estimates or other baseline approved by the Director that would provide a comparable estimate; and

- 3) at least 50 percent of stormwater shall be captured and used on site.
2. No later than two years after issuance of a final Certificate of Occupancy for the project, or such later date as may be allowed by the Director for good cause, the owner shall submit to the Director a report demonstrating how the project complies with the standards contained in subsections 23.40.060.E.1.a or E.1.b.
3. If the Director determines that the report submitted pursuant to subsection 23.40.060.E.2 provides satisfactory evidence that the project has complied with the standards contained in subsection 23.40.060.E.1.a or E.1.b, the Director shall, in consultation with the International Living Future Institute (ILFI) and subject to procedures and requirements established by Director's Rule, send the owner a letter of approval stating that the project has complied with the performance standards of the Living Building Pilot Program or Seattle Deep Green Pilot Program. If the Director determines that the project does not comply with the standards in subsection 23.40.060.E.1, the Director shall notify the owner of the aspects in which the project does not comply. Nothing in the letter of approval or participation in the Living Building Pilot Program or the Seattle Deep Green Pilot Program shall constitute or imply certification of the project by ILFI as a Living Building under the Living Building Challenge. Components of the project that are included in order to comply with the minimum standards of either the Living Building Pilot Program or the Seattle Deep Green Pilot Program shall remain for the life of the project.
4. Within 90 days after the Director notifies the owner of the ways in which the project does not comply, or such longer period as the Director may allow for good cause, the owner may submit a supplemental report demonstrating that it has made alterations or improvements such that the project now meets the standards in subsection 23.40.060.E.1.a or E.1.b.
5. If the owner fails to submit a supplemental report within the time allowed pursuant to Section 23.40.060.E.4, the Director shall determine that the project has failed to demonstrate full compliance with the standards contained in Section 23.40.060.E.1.a or E.1.b, and the owner shall be subject to the penalty in Section [23.90.018.B.6](#).