PLANNING COMMISSION
PUBLIC HEARING
AGENDA

Thursday, October 1, 2015
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Ave North

		Estimated Time
1.	**CALL TO ORDER**	7:00
2.	**ROLL CALL**	7:01
3.	**APPROVAL OF AGENDA**	7:02
4.	**APPROVAL OF MINUTES**	7:03

a. Meeting Minutes from September 3, 2015

Public Comment and Testimony at Planning Commission

During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. 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.

5.	**GENERAL PUBLIC COMMENT**	7:05
6.	**PUBLIC HEARING**	7:10

a. Critical Areas Ordinance Update – Staff Report
- Staff Presentation
- Public Testimony

b. Development Code Amendments 2015 – Staff Report 8:10
- Staff Presentation
- Public Testimony

7.	**DIRECTOR'S REPORT**	9:20
8.	**UNFINISHED BUSINESS**	9:26
9.	**NEW BUSINESS**	9:27
10.	**REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS**	9:28
11.	**AGENDA FOR OCTOBER 15, 2015**	9:29
12.	**ADJOURNMENT**	9:30

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CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

September 3, 2015 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present	**Staff Present**
Chair Scully	Rachael Markle, Director, Planning and Community Development
Commissioner Malek	Steve Szafran, Senior Planner, Planning and Community Development
Commissioner Maul	Paul Cohen, Planning Manager, Planning and Community Development
Commissioner Mork	Kurt Seemann, Senior Transportation Planner
Commissioner Moss-Thomas	Lisa Basher, Planning Commission Clerk

Commissioners Absent
Vice Chair Craft
Commissioner Montero

CALL TO ORDER

Chair Scully 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 Scully, Vice Chair Craft and Commissioners Maul, Moss-Thomas and Mork. Commissioners Malek and Montero were absent.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of August 20, 2015 were adopted.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: 145TH STREET CORRIDOR STUDY

Chair Scully reviewed that when the proposed 145th Street Station Subarea Plan was presented earlier to the Commission, they recommended that no action be taken until the corridor study was completed. The City Council unanimously adopted the Commission's recommendation. He said the Commission is particularly interested in timeline updates and any substantive information that has been reached thus far before they resume their discussions relative to the 145th Street Station Subarea Plan.

Staff Presentation

Mr. Seemann, Project Manager, provided an overview of the 145th Street Corridor Study, noting that it is the City's only east/west corridor that extends across the City, providing connections to Interstate 5 (I-5), Lake City Way (SR522), and Aurora Avenue North (SR99). 145th Street is a principal arterial that will soon provide critical access to the new light rail station that will be located on the east side of the freeway. It has been neglected in recent years, and it is past time the City took a good look at what the future of the corridor could be.

Mr. Seemann reviewed that there is currently a lot of traffic congestion on 145th Street, particularly at the freeway interchange; the pedestrian and bicycle environment is deficient and even non-existent in many places; and there are high collision rates at some of the intersections. Unless these problems are addressed, people will have difficulty accessing the new light rail station. He shared pictures to illustrate the roadway's existing problems. He explained that it is built very close to the edge of the right-of-way (ROW), leaving very little room for pedestrian and bicycle facilities. Many of the existing pathways are not Americans with Disabilities Act (ADA) accessible, and the congestion and poor pedestrian walkways have resulted in a lack of transit and bus stop facilities.

Mr. Seemann advised that the City's goal is to create a corridor that supports all modes of travel (bicycles, pedestrians, single-occupancy vehicles, bus transit and light rail). The City Council developed 11 specific project goals to guide the corridor study, which has been in progress for over a year. City staff met with representatives from the Washington State Department of Transportation (WSDOT), and a consultant (CH2M Hill) was hired to help design the corridor. The design team provides on-going briefings to the City Council. The study is currently funded, and funding ($4.6 million PSRC Grant) has also been set aside for the design of the Aurora Avenue North to I-5 section in 2016. More recently, the State set aside $25 million for the entire corridor, which is currently programmed for 2025. The City is working to obtain clear information about what the money can be used for and possibly moving it up so work on the corridor can take place prior to the light rail coming in 2023.

Mr. Seemann reviewed that the first open house for the corridor study was held on May 20th, and the next open house is scheduled for September 30th at 6:00 p.m. at City Hall. A final open house will likely be scheduled in December. The intent is to present a recommendation for a preferred alternative to the City Council in January. He noted that the Citizens Advisory Task Force (CATF), the Interjurisdictional Technical Team (ITT), and key stakeholders have also provided valuable input throughout the process. Project partners include WSDOT, Sound Transit (ST), King County, the Puget Sound Regional Council (PSRC) and the Cities of Bothell, Kenmore, Shoreline and Lake Forest Park. He emphasized that the

City of Shoreline does not control any of the roadway, itself. The north half is in King County, the south half is in Seattle, and it is classified as a State highway. The study is just the first step in the process of improving the corridor. Approval of a preferred alternative will be followed by environmental review and design, ROW and property acquisition and then construction. At this time, the study team is gathering information and developing the alternatives that will be presented to the public at the September 30th open house. Following the open house, the alternatives will be refined and a preferred alternative will be presented for City Council and public review before the end of the year. The goal is to obtain final approval of the preferred alternative in January 2016.

Commissioner Malek said his understanding is that the necessary ROW and property acquisition had already been accomplished. Mr. Seemann answered no. He explained that there is only 60 feet of existing ROW, and all of the alternatives will most likely require more.

Mr. Seemann reported that the first open house in May was attended by a good cross section of citizens from throughout the region (58% Shoreline and 40% Seattle), and most of the interest came from people who own property within five blocks of the corridor. The biggest concerns voiced at the open house were traffic congestion and lack of pedestrian, bicycle and transit facilities. Those in attendance stressed the need for a safe pedestrian environment and improved ADA accessibility. Bicycles facilities could be provided both along and off the corridor, and transit needed to be improved.

Mr. Seemann reviewed each of the four alternatives as follows:

1. **Study Concept 1** is consistent with the current conditions and would be considered the no-action alternative.

2. **Study Concept 2** would utilize a 60-foot ROW and the curb-to-curb street width would be 44 feet. That leaves about 16 feet for narrow sidewalks that do not meet the City's standard (5-foot landscape strip and 8-foot sidewalk). In addition, the power poles would be in the middle of the sidewalks making it difficult to negotiate. Study Concept 2 is very similar to Study Concept 1, and it attempts to stay within the 60-foot ROW as much as possible while adding slightly wider sidewalks. The concept would improve the situation to some degree but would not require a lot of change. This is good from a property acquisition standpoint, but would not improve access for the various modes of transportation. Off-corridor bike lanes could run parallel with the roadway.

3. **Study Concept 3** would utilize a 94-foot ROW, with a curb-to-curb street width of 58 feet. The concept identifies four lanes with a continuous turn lane, which could be a landscape median when not needed. Aside from the additional travel lanes, there would be 13-foot sidewalks with 5-foot striped bicycle lanes on each side and 5-foot planter strips separating the sidewalks from the street. The shared sidewalk (pedestrian and bicycle) concept shown in Study Concepts 3 and 4 are meant to be mixed and matched. The design team will also continue to evaluate other options for the roadway, such as road diets and Bus and Turn (BAT) lanes.

4. **Study Concept 4** would utilize between 101 and 117 feet of ROW, with a curb-to-curb street width of 69 feet. The concept identifies a six-lane roadway, with limited left turn lanes and right

turn/bus lanes. The shared sidewalk (pedestrian and bicycle) concept identifies 8-foot sidewalks, a 6-foot bicycle lane on one side, and 5-foot planting strips. This concept addresses all of the multi-modal needs identified in the goals, but it would require nearly twice as much ROW as what currently exists. Another option would be to run the buses down the center lanes, with two vehicular lanes on each side. Because it is so important to provide good pedestrian access to the new light rail station, it has been suggested that a pedestrian/bicycle bridge be provided.

Mr. Seemann provided a matrix that is being used to evaluate each of the study concepts by addressing criteria such as improved pedestrian safety and access, improved transit speed and reliability, improved bike safety and mobility, improved vehicle safety and mobility, consistency with regional plans, and improved stormwater management. He summarized that the next steps include further analyzing the three study concepts, selecting a preferred concept, assessing the impacts, and developing a project cost estimate.

Public Comment

Dave Lange, Shoreline, suggested that the study should provide capacity per hour numbers for each of the scenarios that are being presented. A graph of the time versus hourly volume of observed usage would be a useful interpretive tool.

Christine Southwick, Shoreline, said that although it will be costly, she supports underground utilities because they take up less space. She referred to the Burke Gilman Trail in Lake Forest Park and cautioned that combining bicycles and people on the same pathway can be dangerous. It would be safer to have bicycles going bi-directional on one side and pedestrians on the other, and it would not require additional space. Another option is a 5-lane road with the bicyclists sharing the center lane. She pointed out that the 3-lane concept did not work well on 125th and questioned why the City is considering it as an option for 145th.

Ms. Southwick asked which part of the corridor design would be located in Seattle and if Seattle would be sharing the cost of the improvements. Mr. Seemann answered that no decisions have been made as to which parts of the corridor design would be located in Shoreline and Seattle, but representatives from the City of Seattle are part of the technical team and these questions will be addressed in more detail as the plan is refined. The four alternatives are preliminary and the team is seeking feedback from the public on the various elements contained in each one as they work towards a preferred alternative.

Continued Staff and Commission Discussion

Commissioner Maul agreed with Mr. Lange that information relative to the capacity of each of the designs would be helpful, and he asked if the study would also project the need for and impacts of the station. Mr. Seemann answered that the team will look at the projected volumes as the analysis moves forward. One of the philosophical questions looking forward is, does the City want to design a corridor that accommodates the needs of all modes of transportation both now and in the future or a corridor that gives people choices. For example, an alternative that dedicates the outer lanes to transit would not accommodate all of the future traffic demand in the future. There are tradeoffs associated with each scenario, given the corridor's constraints.

Commissioner Moss-Thomas asked how the Commission would be involved in the corridor study going forward. Mr. Cohen answered that the City Council will make the ultimate decision on the preferred alternative. Although the Commission will not be involved in the final decision, the study will certainly play into their future conversations about land uses in the 145th Street Station Subarea.

Commissioner Moss-Thomas said she spent a lot of time in a large city that has significant traffic congestion, and bicycles had to dodge the traffic using the roads and sidewalks. She recently visited the City again and found that recently installed bicycle lanes down the center of the street worked very well. She said she supports a pedestrian/bicycle bridge going to the 145th Street Station, which would solve a broad number of problems. Another option would be to widen the existing bridge to provide pedestrian and bicycle access. Mr. Seemann responded that the City has asked the State to consider the future potential of the existing bridge. Currently, there are five lanes, and there is a potential for six lanes if the sidewalks are removed. While they are aware that the area around the new station will be very challenging, they must also focus on the best options for the entire corridor.

Commissioner Malek asked if there is some way to connect the 145th Street Corridor to the Community Renewal Area (CRA) at the intersection of 155th Street. Considering the anticipated density in the CRA and the lower parking requirements, it would seem relevant to connect these residents to the station. Commissioner Moss-Thomas pointed out that the Interurban Trail provides a connection from the CRA to the 145th Street Corridor, but not all the way to the station. Mr. Seemann agreed that it is important to consider how the 145th Street Corridor can serve the larger community. The corridor study is meant to be the beginning of the conversation and not the end. He noted that rapid ride bus service is available along Aurora Avenue North, and perhaps the corridor could be designed to strengthen the connections. They must also carefully consider the right balance between single-occupancy vehicles, transit and other modes.

Commissioner Mork asked if the current alternatives would have bicycle and pedestrian access either on the corridor or another route, or if there would there be two options for access. Mr. Seemann said he does not consider it an either/or concept. Citizens have indicated support for alternate bikeways that run parallel to the corridor, but they also want facilities along the corridor. In addition, many have expressed a need to better connect the entire area with bicycles and pedestrians, and not just along the corridor. Although Study Concept 2 would not accommodate bicycles directly along the corridor, Study Concepts 3 and 4 would ideally have three options for bicyclists (bikeways on both sides of 145th Street and an additional bikeway along 155th Street. Commissioner Mork said she supports the additional bicycle facilities and expressed her belief that people are willing to ride their bikes much further than ½ mile to access services.

Commissioner Moss-Thomas expressed her belief that the BAT lanes are absolutely essential, with the exception of the section just past Aurora Avenue North over to Greenwood Avenue. Although this stretch is very congested, perhaps a road diet would be more affective. Sound Transit recently published its wish list for ST3, which includes BAT lanes on 145th from SR522 to Aurora Avenue. If this project is included in a ballot measure in the future, there may be synergy and funding to make the improvements along the entire corridor. Placing BAT lanes down the center does not make sense since buses would not be able to pick up people waiting on 145th Street without requiring them to cross lanes

of traffic. Speed and reliability are important for both transit and riders. While there is a dearth of transportation east/west, it is not easily accessible and 145th Street is intimidating.

Mr. Seemann pointed out that the study breaks the corridor into three pieces: Aurora Avenue North to I-5, the freeway area, and I-5 to SR522. BAT lanes may be appropriate in the section between SR522 and the transit station to bring people in from the communities to the east and north. Based on comments from the community, the preferred alternative may very well be a combination of Study Concepts 3 and 4. While Study Concept 2 would provide underground power and some pedestrian benefits, it would be costly and still impact a number of parcels without getting a lot in return.

Commissioner Moss-Thomas commented that when streets are very wide (as per Study Concepts 3 and 4), it is difficult for people using strollers, wheelchairs, etc. to get all the way across. She suggested the City consider providing islands that allow people a place to stand midway across the street.

Chair Scully said he was glad to hear that an Interjurisdictional Technical Team (ITT) has been formed to provide input into the study because the City does not own the road. He asked if the ITT supports any or all of the study concepts, and what is their position as far as funding and ownership. Mr. Seemann said the City of Seattle has been participating in the ITT meetings, as well as other discussions with City staff. They are very supportive of the study to date. However, it is important to note that the proposed improvements would be made keeping the center line fixed, with improvements distributed equally on both sides of the roadway. That means property on both sides would be impacted. Another option would be to shift the alignment to one side or the other so that property acquisition is only required on one side. He emphasized that the City of Shoreline does not own any of the corridor, and a lot of cooperation will be required from both the City of Seattle and WSDOT. While funding and ownership are important questions that need to be addressed, the study is currently focused on identifying the right features for the corridor, how to treat non-motorized facilities, etc.

Chair Scully said he assumes that the wetland and steep slope issues that exist in a few locations will be addressed during the design phase. Mr. Seemann answered that both environmental property acquisition issues would be addressed as part of the design. In addition, he noted that many house are very close to the ROW and even a little widening could have an impact on these properties.

Mr. Seemann announced that the Citizen's Advisory Task Force (CATF) is meeting on September 9th at 7:00 p.m. and the ITT will meet at 3:00 p.m. on the same day. The next public open house is scheduled for September 30th from 6:00 to 8:00 p.m.

STUDY ITEM: DEVELOPMENT CODE AMENDMENTS – PART 3

Staff Presentation

Mr. Szafran explained that the purpose of the presentation is to introduce Part 3 of the 2015 Development Code Amendments and discuss and answer the Commission's questions. In addition, the Commission will discuss some revised amendments relative to how to approve Sound Transit's development activities. He reviewed the purpose of code amendments and introduced the 17 staff-

initiated code amendments (Attachment 1) and 1 privately-initiated code amendment (Attachment 3) as follows:

Fee Waivers for Affordable Housing

- SMC 20.30.100 gives the authority for the Director to waive permit fees based on King County's affordability criteria.
- SMC 20.40.230 and 20.40.235 alerts the reader of the possibility of a permit fee waiver for affordable housing.

Preparing for Sound Transit

- SMC 20.20.034 provides a new definition for Multi-Modal Access Improvements, which are improvements that are not adjacent to a development project but mitigate impacts from that development.
- SMC 20.50.240 requires the availability of water and power at high-capacity transit centers. This provides infrastructure to accommodate mobile food carts and other activities in these public spaces.
- SMC 20.50.320 requires Sound Transit to comply with Shoreline's tree regulations. Sound Transit will be clearing and grading a lot of trees and vegetation from the ROW and it is important to ensure that the City's tree regulations apply to these activities.
- SMC 20.50.330 clarifies that trees abutting a development project will be evaluated and must comply with the requirements of SMC 20.50.330.
- SMC 20.50.350 clarifies that trees abutting a development project shall be managed, protected and replaced based on the City's tree code regulations.
- SMC 20.50.360 specifies when trees need to be removed offsite and replaced in accordance with on-site standards. It increases the height of the replacement tree from 6 feet to 12 feet to mitigate off-site impacts.
- SMC 20.50.370 contains tree protection standards that will apply to on-site development and abutting properties. Currently, the City's tree protection standards only apply to trees that are on site.

Transitional Encampments

- SMC 20.40.120 changes the name "tent city" to "transitional encampments."
- SMC 20.40.535 adds criterion for background checks when a transitional encampment locates in Shoreline.

Development Updates

- SMC 20.30.380 raises the thresholds for short plats in the Mixed Use Residential Zones from 4 to 9. State law allows jurisdictions to raise the thresholds to nine and still have it be an administratively-approved process.
- A City-initiated amendment to SMC 20.50.020 alerts property owners that a ROW dedication may reduce density potential. Alternatively, a privately-initiated amendment would allow a property owner to calculate lot size prior to ROW or drainage dedication.
- SMC 20.60.140 changes the word "or" to "and."

Director Markle referred to a memorandum dated September 3rd, which outlines proposed revisions to the Sound Transit Amendments. She explained that the City Attorney has voiced concern that development agreements may not be the right process for permitting light rail facilities. There will be a mixture of zones along the light rail corridor; and as per State Law, development agreements are not designed to accommodate deviations or variances from the underlying zoning regulations. Because a light rail facility/system is considered an essential public facility, it is appropriate for the City to allow for deviations or variances from underlying zoning to accommodate the use. The City Attorney is now recommending the City use the process identified in the Comprehensive Plan for siting essential public facilities as a special use permit process, instead.

Director Markle further explained that the City Attorney has raised concern about processing the light rail facility/system projects as legislative actions. As per the current code, a special use permit is a quasi-judicial action, and a development agreement is approved legislatively. Legislative items go before the Planning Commission and then to the City Council, and communication outside of the meeting about the subject matter is allowed. With a quasi-judicial action, this communication would be considered ex-parte and would not be allowed. One of the reasons for selecting the development agreement process for station projects is to allow the ability for commissions and councils to speak openly and often about the designs of the station. A special use permit would go directly to the Hearing Examiner, and would not be presented to the Planning Commission or City Council. If the Commission agrees with the concept of using the special use permit versus the development agreement, they could keep the decision with the Hearing Examiner. Another option is to have it be a quasi-judicial process that goes to the Commission and Council for a recommendation and decision rather than to the Hearing Examiner. She said there are also some concerns relative to the appeal authority. The appeal authority for a legislative decision goes to the Growth Management Hearings Board as opposed to Superior Court. She advised that no changes have been proposed to Table 20.30.080, but she wanted to point out the concerns and potential options.

Director Markle referred to SMC 20.30.330, which outlines the special use permit (SUP) process, noting that the purpose section (A), as written, fits well with what the City is trying to accomplish with light rail facilities. Section B contains decision criterion that applies to all special uses, and no changes have been proposed. Section C is new language that outlines decision criterion that only applies to light rail facilities/systems. As proposed:

- **Criteria C.1** requires that the proposed development use innovative, aesthetic, energy efficient and environmentally sustainable architecture and site design. This language was added to the development agreement process with transit projects in mind, but it is also appropriate for other types of development agreements.
- **Criteria C.2** also comes from the existing development agreement criteria. While it is repetitive of the generic criteria in Section B, it is appropriate to be very specific to ensure that certain transportation improvements are made in conjunction with the light rail station and facilities.
- **Criteria C.3** has to do with other utilities and public services and is specific for a reason.
- **Criteria C.4** comes from the existing development agreement criteria, as well, and has to do with architectural design. The criteria are envisioned to let the City have some influence on the design of the structures. Even if the special use permit process is not be legislative, the City Council just approved a process for design review of the station, garages and facilities that is

completely open to public participation. As adopted, the City Council will give a formal recommendation on design to Sound Transit.

Director Markle referred to Section D of SMC 20.30.330, which outlines the additional submittal requirements for light rail transit facilities/systems. As proposed Sound Transit would be required to provide additional studies to address anticipated issues, concerns, and needs to be identified and mitigated. The additional studies include a construction management plan, parking management plan, multi-modal access plan, neighborhood traffic plan, and transportation impact analysis.

Director Markle advised that the language in SMC 20.40.050 was moved from its previous location at the request of the City Attorney. Most of the facilities associated with the station will be located in WSDOT ROW, which is unzoned and it is completely unclear what regulations apply. The proposed language in Section C requires that a special district be created that defines the regulations that apply. Staff anticipates it will not be easy to define the boundaries of the special district. The idea is to capture not only the ROW, but properties to be acquired by Sound Transit for the purposes of the light rail facilities. The language proposed for this section is very similar to the language provided in the Staff Report. However, Section C.3 was amended to make it clear that the special use permit process outlined in this section could not be used to alter a critical area. Lastly, she noted that Section D.1 was amended to make it clear that for properties that are zoned or designated as a special district, the regulations pertaining to that zone or district would apply. "Light rail transit facility/system" was also added to the Use Table 20.40.140 as a special use in all zones.

Public Comment

Dave Lang, Shoreline, suggested that the City reopen the transit impact fee ordinance and eliminate the fee for a work force of up to 15 people in the first 15 affordable housing units per lot. The City should also consider removing the transit impact fees around the stations and major transit corridors, as well as allowing a reduction in the parking requirement for affordable housing to match what is happening in King County. He also suggested that traffic impact fees should be used to direct development to where the City can handle it and discourage development where it cannot. He noted that the proposed amendments talk about pavement and impervious ground cover, and he suggested it would be appropriate to also address water treatment and collection standards. If Shoreline continues to lose trees, wouldn't clean water be a good addition?

Continued Staff and Commission Discussion

Chair Scully asked if transportation impact fees for affordable housing would be a separate agenda item that will be discussed at a future meeting. Director Markle said there is already a waiver for affordable housing and transportation impact fees in the ordinance. Chair Scully said he also heard through the grapevine that the City Council was considering revisions to the ordinance and the Commission might be asked to comment on it. Director Markle said she has not heard that the affordable housing piece would be revisited and it is not part of the proposed amendments.

Commissioner Moss-Thomas pointed out that parking and microhousing are hot-button issues, and it appears that the proposed amendments are intended to patch rather than fully address the problems. She

voiced concern that the Commission is being asked to make a recommendation on a large number of code amendments without having adequate time to digest the information. Chair Scully reviewed that the Commission has had study sessions for each part of the Development Code amendments. Although the Commission was asked to provide direction when each of the three parts were presented to them, no public hearing has been held. The Commission is not being asked to make a recommendation at this time, as a public hearing on all of the amendments is scheduled for a later date.

Chair Scully voiced concern that making station area development a quasi-judicial action would significantly limit the public's ability to provide input. A quasi-judicial hearing is similar to a court case. Even if a quasi-judicial proposal comes before the Commission and City Council for a recommendation and final approval, the public's ability to participate in the process would be limited and no discussion outside of the public hearing would be allowed. The look and feel of the station is going to be of significant importance to the community in which it is located, and he would like the process to remain legislative. He asked if the Comprehensive Plan could be amended to make any property owned by Sound Transit its own land use designation and zone. Mr. Szafran commented that this could be a problem given that much of the land that will be used for the station is located within the WSDOT ROW. Chair Scully asked if the City could zone the WSDOT ROW, and Director Markle agreed that is possible. However, she reminded the Commission that the Comprehensive Plan can only be amended once a year, and the amendment would not be docketed until next year. The City is trying to get all of the important regulations in place before Sound Transit completes its 30% design, which is scheduled for the 1st or 2nd quarter of 2016. Mr. Szafran added that it is important to have the right regulations in place when the permits start trickling in in the near future. The Commission had a discussion about whether or not the City Council could amend the 2015 Comprehensive Plan Amendment Docket to include the amendment proposed by Chair Scully. Director Markle agreed to seek legal counsel as to whether or not the City Council could add new amendments after the deadline has expired and the docket has been set.

Chair Scully commented that the draft amendments encapsulate a lot of what the City heard in the public comments about preserving trees and making sure the station fits in with the neighborhood as much as possible. However, he is concerned that excluding the public from the process going forward could result in justifiable backlash if it doesn't look and feel like everyone thought it would.

Mr. Szafran referred to the conflicting amendments for SMC 20.50.020. He recalled that the city-initiated amendment would alert property owners that ROW dedication may reduce density potential, and the privately-initiated amendment would calculate lot size prior to the ROW dedication. Calculating lot size prior to the ROW dedication would require that the City allow substandard lot sizes so that no development potential is lost. It was noted that both amendments would be presented at the public hearing and staff would make a recommendation for the Commission's consideration.

Again, Chair Scully voiced opposition to making light rail station projects quasi-judicial actions rather than legislative. The remainder of the Commissioners concurred. Director Markle agreed to ask the City Attorney to provide more information to support the recommendation that quasi-judicial is the best approach. She also agreed to explore other ideas such as a special use permit that is legislative or a completely different permit process for light rail station development.

Mr. Szafran announced that a public hearing on the complete set of Development Code amendments is scheduled for October 1st.

DIRECTOR'S REPORT

Director Markle did not have any items to report.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports or announcements.

AGENDA FOR NEXT MEETING

Chair Scully announced that a public hearing on the Critical Areas Ordinance Update is scheduled for September 17th.

ADJOURNMENT

The meeting was adjourned at 8:40 p.m.

_____ _____

Keith Scully
Chair, Planning Commission

Lisa Basher
Clerk, Planning Commission

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Planning Commission Meeting Date: October 1, 2015 Agenda Item

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: 2015 Development Code Amendments
DEPARTMENT: Planning & Community Development
PRESENTED BY: Steven Szafran, AICP, Senior Planner
Rachael Markle, AICP, Director

☒ **Public Hearing** ☐ **Study Session** ☐ **Recommendation Only**
☐ **Discussion** ☐ **Update** ☐ **Other**

Introduction

The purpose of this meeting is to conduct a public hearing on the 2015 Development Code Amendments (Parts1, 2, and 3) to Title 20 of the Shoreline Municipal Code (The Development Code). The proposed amendments amend a number of sections in Chapters 20.20, 20.30, 20.40, 20.50, 20.60, 20.70, 20.80, and 20.100. Attachment 1 to this staff report is the complete list of Development Code amendments to be considered as part of this public hearing.

The purpose of this public hearing is to:

- Review the proposed Development Code Amendments;
- Respond to questions regarding the proposed amendments;
- Gather public comment;
- Deliberate and, if necessary, ask further questions of staff; and
- Develop a recommendation to forward to Council.

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the reviewing authority for legislative decisions and is responsible for holding an open record Public Hearing on the proposed Development Code amendments and making a recommendation to the City Council on each amendment.

Background

SMC 20.30.350 states, “An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City”.

Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders previously approved by the Director.

The decision criteria for a Development Code amendment in SMC 20.30.350 (B) states the City Council may approve or approve with modifications a proposal for a change to the text of the land use code if:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Part 1 of the Development Code amendments were presented to the Planning Commission on May 7, 2015. Part 1 consisted of 21 Director-initiated amendments that mostly clarified existing sections of the code. Two of the amendments proposed at that time, adding Microhousing to the use table and adding Microhousing to the parking table, at Planning Commission direction, were withdrawn from the batch to potentially be brought back at a later date. The Part 1 staff report can be found here: http://shorelinewa.gov/home/showdocument?id=20668

Part 2 of the Development Code amendments were presented to the Planning Commission on June 4, 2015. Part 2 consisted of eight Director-initiated amendments. Part two amendments included mostly minor clarification to the Development Code. The Part 2 staff report can be found here:
http://shorelinewa.gov/home/showdocument?id=20872

Part 3 of the Development Code amendments were presented to the Planning Commission on September 3, 2015. Part 3 consisted of 17 Director-initiated amendments and one privately-initiated amendment. The proposed private amendment would allow a property owner to create lots less than the minimum lot area if the dedication of facilities to the City (such as right of way or a stormwater system) are required as part of the development and result in a reduction in achievable density. The rest of the proposed Part 3 amendments, those initiated by the Director, are organized under the following topics: Building Permit Fee Waiver, Preparing for Sound Transit, Transitional Encampments, and Development Code Updates. The Part 3 staff report can be found here:
http://shorelinewa.gov/home/showdocument?id=21876

A memo with additional amendments related to the topic of “preparing for Sound Transit” was provided to the Commission and public at the September 3rd meeting. The Director is postponing the consideration of these amendments to receive further legal guidance. Another public hearing is expected to be scheduled before the end of 2015 to consider these and possibly other Development Code amendments.

PROPOSED AMENDMENTS

This group of Development Code amendments has one privately initiated amendment and 41 Director initiated amendments. The proposed Development Code amendments are organized in numerical order and are divided by their respective chapters.

Amendments with an asterisk are proposed to be withdrawn from this meeting to be brought back at a future public hearing.

Amendments that are in bold have been updated and are addressed in the next section of this staff report.

Chapter 20.20:

20.20.016 – Clarifies the definition of shared driveways.
20.20.034 – New definition for Multi-Modal Access Improvements.

Chapter 20.30:

20.30.040 – Changes the temporary use permit reference.
20.30.100 – Allows the Director to waive permit fees for affordable housing.
20.30.110 – Clarifies the Determination of Completeness section.
20.30.280(C)(4) – Clarifies the modifications to nonconforming section
20.30.330 – Special Use Permit process for a Light Rail Transit System/Facility.
20.30.340 – New procedure for processing Comprehensive Plan Amendments.
20.30.355 – Adds additional decision criteria for Development Agreements (Level-of-Service for pedestrians and bikes).
20.30.380 – Raises the number of lots in a short plat from four to nine.

Chapter 20.40:

*20.40.050 – Applies City of Shoreline zoning standards to adjacent right-of-way.
20.40.100 – Raises the time limit of a temporary Use Permit to one year.
20.40.120 – Changes the use from “Tent City” to “Transitional Encampment”.
20.40.140 – Prohibits hospitals and medical clinics in the R-4 and R-6 zones.
20.40.150 – Deletes shipping containers as a use.
20.40.160 – Research, development, and testing allowed in the MUR-70’ Zone and deleting Outdoor Performance Center in the MUR zones.
20.40.230 – Allows a permit fee waiver for affordable housing.
20.40.235 – Allows a permit fee waiver for affordable housing in the MUR zones.
20.40.400 – Clarifies parking for a home-based business must be onsite.
20.40.410 & .450 – Deletes the requirement that hospitals and medical clinics only be allowed as a reuse of a surplus nonresidential facility.
20.40.438 – Deleted the requirement that Light Rail Transit System/Facility be approved through a Development Agreement
20.40.535 – Establishes Transitional Encampment indexed criteria.

Chapter 20.50:

20.50.020 – Allow Lots under the minimum size for the zone.
20.50.020(C) – Calculate density before dedications.
20.50.020(3) – Environmental features do not count against hardscape requirements.
20.50.240 – Minor word change.
20.50.320 – Requires light rail transit facilities to comply with the City's tree code.
20.50.330 – Requires offsite evaluation when removing trees.
20.50.350 – Requires tree mitigation offsite.
20.50.360 (C)(4), (5), and (6) – Requires offsite tree replacement and increased height of replacement trees.
Exception 20.50.360(4) – Allow using existing significant trees as replacement trees.
20.50.370 – Requires tree protection measures for offsite trees.
Table 20.50.390(D) – Deletes a duplicative parking requirement (retail and mixed-use parking standards).
20.50.400 – Revises criteria for a reduction to minimum parking standards.
20.50.410 – Reorganization of the section - Requirements for Compact Parking Stalls and Parking Angles.
20.50.430 – Deletes Nonmotorized Access Section
20.50.480 – Updates a reference in the section.

Chapter 20.60:

20.60.140(A)(1) – Minor amendment to clarify the section.
20.60.140 (3) – Adds a level-of-service standard for pedestrians and bicycles.

Chapter 20.70:

20.70.320 – Frontage Improvement Exemptions for Single Family Residential Development.

Chapter 20.80:

20.80.060 – Updates the Department's name and phone number.

Chapter 20.100:

20.100.020 – Adds a new section for the Community Renewal Area (CRA) and establishes transition standards for the CRA.

AMENDMENTS UPDATED/MODIFIED SINCE PRIOR STAFF PRESENTATION

SMC 20.30.380 –

In part 3 of the proposed amendments, staff has proposed raising the number of lots in an administratively-approved short plat from four to nine only in the mixed-use residential zones. Nine lots is the maximum allowed by the State for a short subdivision (RCW 58.17.020(6).

Staff has revised the amendment to raise the number of lots in an administratively-approved in a short plat from four to nine throughout the City. The City Attorney's Office recommends that raising the number of lots in a short plat from four to nine throughout the City is reasonable and fair and does not single out one section of the city from another.

As staff noted at the September 3 study session, the City currently allows multiple homes to be built on one lot. For example, a developer could build five single family homes on one lot or nine townhomes on one lot. The developer may sell the homes or townhomes as a condominium or come back at a later date and subdivide the land under the existing homes. At this point in the development process, the homes are already built so the impacts are there. Staff believes there is no reason to ask a developer to apply for a formal subdivision, go to the Hearing Examiner for a public hearing, then go to the Council for approval when, at this point, the homes are built.

SMC 20.50.020 –

Staff introduced this amendment at the September 3, 2015 Planning Commission study session. Staff had proposed allowing a lot to be under the minimum lot size of the zone if the City required land for road or drainage purposes through dedication. Staff had proposed not allowing a parcel to be smaller than 5,000 square feet.

The proposal of 5,000 square feet as a minimum lot size is arbitrary and staff is recommending that the lot size be reduced proportional to the amount of land taken for road or drainage purposes. For example, if the City requires 500 square feet for road dedication, then the lot in question may be reduced up to 500 square feet under the minimum lot size for the zone.

Staff is proposing the following language in Exceptions to Table 20.50.020(1):

(13)The minimum lot area may be reduced proportional to the amount of land needed for if dedication of facilities to the City as defined in SMC 20.70.

SMC 20.50.360 –

Staff is proposing an update to SMC 20.50.360 – Tree replacement and site restoration. The amendment adds two provisions for a fee-in-lieu for tree replacement.

Staff believes there should be an option, to the City or a private property owner, to either replant required replacement trees or take the value of those replacement trees and use it for the maintenance and health of the City's urban forest.

Sound Transit will be required to comply with the City's tree code. Sound Transit will generally be required to replace significant trees removed on a 3 to 1 ratio. For every one significant tree Sound Transit removes, 3 replacement trees are required to be replanted. For safe operation of Sound Transit's light rail system, it will likely not be possible to replant all of the required replacement trees within the light rail alignment. It will be beneficial to have a fee-in-lieu option when trees are removed or damaged by construction of the light rail system or facilities.

Conversations with the Parks and Recreation Department have revealed that the City does not have the space or the staff to replant and maintain hundreds, if not thousands, of new trees.

Staff is proposing the addition of the following two provisions to SMC 20.50.360(C):

> 4. Tree replacement on adjoining properties where tree removal is necessary to meet requirements in 20.50.350(D) or as a part of the anticipated development shall be at the same ratios in C. 1, 2, and 3 above with a minimum tree size of 12 feet in height.
>
> Alternatively, property owners on adjoining private property, may choose either installation of the replacement trees or compensation for the value of the trees removed. Compensation shall be limited to the value described in SMC 3.01.300(G). SMC 20.50.350(B) Minimum Retention Requirements for trees, must also be met.
>
> 5. Tree replacement related to development of a light rail transit system/facility must comply with SMC 20.50.360 (C)1-3. Alternatively, the City may approve payment of a fee-in-lieu for the trees removed in accordance with SMC 3.01.300 for the development of a light rail transit system/facility. The fee-in-lieu shall be used for the maintenance, replanting and enhancement of the City's urban tree canopy.

Proposed Amendments being withheld and placed on hold at this time

Staff is requesting Amendments 7, 11, and 21 be withdrawn from this public hearing to be brought back at a later date. Amendments 7, 11, and 21 are as follows:

Amendment #7 – 20.30.330 – Special Use Permit
Amendment #11 – 20.40.050 – Special Districts
Amendment #21 – 20.40.438 – Light Rail Transit System/Facility (Delete)

Based on conversations with the City Attorney's Office, staff needs additional time to work out issues with Amendments 7, 11, and 21. Further legal review of existing Development Code and proposed amendments has revealed potential gaps in the City's process for permitting Sound Transit's light rail transit facility/system. The Code specifies that light rail transit facilities/systems require a Development Agreement. The Development Agreement as defined by State law is not designed to accommodate deviations or variances from the underlying zone's regulations. The light rail transit facility/system is an essential public facility and therefore it is appropriate to allow for deviations or variances from underlying zoning to accommodate the use.

Staff had recommended using the process identified in the Comprehensive Plan for siting essential public facilities, a Special Use Permit Process, instead at the last Planning Commission study session on September 3rd.

Discussion and Analysis

The justification and analysis for each of the proposed amendments are found in **Attachment 1** under each of the respective amendments.

SEPA and Public Notice

Staff issued notice of the October 1, 2015 public hearing on September 16 Notice was published on the City's Website and in the *Seattle Times*. Staff provided the required 15 day notice period which provides adequate notice of the hearing. The public hearing notice is included as **Attachment 6**.

SEPA review has been completed for these amendments and the Determination of Nonsignificance (DNS) was issued September 16, 2015. The DNS is attached under **Attachment 7.**

Schedule

October 1 – Planning Commission Public Hearing and Recommendation
October 15 – Planning Commission Public Hearing and Recommendation on Sound Transit Related Amendments
November 16 – City Council Study Session on all 2015 Development Code Amendments
December 14 –City Council Adoption

Recommendation

Staff recommends approval of all Development Code amendments in Attachment 1 with the exception of amendments 7, 11, and 21 which will be brought back to Commission at a later date.

Attachments

Attachment 1 – 2015 Development Code Amendments
Attachment 2 – Staff Report to Council on August 3, 2015 for Permit Fee Waiver for Affordable Housing.
Attachment 3 – Examples of Jurisdictions with Building Permit Fee Waivers
Attachment 4 – Privately Initiated Application for Development Code Amendment
Attachment 5 – BERK Transition Area Memo
Attachment 6 – Notice of Public Hearing
Attachment 7 – SEPA threshold Determination of Nonsignificance

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DEVELOPMENT CODE AMENDMENT BATCH 2015

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Amendment # 1
20.20.016 D definitions

Justification – Shared driveways could apply to more than two properties.

Driveway, Shared – A jointly owned and maintained tract or easement serving two or more properties.

Amendment # 2
20.20.034 M definitions.

Justification – Sound transit is preparing to build two stations in Shoreline. As part of the development requirements, Sound Transit will be required to provide frontage improvements. Frontage improvements include curb, gutter, sidewalk, street, drainage and other physical requirements abutting their property. Frontage improvements are standard requirements when a property owner develops in the City of Shoreline.

In order to mitigate offsite impacts of providing a Light Rail Transit System/ Facility, staff is creating the category of "multi-modal access improvements" for projects that create impacts not only adjacent to a development project, but in some defined distance from a development project.

The two light rail stations at 185th Street and 145th Street will create impacts that radiate out into the neighborhood. The City wants to make sure those impacts are covered by mitigations in the Development Code.

For example, if there are deficient sidewalks connecting the station on the eastside of the freeway at 185th to the parking garage on the west side of the freeway, the City wants to make sure that a safe connection is provided. By requiring these multi-model access improvements, the City will insure there are sufficient pedestrian and bicycle facilities connecting the two structures.

Multi-Modal Access Improvements – Multi-modal Access Improvements are offsite improvements that improve travel options to make safe connections to public amenities such as schools, Sound Transit facilities, Metro bus stops, and commercial uses. Access improvements include, but are not limited to offsite sidewalks that connect to other offsite facilities, bicycle infrastructure, and traffic calming.

Amendment # 3
20.30.040 Ministerial decisions – Type A.

Justification – A better reference in Table 20.30.040 pertaining to Temporary Use permits is SMC 20.30.295. This section is contains the review and decision criteria for a Temporary Use Permit. Most of the other references in this column are to this same Subchapter 6. Review and Decision Criteria. 20.40.100 although still pertaining to Temporary Uses is more applicable to establishing permitted uses.

These decisions are based on compliance with specific, nondiscretionary and/or technical standards that are clearly enumerated. These decisions are made by the Director and are exempt from notice requirements.

However, permit applications, including certain categories of building permits, and permits for projects that require a SEPA threshold determination, are subject to public notice requirements specified in Table 20.30.050 for SEPA threshold determination, or SMC 20.30.045.

All permit review procedures and all applicable regulations and standards apply to all Type A actions. The decisions made by the Director under Type A actions shall be final. The Director's decision shall be based upon findings that the application conforms (or does not conform) to all applicable regulations and standards.

Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

Action Type	**Target Time Limits for Decision (Calendar Days)**	**Section**
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	**15 days**	**20.30.295** ~~**20.40.100**~~
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW

or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4).

Amendment #
20.30.100 Application.

Justification – Both staff and members of the City Council have expressed an interest in developing a provision to waive building and development fees as one element of the City's overall strategy to encourage the development and maintenance of affordably priced housing in Shoreline. Overall, the intent of a fee waiver is to encourage and support the development of affordably priced housing. By enacting a fee waiver program the City can achieve three general objectives:

1) to provide direct financial support to a project,
2) to provide visible policy and political support to a project, and
3) to improve the financial viability of a project in terms of the project's ability to attract other funding partners.

The City has strong policy and regulatory support to develop incentives for the construction and maintenance of affordable housing. This support is contained in numerous plans and ordinances including the Housing Element of the Comprehensive Plan, the Comprehensive Housing Strategy, the Property Tax Exemption Program, the Transportation Impact Fee Program and most recently in the planning, zoning and Development Code for the 185th Street Station Area.

Within the Station Area there are a variety of incentives and requirements designed to generate affordably priced housing and to encourage a mix of housing prices and types. The Transportation Impact Fee Program (TIF) allows for a reduction in fees for certain affordable housing developments. The Property Tax Exemption (PTE) program is available in certain areas of the City for housing that is affordable as defined in the implementing ordinance. And, finally, the City uses Community Development Block Grant funds to support home repair and to make direct investments in housing development/redevelopment for low and moderate income residents. In addition to these tools, State statutes allow cities to waive or reduce building permit and development fees to further the development of affordably priced housing.

Council discussed implementing a building permit fee waiver on August 3. The Council was receptive to the idea and directed staff to bring a proposal to Commission. ***Attachment 2*** *of this staff report is the Council staff report from August 3, 2015.*

The Council instructed staff to evaluate what other jurisdictions are doing to incentivize the development of affordable housing. The Housing Development Consortium provided this analysis during the development of the 185th Street Light Rail Station Subarea Plan. ***Attachment 3*** *includes a comparison of other jurisdictions that waive permit fees for affordable housing. The attachment shows that Kirkland, Issaquah, and Redmond offer reduced permit fees and/or impact fee waivers for affordable housing.*

The proposed Development Code amendment would be limited in that the amount of fees the City imposes would mirror the percentage of affordable housing a developer is providing. For

example, if 20 percent of the units of a new multifamily building were affordable to residents who have annual incomes that do not exceed 60 percent of King County median income, then the City could waive 20 percent of the City controlled development fees.

If the Planning Commission and Council wanted to enact an affordable housing building permit fee waiver provision, three Development Code sections will be amended. SMC 20.30.100 is the section that speaks to building applications and the appropriate application fees, section 20.40.230 is the general provisions for affordable housing, and section 20.40.235 is the general provisions for affordable housing in the MUR zones.

It should be noted that the City can waive building permit fees for the fees the City imposes. These fees include the permit, plans review, zoning, surface water, fire review, critical area review, plumbing, and mechanical. The City cannot waive fees imposed by outside agencies such as Washington State, Seattle Public Utilities, Ronald Wastewater, North City Water District, Seattle City Light, and telecommunication companies.

In addition, the City has yet to determine the fee in lieu of construction of mandatory affordable units in the MUR 45' and MUR 70' zones. Therefore, to avoid confusion language has been added to clearly state that fee in lieu of constructing mandatory affordable units is not an option until such time as the Council approves a fee in lieu of formula.

SMC 20.30.100

A. Who may apply:

1. The property owner or an agent of the owner with authorized proof of agency may apply for a Type A, B, or C action, or for a site-specific Comprehensive Plan amendment.
2. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.
3. Any person may propose an amendment to the Comprehensive Plan. The amendment(s) shall be considered by the City during the annual review of the Comprehensive Plan.
4. Any person may request that the City Council, Planning Commission, or Director initiate amendments to the text of the Development Code.

B. All applications for permits or actions within the City shall be submitted on official forms prescribed and provided by the Department.

At a minimum, each application shall include:

1. An application form with the authorized signature of the applicant.
2. The appropriate application fee based on the official fee schedule (Chapter 3.01 SMC).
3. The Director may waive City imposed development fees for the construction of new or the remodel of existing affordable housing that complies with SMC 20.40.230 or SMC 20.40.235 based on the percentage of units affordable to residents whose annual income will not exceed 60 percent of the King County Area Median income. For example, if 20% of the units are affordable to residents with incomes 60% or less of the King County Area Median income; then the applicable fees could also be reduced by 20%.

Amendment # 5
20.30.110 Determination of completeness <u>& requests for additional information.</u>

Justification – This is a clarification of the title of the section only. The section addresses completeness and requests for additional information and the time limits that apply to both situations.

A. An application shall be determined complete when:
1. It meets the procedural requirements of the City of Shoreline;
2. All information required in specified submittal requirements for the application has been provided, and is sufficient for processing the application, even though additional information may be required. The City may, at its discretion and at the applicant's expense, retain a qualified professional to review and confirm the applicant's reports, studies and plans.

B. Within 28 days of receiving a permit application for Type A, B and/or C applications, the City shall mail a written determination to the applicant stating whether the application is complete, or incomplete and specifying what is necessary to make the application complete. If the Department fails to provide a determination of completeness, the application shall be deemed complete on the twenty-ninth day after submittal.

C. If the applicant fails to provide the required information within 90 days of the date of the written notice that the application is incomplete, or a request for additional information is made, the application shall be deemed null and void. The Director may grant a 90-day extension on a one-time basis if the failure to take a substantial step was due to circumstances beyond the control of the applicant. The applicant may request a refund of the application fee minus the City's cost of processing.

D. The determination of completeness shall not preclude the City from requesting additional information or studies if new information is required or substantial changes are made to the proposed action. (Ord. 406 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(d), 2000).

Amendment # 6
20.30.280(C)(4) – Nonconformance

Justification – This amendment makes the clarification that a property owner of a legal, nonconforming structure may make an addition based on the provisions of 20.30.280(C)(4) but only to the limits of the R-6 zone. The property owner is still limited by the residential dimensional standards in Table 20.50.020(1) which outlines building coverage, hardscape, setbacks, density, and building height.

C. Continuation and Maintenance of Nonconformance. A nonconformance may be continued or physically maintained as provided by this code.

1. Any nonconformance that is brought into conformance for any period of time shall forfeit status as a nonconformance.

2. Discontinuation of Nonconforming Use. A nonconforming use shall not be resumed when abandonment or discontinuance extends for 12 consecutive months.

3. Repair or Reconstruction of Nonconforming Structure. Any structure nonconforming as to height or setback standards may be repaired or reconstructed; provided, that:

a. The extent of the previously existing nonconformance is not increased;

b. The building permit application for repair or reconstruction is submitted within 12 months of the occurrence of damage or destruction; and

c. The provisions of Chapter 13.12 SMC, Floodplain Management, are met when applicable.

4. Modifications to Nonconforming Structures. Modifications to a nonconforming structure may be permitted; provided, the modification does not increase the area, height or degree of an existing nonconformity. Single-family additions shall be limited to 50 percent of the use area or 1,000 square feet, whichever is lesser (up to R-6 development standards), and shall not require a conditional use permit in the MUR-45' and MUR-70' zones.

Amendment # 7
20.30.330 Special use permit-SUP (Type C action).

Justification - Further legal review of existing Development Code and proposed amendments has revealed potential gaps in the City's process for permitting Sound Transit's light rail transit facility/system. The Code specifies that light rail transit facilities/systems require a Development Agreement. The Development Agreement as defined by State law is not designed to accommodate deviations or variances from the underlying zone's regulations. The light rail transit facility/system is an essential public facility and therefore it is appropriate to allow for deviations or variances from underlying zoning to accommodate the use. The recommendation is to use the process identified in the Comprehensive Plan for siting essential public facilities, a Special Use Permit Process instead.

Additionally, the City Attorney's Office raised concerns with processing the light rail transit facility/system project as a legislative action. Development Agreements are to be approved legislatively. There may be cause to change all Development Agreements to a Quasi-Judicial process. Quasi-judicial processes are most appropriate for processing applications that involve a single entity, actions that are not wide in scope and based on a specific proposal.

Inclusion of pedestrian and bicycle Level-Of-Service– The planned light rail station and parking garage will generate auto, transit, bicycle, and pedestrian trips. The City's Arterial Streets around the light rail stations may be insufficient to safely move people to and from the stations, specifically pedestrians and bicycles. When Sound Transit submits an application for a Special Use Permit to permit the station and garage (which they are required to do), one of the criteria for approval should be sufficient accommodation for pedestrians and bicyclist.

Recommendation – Staff requests to withdraw this amendment from the 2015 batch of Development Code amendments in order to more fully study how Sound Transit's development activities will be permitted and how to apply the City's development standards when located in the adjacent right-of-way.

A. Purpose. The purpose of a special use permit is to allow a permit granted by the City to locate a regional land use, not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed. The special use permit is granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses.

B. Decision Criteria (applies to all Special Uses). A special use permit shall be granted by the City, only if the applicant demonstrates that:

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district or City;
2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;
3. The special use will not materially endanger the health, safety and welfare of the community;
4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
8. The special use is not in conflict with the policies of the Comprehensive Plan or the basic purposes of this title; and
9. The special use is not in conflict with the standards of the critical areas overlay.

C. **Decision Criteria (applies to Light Rail facilities/systems).** A Special Use Permit for a light rail facility/system shall be granted by the City only if the applicant, in addition to the criteria in SMC 20.30.330(B) demonstrates the following:

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

2. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) that meet the City's adopted Level of Service standards (as confirmed by the performance of a Transportation Impact Analysis) 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.

3. 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.

4. 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 improvements and other features that minimize conflicts and create transitions between the proposal site and property zoned R-4, R-6, R-8 or MUR-35'.

D. **Additional submittal requirements for light rail transit facilities/systems.** A special use permit for a light rail transit facility/system shall additionally include:

1. A Construction Management Plan is required for a light rail transit system/facility. The requirements for a Construction Management Plan can be found in the Engineering Design Manual in the Public Works Department.

2. A Parking Management Plan is required for a light rail transit system/facility to mitigate offsite impacts of parking. The Parking Management Plan shall include parking management techniques to guard against parking impacts to surrounding neighborhoods. The Parking Management Plan is required to be completed by a consultant qualified to write such plans.

3. A Multi-Modal Access Improvement Plan is required for a light rail transit system/facility. Multi-Modal Access improvements include but are not limited to offsite sidewalks, offsite pedestrian improvements, offsite bicycle infrastructure improvements, offsite landscaping, and other offsite improvements determined by the Public Works Department.

4. A Neighborhood Traffic Plan is required for light rail transit system/facilities. A Neighborhood Traffic Plan shall include an assessment of existing traffic speeds and volumes and includes outreach and coordination with affected residents to identify potential mitigation projects to be implemented within two years of the light rail facilities becoming operational.

5. A Transportation Impact Assessment (TIA) is required for light rail transit system/facilities. The TIA is required at a minimum to include a Regional Traffic Analysis as defined by the City's Traffic Study Guidelines and may be required to include additional analysis and recommendations as determined by City staff. The City will require third party review of the TIA at the applicant's expense.

Amendment # 8
20.30.340 Amendment ~~and review of~~ to the Comprehensive Plan (legislative action).

Justification – The City's process for accepting and reviewing amendments to the Comprehensive Plan were unclear. The proposed language establishes a clear procedure for creating the Docket and processing Comprehensive Plan Amendments.

A. **Purpose.** Comprehensive Plan amendments is a mechanism by which the City Council may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, in order to respond to changing circumstances or needs of the City. The Growth Management Act (GMA), 36.70A RCW, requires that the City of Shoreline include within its development regulations a procedure for any interested person to suggest plan amendments. The suggested amendments are to be docketed for consideration. The purpose of this section is to establish such a procedure for amending the City's Comprehensive Plan text and/or land use map.

For purpose of this section, docketing refers to compiling and maintaining a list of suggested changes to the Comprehensive Plan in a manner that will ensure such suggested changes will be considered by the City and will be available for review by the public.

~~**A. Purpose.** A Comprehensive Plan amendment or review is a mechanism by which the City may modify the text or map of the Comprehensive Plan in accordance with the provisions of the Growth Management Act, in order to respond to changing circumstances or needs of the City, and to review the Comprehensive Plan on a regular basis.~~

B. Decision Criteria. The Planning Commission may recommend and the City Council may approve, or approve with modifications an amendment to the Comprehensive Plan if:

1. The amendment is consistent with the Growth Management Act and not inconsistent with the Countywide Planning Policies, and the other provisions of the Comprehensive Plan and City policies; or

2. The amendment addresses changing circumstances, changing community values, incorporates a sub area plan consistent with the Comprehensive Plan vision or corrects information contained in the Comprehensive Plan; or

3. The amendment will benefit the community as a whole; will not adversely affect community facilities, the public health, safety or general welfare.

C. **Amendment Procedures.**

1. **Concurrent Review of Annual Amendments**. Except in certain, limited situations, the Growth Management Act (GMA) permits amendments to the Comprehensive Plan no more frequently than once every year. All proposed amendments shall be considered concurrently so that the cumulative effect of the various proposals can be ascertained. Proposed amendments may be considered at separate meetings or hearings, so long as the final action taken considers the cumulative effect of all proposed amendments to the Comprehensive Plan.

2. Deadline for Submittal.

a. Citizens - Applications requesting a text or map amendment to the Comprehensive Plan from any interested person will be accepted throughout the year. The deadline for submitting such an application is 5:00 PM on December 1 of each year, or the next business day if December 1 falls on a Saturday or Sunday.

b. Council – The Council may submit an amendment for the Docket at any time before the final Docket is set.

c. At least three (3) weeks prior to the deadline, the City will publish on its website and through a press release a call for docket applications for the current year's docket.

d. Any citizen initiated amendment application received after the submittal deadline shall be docketed for the following year.

3. Application Requirements.

a. Proposals to amend the Comprehensive Plan shall be submitted on the form prescribed and provided by the Department. To be considered complete, an application must contain all of the required information, including supporting documentation and applicable fees.

b. If during the course of the year the Department identifies any deficiencies in the Comprehensive Plan, the "Identified Deficiencies" shall be docketed on the form provided for in SMC 20.30.340(C)(3)(a) for possible future amendment. For the purposes of this section, a deficiency in the Comprehensive Plan refers to the absence of required or potentially desirable contents of the Comprehensive Plan.

4. Preliminary Docket Review

a. The Department shall compile and maintain for public review a list of suggested amendments and identified deficiencies as received throughout the year.

b. The Director shall review all complete and timely filed applications proposing amendments to the Comprehensive Plan and place these applications on the preliminary docket along with other city-initiated amendments to the Comprehensive Plan.

c. The Planning Commission shall review the preliminary docket at a publically noticed meeting and make a recommendation on the preliminary docket to the City Council each year.

d. The City Council shall review the preliminary docket at a public meeting and, after such a review, shall establish the final docket. The final docket shall be publically available by posting on the City's website and a press release.

e. Placement of an item on the final docket does not mean a proposed amendment will be approved. The purpose of the final docket is to allow for further analysis and consideration by the City.

f. Any interested person may resubmit a proposed amendment not placed on the final docket subject to the application and deadline procedures set forth in this chapter for the following year.

5. Final Docket Review

a. The Department shall review and assess the items placed on the final docket and prepare a staff report(s) including recommendations for each proposed amendment. The Department shall be responsible for developing an environmental review of the combined impacts of all proposed amendments on the final docket, except, the environmental review of amendments seeking a site-specific amendment shall be the

responsibility of the applicant. The Department shall set a date for consideration of the final docket by the Planning Commission and timely transmit the staff report(s) and the Department's recommendation prior to the scheduled date.

b. As provided in SMC 2.20.060 and 20.30.070, the Planning Commission shall review the proposed amendments contained in the final docket based on the criteria set forth in 20.30.340(B) and the Department's analysis and recommendation. The Planning Commission shall hold at least one public hearing on the proposed amendments. The Planning Commission shall make a recommendation on those amendments and transmit that recommendation to the City Council.

c. Promptly after issuance of the Planning Commission's recommendation, the Department shall set a date for consideration of the final docket by the City Council. The City Council shall concurrently review the proposed amendments consistent with the criteria set forth in 20.30.340(B) and taking into consideration the recommendations of the Planning Commission and the Department. The City Council may deny, approve, or modify the Planning Commission's recommendations.

d. The Planning Commission and the City Council may hold additional public hearings, meetings, or workshops as warranted by the proposed amendments.

e. Pursuant to RCW 36.70A.106, the Department shall notify the State of the City's intent to adopt amendments to the Comprehensive Plan at least 60 days prior to the City Council's final adoption of the proposed amendments. Within ten (10) days of final adoption, the City shall transmit to the State any adopted amendment to the Comprehensive Plan.

~~The City of Shoreline's process for accepting and reviewing Comprehensive Plan amendments for the annual docket shall be as follows:~~
~~1. Amendment proposals will be accepted throughout the year. The closing date for the current year's docket is the last business day in December.~~
~~2. Anyone can propose an amendment to the Comprehensive Plan.~~
~~• There is no fee for submitting a general text amendment to the Comprehensive Plan.~~
~~• An amendment to change the land use designation, also referred to as a site specific Comprehensive Plan amendment, requires the applicant to apply for a rezone application to be processed in conjunction with the Comprehensive Plan amendment. There are separate fees for a site specific CPA request and a rezone application.~~
~~3. At least three weeks prior to the closing date, there will be general public dissemination of the deadline for proposals for the current year's docket. Information will include a staff contact, a re-statement of the deadline for accepting proposed amendments, and a general description of the amendment process. At a minimum, this information will be available on the City's website and through a press release.~~
~~4. Amendment proposals will be posted on the City's website and available at the Department.~~
~~5. The draft docket will be comprised of all Comprehensive Plan amendment applications received prior to the deadline.~~
~~6. The Planning Commission will review the draft docket and forward recommendations to the City Council.~~
~~7. A summary of the amendment proposals will be made available, at a minimum, on the City website, in Currents, and through a press release.~~
~~8. The City Council will establish the final docket at a public meeting.~~

~~9. The City will be responsible for developing an environmental review of combined impacts of the proposals on the final docket. Applicants for site specific Comprehensive Plan amendments will be responsible for providing current accurate analysis of the impacts from their proposal.~~
~~10. The final docketed amendments will be reviewed by the Planning Commission in publicly noticed meetings.~~
~~11. The Commission's recommendations will be forwarded to the City Council for adoption. (Ord. 695 § 1 (Exh. A), 2014; Ord. 591 § 1 (Exh. A), 2010; Ord. 238 Ch. III § 7(f), 2000).~~

Amendment # 9
20.30.355 Development Agreement (Type L).

Justification – Large residential and commercial projects generate auto, transit, bicycle, and pedestrian trips. The City's Arterial Streets may be insufficient to safely move people to and from these large projects, specifically pedestrians and bicycles. Staff is recommending amending the decision criteria for Development Agreements to make pedestrian and bicycling accommodation a higher priority.

A. **Purpose.** 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. A development agreement is permitted in all zones and may modify development standards contained in Chapter 20.50 SMC. A development agreement in the MUR-70' zone may be approved to allow increased development potential above the zoning requirements in Chapter 20.50 SMC.

B. **Development Agreement Contents (General).** A development agreement shall set forth the development standards and other provisions that shall apply to govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement (RCW 36.70B.170). Each development agreement approved by the City Council shall contain the development standards applicable to the subject real property. For the purposes of this section, "development standards" includes, but is not limited to:

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

2. 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;

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. Affordable housing units;

6. Parks and open space preservation;

7. Phasing of development;

8. Review procedures and standards for implementing decisions;

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

10. Any other appropriate development requirement or procedure;

11. Preservation of significant trees; and

12. Connecting, establishing, and improving nonmotorized access.

C. **Decision Criteria.** A development agreement (general development agreement and development agreements in order to increase height above 70 feet) may 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 shall be consistent with 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)) that meet the City's adopted Level Of Service standards (as confirmed by the performance of a Transportation Impact Analysis) 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 improvements and other features that minimize conflicts and create transitions between the proposal site and property zoned R-4, R-6, R-8 or MUR-35'.

Amendment # 10
20.30.380 Subdivision categories.

Justification – This amendment would raise the number of lots in a short plat from four to nine. Currently, the threshold for short plats throughout the entire city is limited to four. Staff is proposing that the limit be raised to nine lots. Nine lots is the maximum allowed by the State for a short subdivision (RCW 58.17.020(6)).

If a developer wanted to plat nine lots under today's Development Code, that action is a Formal Subdivision which requires a public hearing by the Hearing Examiner and final action by City Council.

Conversely, the City allows a property owner to build multiple homes on one lot up to the density allowed. A property owner is not limited on number of units they may place on a parcel, as long as the density limits are being met.

For example, 6 homes may be built on a single acre parcel in the R-6 zone without that property being subdivided (43,560 square feet/ 1 acre X 6 = 6). Or, 18 townhomes may be built on a single parcel in the R-18 Zone without being subdivided (43,560 square feet/ 1 acre x 18 = 18). Both of the previous examples simply require a building permit and do not require a subdivision.

Practically, this amendment functions the same way short plats have always functioned. An applicant holds a pre-application conference with city staff. The applicant then holds a neighborhood meeting for everyone within 500 feet of the parcel being developed. After the neighborhood meeting, the applicant may submit an application to the City for approval. If the application meets all required Development Code standards, staff will approve the short plat and notify neighbors that the application has been approved.

Under the current Development Code, using the same example, a developer could submit building permits for some number of residential units, hold a pre-application conference with city staff, and hold a neighborhood meeting for everyone within 500 feet of the parcel being developed. The developer may then build the project. If the developer wanted to then subdivide the already built units; the applicant must present the application to a Hearing Examiner in a public hearing and then go to Council for final approval (even though the project is already built).

Staff is recommending that a short plat be raised from four lots to nine lots for the following reasons:

- *The Council, through the Comprehensive Plan and 185th Street Station Subarea Plan, has made it clear that growth and density should be focused to areas such as future light rail stations.*
- *The City allows multiple homes to be developed on one lot. The City expects to see a number of properties in the station areas redeveloped with multiple townhomes and rowhomes on one lot. A developer can build six homes on one lot with a building permit through an administrative process. If the developer subdivided those same six homes then that action would involve a public hearing at the Hearing Examiner with final approval by the City Council.*
- *The City will begin to see new multifamily structures being developed in the MUR zones. These developments may be sold as condominiums (many units on one lot) or as fee simple townhomes (one unit per small lot). The City does not regulate how a property is owned.*
- *Many of the adjacent jurisdictions allow fee simple administrative subdivisions up to nine lots. Seattle and Mountlake Terrace are two adjacent jurisdictions that allow nine lots in a short subdivision.*

A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other

natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.

B. Short Subdivision: A subdivision of ~~four~~ nine or fewer lots.

C. Formal Subdivision: A subdivision of ~~five~~ 10 or more lots.

D. Binding Site Plan: A land division for commercial, industrial, and mixed use type of developments.

Note: When reference to "subdivision" is made in this Code, it is intended to refer to both "formal subdivision" and "short subdivision" unless one or the other is specified.

Amendment # 11
20.40.050 Special districts.

Justification - The City Attorney's office noted that the majority of Sound Transit's light rail transit facility/system will be located in unclassified ROW. Unclassified ROW is not zoned. This presents a problem in identifying which regulations will apply to various portions of the Sound Transit project. The City's regulations are tied to zones. Staff is proposing an amendment to address this.

Recommendation – Staff requests to withdraw this amendment from the 2015 batch of Development Code amendments in order to more fully study how Sound Transit's development activities will be permitted and how to apply the City's development standards when located in the adjacent right-of-way.

A. Planned Area (PA). The purpose of the PA is to allow unique zones with regulations tailored to the specific circumstances, public priorities, or opportunities of a particular area that may not be appropriate in a City-wide land use district.

1. Planned Area 3: Aldercrest (PA 3). Any development in PA 3 must comply with the standards specified in Chapter 20.93 SMC.

B. **185th Street Light Rail Station Subarea Plan.** The 185th Street Light Rail Station Subarea Plan establishes three zoning phases. Phase 1 zoning is delineated and shown on the City's official zoning map. Phase 2 and 3 zoning is shown by an overlay. Property within the Phase 2 overlay will be automatically rezoned on March 1, 2021. Phase 3 will be automatically rezoned on March 1, 2033.

C. **Light Rail Transit Facilities/Systems Overlay District.** This district includes all local, state, regional and federal right of way and other property owned or under the control of Sound Transit approved for the purpose of constructing and operating a light rail transit facility/system. When a light rail transit system/facility is allowed within the City's, State's, or regional transit provider's Rights-of-Way or property:

1. The station, parking garage, and associated parking areas shall conform to the required standards below:

a. SMC 20.50.020(2) – Dimensional standards of the MUR-70' Zone;
b. SMC 20.50.220 through 20.50.250 – Commercial design standards;
c. SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards;
d. SMC 20.50.380 through 20.50.440 – Parking, access, and circulation;
e. SMC 20.50.450 through 20.50.520 – Landscaping;
f. SMC 20.50.530 through 20.50.610 – Signs for the MUR-70' Zone;
g. SMC 20.060 – Adequacy of Public Facilities;
h. SMC 20.070 – Engineering and Utilities Development Standards; and
i. SMC 20.080 – Critical Areas.

2. The light rail transit system/facility areas between the stations shall comply with the applicable sections below:

a. SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards; and
b. SMC 20.50.450 through 20.50.520 – Landscaping;
c. SMC 20.60 – Adequacy of Public Facilities;
d. SMC 20.70 – Engineering and Utilities Development Standards; and
e. SMC 20.80 – Critical Areas.

3. An applicant may modify the required development standards in 20.40.060(D)(1)(a-h) and (2)(a-d) with a Special Use Permit as described in SMC 20.30.330.

D. **Classification of Rights-of-Way.**

1. Except when such areas are specifically designated on the zoning map as being classified in one of the zones or designated as a Special District as provided in this title, land contained in rights-of-way for streets or alleys, or railroads, shall be considered unclassified.
2. Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or other operating devices, movement of rolling stock, utility lines and equipment, and facilities accessory to and used directly for the delivery and distribution of services to abutting property.
3. Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is merged. (Ord. 352 § 1, 2004; Ord. 238 Ch. IV § 1(F), 2000).

Amendment # 12
20.40.100 Purpose.

Justification – The Director has the ability to approve a TUP for a period of up to one year in SMC 20.30.295(C). SMC 20.40.100 (C)(1) needs to be amended to reflect this.

A. The purpose of this subchapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

B. The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained.

C. The use is considered permanently established when that use will be or has been legally established in continuous operation for a period exceeding 60 days.
Exception to SMC 20.40.100(C)(1): A use which will operate for less than 60 days or operates under an approved Temporary Use Permit is considered a temporary use, and subject to the requirements of a temporary use permit.

D. All applicable requirements of this Code, or other applicable State or Federal requirements, shall govern a use located in the City. (Ord. 238 Ch. IV § 2(A), 2000).

Amendment # 13
20.40.120 Residential uses.

Justification – This Development Code amendment changes the use of "tent city" to "transitional encampment" in the City's use table. Tent City is a name of a specific homeless encampment in the region and does not apply to all homeless encampments.

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P
	Duplex	P-i	P-i	P-i	P-i	P-i			
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I	C	C	P	P	P	P	P	P
	Community Residential Facility-II		C	P-i	P-i	P-i	P-i	P-i	P-i

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
	<u>Transitional Encampment</u> ~~Tent City~~	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

P = Permitted Use	S = Special Use
C = Conditional Use	-i = Indexed Supplemental Criteria

Amendment # 14
20.40.140 Other uses.

Justification – Hospitals and medical offices should be excluded as a conditional use in the lower density residential zones. First, Shoreline has available commercial property for such uses to locate. The Commission believes that in order to create a vibrant city, commercial uses should be located together in the commercial center. Second, the City's home occupation rules allows a property owner to do medical related industry from the home (dental molds, transcription, etc.) without the need for a medical office for clients.

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION									
	Adult Use Facilities						P-i	P-i	
71312	Amusement Arcade							P	P
71395	Bowling Center					C	P	P	P
6113	College and University					S	P	P	P
56192	Conference Center	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C	C				
	Gambling Uses (expansion or intensification of existing nonconforming use only)					S-i	S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i	P-i				
514120	Library	C	C	C	C	P	P	P	P
71211	Museum	C	C	C	C	P	P	P	P
	Nightclubs (excludes Adult Use Facilities)						C	P	P
7111	Outdoor Performance Center							S	P
	Parks and Trails	P	P	P	P	P	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)						P-i	P-i	P-i
6111	School District Support Facility	C	C	C	C	C	P	P	P
6111	Secondary or High School	C	C	C	C	C	P	P	P
6116	Specialized Instruction School	C-i	C-i	C-i	C-i	P	P	P	P
71399	Sports/Social Club	C	C	C	C	C	P	P	P
6114 (5)	Vocational School	C	C	C	C	C	P	P	P
GOVERNMENT									
9221	Court						P-i	P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
92212	Police Facility					S	P	P	P
92	Public Agency Office/Yard or Public Utility	S-i	S-i	S	S	S	P	P	

Table 20.40.140 Other Uses

NAICS #	SPECIFIC USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Office/Yard								
221	Utility Facility	C	C	C	C	P	P	P	P
HEALTH									
622	Hospital	~~C-i~~	~~C-i~~	C-i	C-i	C-i	P-i	P-i	P-i
6215	Medical Lab						P	P	P
6211	**Medical Office/Outpatient Clinic**	**~~C-i~~**	**~~C-i~~**	**C-i**	**C-i**	**P**	**P**	**P**	**P**
623	Nursing and Personal Care Facilities			C	C	P	P	P	P
REGIONAL									
	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i	S-i	
	Secure Community Transitional Facility							S-i	
	Transfer Station	S	S	S	S	S	S	S	
	Transit Bus Base	S	S	S	S	S	S	S	
	Transit Park and Ride Lot	S-i	S-i	S-i	S-i	P	P	P	P
	Work Release Facility							S-i	

P = Permitted Use C = Conditional Use	S = Special Use -i = Indexed Supplemental Criteria

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Amendment # 15
20.40.150 Campus uses.

Justification – Shipping containers are not a use but rather a structure. Structures are regulated in SMC 20.50.

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m
	Child and Adult Care Services	P-m	P-m		P-m
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
	Conference Center	P-m			P-m
6111	Elementary School, Middle/Junior, High School	P-m			
	Food Storage, Repackaging, Warehousing and Distribution		P-m		
	Fueling for On-Site Use Only		P-m		P-m
	Home Occupation	P-i	P-i		
	Housing for Disabled Persons	P-m	P-m		
	Library	P-m		P-m	P-m
	Light Manufacturing		P-m		P-m
	Maintenance Facilities for On-Site Maintenance	P-m	P-m	P-m	P-m
	Medical-Related Office or Clinic (including personal care facility, training facilities, and outpatient clinic)	P-m	P-m	P-m	P-m
	State Owned/Operated Office or Laboratory		P-m	P-m	P-m
	Outdoor Performance Center	P-m			P-m
623	Nursing and Personal Care Facilities	P-m	P-m		P-m
	Performing Arts Companies/Theater	P-m			P-m
	Personal Services (including laundry, dry cleaning, barber and beauty shop, shoe repair, massage therapy/health spa)	P-m	P-m		P-m
	Power Plant for Site Use Power Generation Only		P-m	P-m	P-m
	Recreational Facility	P-m	P-m		P-m
	Recreation Vehicle	P-i			
	Research Development and Testing		P-m	P-m	P-m
	Residential Habilitation Center and Support Facilities	P-m	P-m		
6111	Secondary or High School	P-m			P-m
	Senior Housing (apartments, duplexes, attached and detached single-family)	P-m			
	~~**Shipping Containers**~~	~~**P-i**~~	~~**P-i**~~	~~**P-i**~~	~~**P-i**~~
	Social Service Providers		P-m		P-m
6116	Specialized Instruction School	P-m	P-m		P-m
	Support Uses and Services for the Institution On Site (including dental hygiene clinic, theater, restaurant, book and video stores and conference rooms)	P-m	P-m	P-m	P-m
	Tent City	P-i			
	Wireless Telecommunication Facility	P-i			P-i

P = Permitted Use
P-i = Permitted Use with Indexed Supplemental Criteria
P-m = Permitted Use with approved Master Development Plan

Note: Other uses not listed in Table 20.40.150 existing within the campus zone as of the effective date of Ordinance No. 507 may be permitted as P-m through a Code interpretation.

Amendment # 16
20.40.160 Outdoor Performance Center and Research, Development and Testing.

Justification – There are two amendments proposed to Table 20.40.160. The first amendment will prevent a facility like the Washington State Health Lab from being constructed in the MUR zones. The Public Health Lab is categorized as a Biosafety Level (BSL) 3 level laboratory by the Centers for Disease Control (CDC). It was Council's direction to allow research and development within the MUR-70' Zone but not allow some of the uses that happen at the Public Health Lab. By limiting a proposed research, development, and/or testing facility to a BSL 1 or 2, any medical office, health care use as well as testing that does not involve the most noxious of materials could open within the light rail station area.

The Center for Disease Control (CDC) assigns Biosafety levels (BSL) to laboratory facilities. A Biosafety level is a level of biocontainment precautions required to isolate dangerous biological agents in an enclosed laboratory facility. The levels of containment range from the lowest Biosafety level 1 to the highest at level 4.

Biosafety Level 1 – Biosafety Level 1 is suitable for work involving well-characterized agents not known to consistently cause disease in immunocompetent adult humans, and present minimal potential hazard to laboratory personnel and the environment.

Biosafety Level 2 – Biosafety Level 2 builds upon BSL-1. BSL-2 is suitable for work involving agents that pose moderate hazards to personnel and the environment. It differs from BSL-1 in that: 1) laboratory personnel have specific training in handling pathogenic agents and are supervised by scientists competent in handling infectious agents and associated procedures; 2) access to the laboratory is restricted when work is being conducted; and 3) all procedures in which infectious aerosols or splashes may be created are conducted in BSCs or other physical containment equipment.

Biosafety Level 3 – Biosafety Level 3 is applicable to clinical, diagnostic, teaching, research, or production facilities where work is performed with indigenous or exotic agents that may cause serious or potentially lethal disease through the inhalation route of exposure. Laboratory personnel must receive specific training in handling pathogenic and potentially lethal agents, and must be supervised by scientists competent in handling infectious agents and associated procedures.

Biosafety Level 4 – Biosafety Level 4 is required for work with dangerous and exotic agents that pose a high individual risk of aerosol-transmitted laboratory infections and life-threatening disease that is frequently fatal, for which there are no vaccines or treatments, or a related agent with unknown risk of transmission. Agents with a close or identical antigenic relationship to agents requiring BSL-4 containment must be handled at this level until sufficient data are obtained either to confirm continued work at this level, or re-designate the level. Laboratory staff must have specific and thorough training in handling extremely hazardous infectious agents. Laboratory staff must understand the primary and secondary containment functions of standard and special practices, containment equipment, and laboratory design characteristics. All laboratory staff and supervisors must be competent in handling agents and procedures requiring

BSL-4 containment. The laboratory supervisor in accordance with institutional policies controls access to the laboratory.

The second amendment deletes the use "outdoor performance center". Staff believes that this use is most commonly combined with a performance arts company/theater and this use may include performances outdoor. Any outdoor activity is regulated by the City's noise and hours of operation ordinances like any outdoor performance in one of the City owned parks.

20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Duplex, Townhouse, Rowhouse	P-i	P-i	P-i
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Single-Family Attached	P-i	P-i	P-i
	Single-Family Detached	P-i		
	Tent City	P-i	P-i	P-i
COMMERCIAL				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	P (Adjacent to Arterial Street)	P (Adjacent to Arterial Street)	P
	Collective Garden			
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (Excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A
	Mini-Storage		C -A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			**P-i**
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION				
	Amusement Arcade		P -A	P -A
	Bowling Center		P-i (Adjacent to Arterial Street)	P
	College and University			P
	Conference Center		P-i (Adjacent to Arterial Street)	P
	Elementary School, Middle/Junior High School	C	C	P
	Library		P-i (Adjacent to Arterial Street)	P
	Museum		P-i (Adjacent to Arterial Street)	P
	~~**Outdoor Performance Center**~~		~~**P -A**~~	~~**P -A**~~
	Parks and Trails	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)		P -A	P -A
	School District Support Facility		C	C
	Secondary or High School	C	C	P
	Specialized Instruction School		P-i (Adjacent to Arterial Street)	P
	Sports/Social Club		P-i (Adjacent to Arterial Street)	P
	Vocational School		P-i (Adjacent to Arterial Street)	P
GOVERNMENT				

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Fire Facility		C-i	C-i
	Police Facility		C-i	C-i
	Public Agency Office/Yard or Public Utility Office/Yard	S	S	S
	Utility Facility	C	C	C
HEALTH				
	Hospital	C	C	C
	Medical Lab	C	C	C
	Medical Office/Outpatient Clinic		P-i (Adjacent to Arterial Street)	P
	Nursing and Personal Care Facilities		P-i (Adjacent to Arterial Street)	P
OTHER				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	P-i	P-i	P-i
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

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

(Ord. 706 § 1 (Exh. A), 2015).

20.40.496 Research, development, and testing

Research, development, and testing is permitted in the MUR-70' Zone if the facility is categorized as BSL 1 or 2 (Biosafety Level 1 or Biosafety Level 2) as classified by the Centers for Disease Control (CDC) and the National Institute of Health (NIH).

Amendment # 17
20.40.230 Affordable housing.

Justification for the following two amendments – Both staff and members of the City Council have expressed an interest in developing a provision to waive building and development fees as

one element of the City's overall strategy to encourage the development and maintenance of affordably priced housing in Shoreline. Overall, the intent of a fee waiver is to encourage and support the development of affordably priced housing. By enacting a fee waiver program the City can achieve three general objectives:

1) to provide direct financial support to a project,
2) to provide visible policy and political support to a project, and
3) to improve the financial viability of a project in terms of the project's ability to attract other funding partners.

The City has strong policy and regulatory support to develop incentives for the construction and maintenance of affordable housing. This support is contained in numerous plans and ordinances including the Housing Element of the Comprehensive Plan, the Comprehensive Housing Strategy, the Property Tax Exemption Program, the Transportation Impact Fee Program and most recently in the planning, zoning and Development Code for the 185th Street Station Area.

Within the Station Area there are a variety of incentives and requirements designed to generate affordably priced housing and to encourage a mix of housing prices and types. The Transportation Impact Fee Program (TIF) allows for a reduction in fees for certain affordable housing developments. The Property Tax Exemption (PTE) program is available in certain areas of the City for housing that is affordable as defined in the implementing ordinance. And, finally, the City uses Community Development Block Grant funds to support home repair and to make direct investments in housing development/redevelopment for low and moderate income residents. In addition to these tools, State statutes allow cities to waive or reduce building permit and development fees to further the development of affordably priced housing.

Council discussed implementing a building permit fee waiver on August 3. The Council was receptive to the idea and directed staff to bring a proposal to Commission. ***Attachment 2*** *of this staff report is the Council staff report from August 3, 2015.*

The Council instructed staff to evaluate what other jurisdictions are doing to incentivize the development of affordable housing. The Housing Development Consortium provided this analysis during the development of the 185th Street Light Rail Station Subarea Plan. ***Attachment 3*** *includes a comparison of other jurisdictions that waive permit fees for affordable housing. The attachment shows that Kirkland, Issaquah, and Redmond offer reduced permit fees and/or impact fee waivers for affordable housing.*

The proposed Development Code amendment would be limited in that the amount of fees the City imposes would mirror the percentage of affordable housing a developer is providing. For example, if 20 percent of the units of a new multifamily building were affordable to residents who have annual incomes that do not exceed 60 percent of King County median income, then the City could waive 20 percent of the City controlled development fees.

If the Planning Commission and Council wanted to enact an affordable housing building permit fee waiver provision, three Development Code sections will be amended. SMC 20.30.100 is the section that speaks to building applications and the appropriate application fees, section 20.40.230 is the general provisions for affordable housing, and section 20.40.235 is the general provisions for affordable housing in the MUR zones.

It should be noted that the City can waive building permit fees for the fees the City imposes. These fees include the permit, plans review, zoning, surface water, fire review, critical area review, plumbing, and mechanical. The City cannot waive fees imposed by outside agencies such as Washington State, Seattle Public Utilities, Ronald Wastewater, North City Water District, Seattle City Light, and telecommunication companies.

In addition, the City has yet to determine the fee in lieu of construction of mandatory affordable units in the MUR 45' and MUR 70' zones. Therefore, to avoid confusion language has been added to clearly state that fee in lieu of constructing mandatory affordable units is not an option until such time as the Council approves a fee in lieu of formula.

A. Provisions for density bonuses for the provision of affordable housing apply to all land use applications, except the following which are not eligible for density bonuses: (a) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (b) provisions for accessory dwelling units, and (c) projects which are limited by the critical areas requirements.

1. Density for land subject to the provisions of this section may be increased by up to a maximum of 50 percent above the underlying base density when each of the additional units is provided for households in these groups:
    a. Extremely low income – 30 percent of median household income;
    b. Very low income – 31 percent to 50 percent of median household income;
    c. Low income – 51 percent to 80 percent of median household income;
    d. Moderate income – 80 percent of median household income;
    e. Median household income is the amount calculated and published by the United States Department of Housing and Urban Development each year for King County.
    (Fractions of 0.5 or greater are rounded up to the nearest whole number).

2. Residential Bonus Density for the Development of For-Purchase Affordable Housing. Density for land subject to the provisions of this section may be increased above the base density by the following amounts: (fractions of 0.5 or greater are rounded up to the nearest whole number):
    a. Up to a maximum of 50 percent above the underlying base density when each of the additional units or residential building lots are provided for households in the extremely low, very low, or low income groups.

3. A preapplication conference will be required for any land use application that includes a proposal for density bonus.

4. Residential bonus density proposals will be reviewed concurrently with the primary land use application.

5. All land use applications for which the applicant is seeking to include the area designated as a critical area overlay district in the density calculation shall satisfy the requirements of this Code. The applicant shall enter into a third party contract with a qualified consultant and the City to address the requirements of the critical area overlay district chapter, Chapter 20.80 SMC, Critical Areas.

B. The affordable units constructed under the provisions of this chapter shall be included within the parcel of land for which the density bonus is granted. Segregation of affordable housing units from market rate housing units is prohibited.

C. Prior to the final approval of any land use application subject to the affordable housing provisions, the owner of the affected parcels shall deliver to the City a duly executed covenant running with the land, in a form approved by the City Attorney, requiring that the affordable dwellings that are created pursuant to those sections remain affordable housing for a period of 30 years from the commencement date. The commencement date for for-purchase units shall be the date of settlement between the developer and the first owner in one of the applicable income groups. The commencement date for rental units shall be the date the first lease agreement with a renter in one of the applicable income groups becomes effective. The applicant shall be responsible for the cost and recording of the covenant.

D. When dwelling units subject to this section will be constructed in phases, or over a period of more than 12 months, a proportional amount of affordable housing units must be completed at or prior to completion of the related market rate dwellings, or as approved by the Director.

E. If a project is to be phased, the proportion of affordable units or residential building lots to be completed with each phase shall be determined as part of the phasing plan approved by the Director.

F. In subdivisions where the applicant intends to sell the individual unimproved lots, it is the responsibility of the applicant to arrange for the affordable units to be built.

G. In single-family developments where there are two or more affordable units, side yard setbacks may be waived to allow for attached housing units for affordable units only. The placement and exterior design of the attached units must be such that the units together resemble as closely as possible a single-family dwelling.

H. A development fee waiver may be approved by the Director for City imposed fees based on the percentage of affordable housing units to be constructed or remodeled that will be affordable to residents whose annual income does not exceed 60 percent (60%) King County Area Median Income. The development fee waiver will be commensurate with the percentage of affordable units in the development.

Amendment # 18
20.40.235 Affordable housing, light rail station subareas.

A. The purpose of this index criterion is to implement the goals and policies adopted in the Comprehensive Plan to provide housing opportunities for all economic groups in the City's light rail station subareas. It is also the purpose of this criterion to:

1. Ensure a portion of the housing provided in the City is affordable housing;

2. Create an affordable housing program that may be used with other local housing incentives authorized by the City Council, such as a multifamily tax exemption program, and other public and private resources to promote affordable housing;

3. Use increased development capacity created by the mixed-use residential zones to develop voluntary and mandatory programs for affordable housing.

B. Affordable housing is voluntary in MUR-35' and mandatory in the MUR-45' and MUR-70' zone. The following provisions shall apply to all affordable housing units required by, or allowed through, any provisions of the Shoreline Municipal Code:

1. The City provides various incentives and other public resources to promote affordable housing. Specific regulations providing for affordable housing are described below:

	MUR-70'+	**MUR-70'**	**MUR-45'**	**MUR-35'**
Mandatory Participation	Yes	Yes	Yes	No
Incentives	Height may be increased above 70 ft.; may be eligible for 12-year property tax exemption (PTE) upon authorization by City Council and no density limits.	May be eligible for 12-year property tax exemption (PTE) upon authorization by City Council; and entitlement of 70 ft. height and no density limits.	May be eligible for 12-year property tax exemption (PTE) and permit fee reduction upon authorization by City Council; entitlement of 45 ft. height and no density limits.	May be eligible for 12-year property tax exemption (PTE) and permit fee reduction upon authorization by City Council and no density limits.
Studio, 1 bedroom	20% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 50% or less of the median income for King County adjusted for household size.	20% of rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.		
2+ bedrooms	20% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for	20% of the rental units shall be affordable to households making 80% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size.		

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
	household size; or 10% of the rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.			

2. Payment in lieu of constructing mandatory units is available upon City Council's establishment of a fee in lieu formula. See subsection (E)(1) of this section

3. **Catalyst Program.** The first 300 multifamily units constructed for rent or sale in any MUR zone may be eligible for an eight-year property tax exemption with no affordability requirement in exchange for the purchase of transfer of development right (TDR) credits at a rate of one TDR credit for every four units constructed upon authorization of this program by City Council.

…

E. **Alternative Compliance.** The City's priority is for residential and mixed use developments to provide the affordable housing on site. The Director, at his/her discretion, may approve a request for satisfying all or part of a project's on-site affordable housing with alternative compliance methods proposed by the applicant. Any request for alternative compliance shall be submitted at the time of building permit application and must be approved prior to issuance of any building permit. Any alternative compliance must achieve a result equal to or better than providing affordable housing on site.

1. **Payment in Lieu of Constructing Mandatory Affordable Units.** Payments in lieu of constructing mandatory affordable housing units (when available) is subject to the following requirements:
   a. The in-lieu fee is set forth in Chapter 3.01 SMC, Fee Schedules. Fees shall be determined at the time the complete application for a building permit is submitted using the fee then in effect.
   b. The fee shall be due and payable prior to issuance of any certificate of occupancy for the project.
   c. The City shall establish a housing program trust fund and all collected payments shall be deposited in that fund.

2. Any request for alternative compliance shall demonstrate all of the following:
   a. Include a written application specifying:
      i. The location, type and amount of affordable housing; and
      ii. The schedule for construction and occupancy.
   b. If an off-site location is proposed, the application shall document that the proposed location:
      i. Is within a one-mile radius of the project or the proposed location is equal to or better than providing the housing on site or in the same neighborhood;
      ii. Is in close proximity to commercial uses, transit and/or employment opportunities.

c. Document that the off-site units will be the same type and tenure as if the units were provided on site.

d. Include a written agreement, signed by the applicant, to record a covenant on the housing sending and housing receiving sites prior to the issuance of any construction permit for the housing sending site. The covenant shall describe the construction schedule for the off-site affordable housing and provide sufficient security from the applicant to compensate the City in the event the applicant fails to provide the affordable housing per the covenant and the Shoreline Municipal Code. The applicant may request release of the covenant on the housing sending site once a certificate of occupancy has been issued for the affordable housing on the housing receiving site. (Ord. 706 § 1 (Exh. A), 2015).

F. **Permit Fee Waiver.** A development fee waiver may be approved by the Director for City imposed fees for an affordable housing project that constructs or remodels units that are affordable to residents whose annual income does not exceed 60 percent (60%) King County Area Median Income. The development fee waiver will be commensurate with the percentage of affordable units in the development.

Amendment # 19
20.40.400 Home occupation

Justification – This amendment is to clarify that any vehicular parking associated with the home occupation must be accommodated on site, not just customer and employee parking. The issue comes up when home occupations have large vehicles such as limos that they park on the street, which creates a negative impact in the neighborhood.

Intent/Purpose: The City of Shoreline recognizes the desire and/or need of some citizens to use their residence for business activities. The City also recognizes the need to protect the surrounding areas from adverse impacts generated by these business activities.
Residents of a dwelling unit may conduct one or more home occupations as an accessory use(s), provided:

A. The total area devoted to all home occupation(s) shall not exceed 25 percent of the floor area of the dwelling unit. Areas with garages and storage buildings shall not be considered in these calculations, but may be used for storage of goods associated with the home occupation.

B. In residential zones, all the activities of the home occupation(s) (including storage of goods associated with the home occupation) shall be conducted indoors, except for those related to growing or storing of plants used by the home occupation(s).

C. No more than two nonresident FTEs working on site shall be employed by the home occupation(s).

D. The following activities shall be prohibited in residential zones:

1. Automobile, truck and heavy equipment repair;

2. Auto body work or painting;

3. Parking and storage of heavy equipment; and

4. On-site metals and scrap recycling.

E. In addition to required parking for the dwelling unit, on-site parking shall be provided as follows:

1. One stall for each nonresident FTE employed by the home occupation(s); and

2. One stall for patrons when services are rendered on site.

F. Sales shall be by appointment or limited to:

1. Mail order sales; and

2. Telephone or electronic sales with off-site delivery.

G. Services to patrons shall be arranged by appointment or provided off site.

H. The home occupation(s) may use or store a vehicle for pickup of materials used by the home occupation(s) or the distribution of products from the site, provided:

1. No more than two such vehicles shall be allowed;

2. Such vehicles shall not exceed gross weight of 14,000 pounds, a height of nine feet and a length of 22 feet.

3. Parking for the vehicle(s) must be provided on site, in accordance with parking design standards and dimensional requirements under SMC 20.50.390, 20.50.410 and 20.50.420. Such parking spaces must be in addition to those required for the residence.

I. The home occupation(s) shall not use electrical or mechanical equipment that results in:

1. A change to the fire rating of the structure(s) used for the home occupation(s), unless appropriate changes are made under a valid building permit; or

2. Visual or audible interference in radio or television receivers, or electronic equipment located off premises; or

3. Fluctuations in line voltage off premises; or

4. Emissions such as dust, odor, fumes, bright lighting or noises greater than what is typically found in a neighborhood setting.

J. One sign not exceeding four square feet may be installed without a sign permit. It may be mounted on the house, fence or freestanding on the property (monument style). Any additional signage is subject to permit under Chapter 20.50 SMC.

K. All home occupations must obtain a business license, consistent with Chapter 5.05 SMC.

Note: Daycares, community residential facilities, animal keeping, bed and breakfasts, and boarding houses are regulated elsewhere in the Code. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

Deletes that

Amendment # 20
SMC 20.40.410 Hospital and SMC 20.40.450 Medical office/outpatient clinic

Justification – Hospitals: This amendment deletes the indexed criteria requirement for hospitals and medical offices to be located only as a re-use of a surplus nonresidential facility. Regarding Hospitals: The index criteria are very unusual. The City does not have a definition for a "surplus" nonresidential facility. Staff recommends that the reference to allowing hospitals only as a reuse of a surplus nonresidential facility, 20.40.410(A) be deleted. SMC 20.40.410(A) applies to R-4 through R-48 zones; Town Center -4 and Neighborhood Business.

Medical offices: Staff recommends that the reference to allowing medical office/outpatient clinics only as a reuse of a public school facilities or a surplus nonresidential facility 20.40.450(A) be deleted. SMC 20.40.450(A) applies to R-4 through R-48 zones; and Town Center -4. A Conditional Use permit is required to locate a medical office/outpatient clinic in these zones in addition to the index criteria

Questions – Hospitals: Is a Conditional Use permit the appropriate mechanism to locate hospitals in these zones in addition to the index criteria. The next question is should hospitals be allowed uses in these zones at all? If yes, then does the Conditional Use Permit offer enough protection to the predominant development in these zones? Should hospitals be regulated differently in Neighborhood Business zones? For example, hospitals could be prohibited in all of the residential zones including Town Center-4, but allowed through a Conditional Use Permit in Neighborhood Business.

Medical Offices: Should a medical office/outpatient clinic be an allowed use in the R-4 through R-48 zones; Town Center -4 and Neighborhood Business zones? If yes, then does the Conditional Use Permit offer enough protection to residential development in these zones? Should medical offices/outpatient clinics be regulated differently in from low density residential development in medium and high residential development zones? For example, medical offices/outpatient clinics could be prohibited in R-4-12, but allowed through a Conditional Use Permit in R-18-R-48.

20.40.410 Hospital.
~~A. When located in residential, office and neighborhood business zones, allowed only as a re-use of a surplus nonresidential facility; and~~
B. No burning of refuse or hazardous waste; and
C. No outdoor storage when located in a residential zone. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.450 Medical office/outpatient clinic.
A. ~~Only allowed in residential zones as a re-use of a public school facility or a surplus nonresidential facility; and~~
B. No outdoor storage when located in a residential zone. (Ord. 238 Ch. IV § 3(B), 2000).

Amendment # 21
20.40.438 Light rail transit system/facility

Justification – The Code specifies that light rail transit facilities/systems require a Development Agreement. The Development Agreement as defined by State law is not designed to accommodate deviations or variances from the underlying zone's regulations. The light rail transit facility/system is an essential public facility and therefore it is appropriate to allow for deviations or variances from underlying zoning to accommodate the use. The recommendation is to use the process identified in the Comprehensive Plan for siting essential public facilities, a Special Use Permit Process instead.

Additionally, the City Attorney's Office raised concerns with processing the light rail transit facility/system project as a legislative action. Development Agreements are to be approved legislatively. There may be cause to change all Development Agreements to a Quasi-Judicial process. Quasi-judicial processes are most appropriate for processing applications that involve a single entity, actions that are not wide in scope and based on a specific proposal.

Recommendation – Staff requests to withdraw this amendment from the 2015 batch of Development Code amendments in order to more fully study how Sound Transit's development activities will be permitted and how to apply the City's development standards when located in the adjacent right-of-way.

~~**20.40.438 Light rail transit system/facility.**[1]~~
~~A light rail transit system/facility shall be approved through a development agreement as specified in SMC 20.30.355. (Ord. 706 § 1 (Exh. A), 2015).~~

Amendment # 22
20.40.535 Transitional Encampment ~~Tent city~~.

Justification – Transitional Encampments (formerly Tent Cities) have been in the city for about 5 years. With each new encampment come neighborhood concerns regarding traffic and unlawful behavior. The City wants to refine the current standards to reasonably and reliably ID residents and check for sex offenders and people with warrants.

A. Allowed only by temporary use permit.

B. Prior to application submittal, the applicant is required to hold a neighborhood meeting as set forth in SMC 20.30.090. A neighborhood meeting report will be required for submittal.

C. The applicant shall utilize only government-issued identification such as a valid driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sherriff's Office Communications Center.

D. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment.

E. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The Applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment.

Amendment # 23
20.50.020 Dimensional requirements.

*Justification – This amendment is privately initiated. The applicant's application and justification letter is attached as **Attachment 4.** Staff is aware of a few instances where property owners/developers have made financial decisions based on the number of lots/units achieved using the base density calculation. However, the site area used to calculate density and/or minimum lot sizes can be reduced if property dedications are required. Property dedicated to the City as required in SMC 20.70.120 are deducted from the site area. Adding the proposed exemption language is intended to help property owners and developers realize the same development potential if the City requires dedications.*

The proposal is to add a footnote (13) to Table 20.50.020 next to density and minimum lot area. Footnote 13 allows an applicant to reduce minimum lot area and allow for the density to be calculated prior to the dedication of city facilities as part of the development.

The issue with this concept is it would allow for the creation of substandard sized lots and/or exceed maximum densities in some zones. Also, a property owners buildable area on a smaller lot is less since all other development regulations must be met such as building coverage, hardscape, setbacks, and building height.

Amendment # 24 is a related and conflicting amendment. Amendment #24 is a warning to property owners that states, "All areas of a site may be used in the calculation of base density, except that submerged lands shall not be credited toward base density calculations. Note: If a dedication is required in accordance with SMC 20.70 the portion of the site to be dedicated is not included in this calculation".

If the Commission is supportive of Amendment #23 then Amendment #24 should be withdrawn or recommended for denial to the Council.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk

								limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8)	35 ft
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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-18, 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-70' zone may be modified with an approved development agreement.

(11) The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.

(12) All building facades in the MUR-70' zone fronting on any street shall be stepped back a minimum of 10 feet for that portion of the building above 45 feet in height. Alternatively, a building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

(13)The minimum lot area may be reduced proportional to the amount of land needed for if dedication of facilities to the City as defined in SMC 20.70.

SMC 20.50.020

C. All areas of a site may be used in the calculation of base density (prior to any dedication for city facilities as required in 20.70), except that submerged lands shall not be credited toward base density calculations.

Amendment # 24
20.50.020 Dimensional requirements.

Justification – Staff is aware of a few instances where property owners/developers have made financial decisions based on the number of lots/units achieved using the base density calculation. However, the site area can be reduced if property dedications are required. Property dedicated to the City as required in SMC 20.70.120 are deducted from the site area. Adding this language is intended to help alert property owners and developers of this possibility.

B. **Base Density Calculation.** The base density for an individual site shall be calculated by multiplying the site area (in acres) by the applicable number of dwelling units. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above shall be rounded up except for lots less than 14,400 square feet in R-6 zones. See Exception (7) to Table 20.50.020(1).

2. Fractions below 0.50 shall be rounded down.

Example #1 – R-6 zone, 2.3 acres site: 2.3 x 6 = 13.8
The base density for this site would be 14 dwelling units.

Example #2 – R-24 zone, 2.3 acres site: 2.3 x 24 = 55.2
The base density for the site would be 55 dwelling units.

Example #3 – R-6 zone, 13,999-square-foot site: (13,999/43,560 = .3214 acres) so .3214 X 6 = 1.92. The base density for single-family detached dwellings on this site would be one unit.

Example #4 – R-6 zone, 14,400-square-foot site (14,400/43,560 = .331 acres) so .331 X 6 = 1.986. The base density for the site would be two units.

C. All areas of a site may be used in the calculation of base density, except that submerged lands shall not be credited toward base density calculations. Note: If a dedication is required in accordance with SMC 20.70 the portion of the site to be dedicated is not included in this calculation.

Amendment # 25
Table 20.50.020(3) – Dimensions for Development in Commercial Zones

Justification – This is to clarify that freestanding solar power systems will not penalize the applicant in terms of hardscape, and to give credit for rooftop solar arrays and intensive green roof systems as an incentive. Note that "intensive" green roofs function like permeable ground in terms of drainage and heat island mitigation as opposed to "extensive" green roofs that are shallower and less likely to provide the same function in the long run.

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

Commercial Zones				
STANDARDS	**Neighborhood Business (NB)**	**Community Business (CB)**	**Mixed Business (MB)**	**Town Center (TC-1, 2 & 3)**
Min. Front Yard Setback (Street) (1) (2) (see Transition Area setback, SMC 20.50.021)	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from Commercial Zones	0 ft	0 ft	0 ft	0 ft
Min. Side and Rear Yard Setback from R-4, R-6 and R-8 Zones (see Transition Area setback, SMC 20.50.021)	20 ft	20 ft	20 ft	20 ft
Min. Side and Rear Yard Setback from TC-4, R-12 through R-48 Zones	15 ft	15 ft	15 ft	15 ft
Base Height (3)	50 ft	60 ft	65 ft	70 ft
Hardscape	85%	85%	95%	95%

Exceptions to Table 20.50.020(3):

(1) Front yards may be used for outdoor display of vehicles to be sold or leased.

(2) Front yard setbacks, when in transition areas (SMC 20.50.021(A)) and across rights-of-way, shall be a minimum of 15 feet except on rights-of-way that are classified as principal arterials or when R-4, R-6, or R-8 zones have the Comprehensive Plan designation of Public Open Space.

(3) The following structures may be erected above the height limits in all commercial zones:

a. Roof structures housing or screening elevators, stairways, tanks, mechanical equipment required for building operation and maintenance, skylights, flagpoles, chimneys, utility lines, towers, and poles; provided, that no structure shall be erected more than 10 feet above the height limit of the district, whether such structure is attached or freestanding. WTF provisions (SMC 20.40.600) are not included in this exception.

b. Parapets, firewalls, and railings shall be limited to four feet in height.

c. Steeples, crosses, and spires when integrated as an architectural element of a building may be erected up to 18 feet above the base height of the district.

d. Base height may be exceeded by gymnasiums to 55 feet and for theater fly spaces to 72 feet.

e. Solar energy collector arrays, small scale wind turbines, or other renewable energy equipment have no height limits.

(4) Site *hardscape* shall not include the following:

a. Areas of the site or roof covered by *solar photovoltaic* arrays or *solar thermal* collectors

b. Intensive vegetative roofing systems.

Amendment # 26

20.50.240 Site design.

Justification for 20.50.240(C)(1)– This amendment clarifies that site frontage section to reflect that the requirement for developing is in the commercial and Mixed Use Residential zones and not abutting them. Also, SMC 20.50.240(C)(a) is a redundant statement. This requirement only applies to development on private property, not public property.

Justification for 20.50.240(F)(6)(g)– The City wants to encourage accessory uses at light rail stations and high capacity transit centers and stations and associated parking*. By requiring accessible water and power, uses such as coffee carts, food trucks, and other amenities can serve the commuting public.*

This amendment does not make it a requirement for amenities to be at the station, it only requires that the infrastructure is there if and when Sound Transit or other transit providers including the City allows vendors to be at these public places.

SMC 20.50.240

C. **Site Frontage.**

1. Development in ~~abutting~~ NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:

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

F. **Public Places.**

1. Public places are required for the commercial portions of development at a rate of four square feet of public place per 20 square feet of net commercial floor area up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.

3. Buildings shall border at least one side of the public place.

4. Eighty percent of the area shall provide surfaces for people to stand or sit.

5. No lineal dimension is less than six feet.
6. The following design elements are also required for public places:

    a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;
    b. Pedestrian access to abutting buildings;
    c. Pedestrian-scaled lighting (subsection H of this section);
    d. Seating and landscaping with solar access at least a portion of the day; and

e. Not located adjacent to dumpsters or loading areas;
f. Amenities such as public art, planters, fountains, interactive public amenities, hanging baskets, irrigation, decorative light fixtures, decorative paving and walkway treatments, and other items that provide a pleasant pedestrian experience along arterial streets.
g. Publically accessible water and electrical power supply shall be supplied at high capacity transit centers and stations and associated parking.

Amendment # 27
20.50.320 Specific activities subject to the provisions of this subchapter.

Justification – Shoreline's tree code mostly addresses trees on private property and does not specifically address trees on adjoining property. This has not been major issue in Shoreline. However, the development of the Sound Transit light rail system involves the purchase of property and major construction in single family neighborhoods without much ability to change the system's alignment. This could prove impactful to adjacent to single family or multifamily properties. Though Shoreline has substantial tree protection measures staff recommends that the language be improved to specify light rail development's responsibility to protect or replace vegetation on adjoining property especially trees that become hazardous after being exposed due to tree removal and construction on Sound Transit property.

SMC 20.50.320
All activities listed below must comply with the provisions of this subchapter. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

A. The construction of new residential, commercial, institutional, or industrial structures or additions.

B. The construction of a light rail transit system/ facility when wholly or partially within the City of Shoreline.

C. ~~B.~~ Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.

D. ~~C.~~ Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a special drainage area.

E. ~~D.~~ Removal of more than six significant trees from any property.

F. ~~E.~~ Any clearing or grading within a critical area or buffer of a critical area.

G. ~~F.~~ Any change of the existing grade by four feet or more.

H. ~~G.~~ Repealed by Ord. 640.

I. ~~H.~~ Any land surface modification not specifically exempted from the provisions of this subchapter.

J. ~~I.~~ Development that creates new, replaced or a total of new plus replaced impervious surfaces over 1,500 square feet in size, or 500 square feet in size if located in a landslide hazard area or special drainage area.

K. ~~J.~~ Any construction of public drainage facilities to be owned or operated by the City.

L. ~~K.~~ Any construction involving installation of private storm drainage pipes 12 inches in diameter or larger.

M. ~~L.~~ Any modification of or construction which affects a stormwater quantity or quality control system. (Does not include maintenance or repair to the original condition.)

N. ~~M.~~ Applicants for forest practice permits (Class IV – general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a clearing and grading permit. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal.

AMENDMENT #28
SMC 20.50.330 Project review and approval

Justification- This addition acknowledges that development impacts may not be limited to property boundaries. Therefore the City needs the ability to require the evaluation of offsite impacts to ensure the health and safety of trees adjacent to development.

B. Professional Evaluation. In determining whether a tree removal and/or clearing is to be approved or conditioned, the Director may require the submittal of a professional evaluation and/or a tree protection plan prepared by a certified arborist at the applicant's expense, where the Director deems such services necessary to demonstrate compliance with the standards and guidelines of this subchapter. Third party review of plans, if required, shall also be at the applicant's expense. The Director shall have the sole authority to determine whether the professional evaluation submitted by the applicant is adequate, the evaluator is qualified and acceptable to the City, and whether third party review of plans is necessary. Required professional evaluation(s) and services may include:

1. Providing a written evaluation of the anticipated effects of proposed construction on the viability of trees on and off site;

2. Providing a hazardous tree assessment;

3. Developing plans for, supervising, and/or monitoring implementation of any required tree protection or replacement measures; and/or

4. Conducting a post-construction site inspection and evaluation.

Amendment #29
20.50.350 Development standards for clearing activities.

Justification – The purpose of this Development Code amendment is to mitigate the impact to trees, on and offsite, when a large development is built in or adjacent to the City. Currently, the City's tree code is unclear as to how trees are managed, protected, and replaced on an adjacent site to where tree removal is occurring.

SMC 20.50.350
D. Site Design. Site improvements shall be designed and constructed to meet the following <u>per Director approval:</u>

1. Trees should be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site.

2. Site improvements shall be designed to give priority to protection of trees with the following characteristics, functions, or location <u>including by utilities or light rail transit system/facility when impacting trees on adjoining property:</u>

Existing stands of healthy trees that have a reasonable chance of survival once the site is developed, are well shaped to withstand the wind and maintain stability over the long term, and will not pose a threat to life or property. <u>These may include the following:</u>

- Trees which exceed 50 feet in height.
- Trees and tree clusters which form a continuous canopy.
- Trees that create a distinctive skyline feature.
- Trees that have a screening function or provide relief from glare, blight, commercial or industrial harshness.
- Trees providing habitat value, particularly riparian habitat.
- Trees within the required yard setbacks or around the perimeter of the proposed development.
- Trees having a significant land stability function.
- Trees adjacent to public parks, open space, and critical area buffers.
- Trees having a significant water-retention function.
- <u>Significant trees that become exposed and are subject to wind throw. .</u>

3. Building footprints, parking areas, roadways, utility corridors and other structures shall be designed and located with a consideration of tree protection opportunities.

4. The project grading plans shall accommodate existing trees and avoid alteration to grades around existing significant trees to be retained.

5. Required open space and recreational space shall be designed and located to protect existing stands of trees.

6. The site design and landscape plans shall provide suitable locations and adequate area for replacement trees as required in SMC 20.50.360.

7. In considering trees for protection, the applicant shall avoid selecting trees that may become hazardous because of wind gusts, including trees adjacent to utility corridors where falling trees may cause power outages or other damage. Remaining trees may be susceptible to blow downs because of loss of a buffer from other trees, grade changes affecting the tree health and stability and/or the presence of buildings in close proximity.

8. If significant trees have been removed from a closed, forested situation, an adequate buffer of smaller trees shall be retained or planted on the fringe of such significant trees as determined by a certified arborist.

9. All trees located outside of identified building footprints and driveways and at least 10 feet from proposed structures shall be considered as eligible for preservation. However, all significant trees on a site shall be considered when calculating the minimum retention percentage.

10. Remaining trees that are susceptible to windfall should be removed as potentially hazardous.
Figure 20.50.350(D): Example of the application of tree retention site design standards. Appropriate retention of a cluster of trees on a slope and frontage trees are shown above. Inappropriate retention of scattered single trees and trees near structures are shown below.

11. When trees are removed by a utility or a light rail transit system/facility on or adjacent to property, an arborist report shall be submitted to the City as described in SMC 20.50.330 (B).

Amendment #30
20.50.360 Tree replacement and site restoration.

Justification – This amendment specifies that when trees need to be removed offsite they shall be replaced in accordance with onsite standards. This amendment also increases the height of the replacement trees from 6 feet to 12 feet in an effort to mitigate for offsite impacts.

A. Plans Required. Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area protection and mitigation plan, or other plans acceptable to the Director that tree replacement will meet the minimum standards of this section. Plans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.

B. The City may require the applicant to relocate or replace trees, shrubs, and ground covers, provide erosion control methods, hydroseed exposed slopes, or otherwise protect and restore the site as determined by the Director.

C. Replacement Required. Trees removed under the partial exemption in SMC 20.50.310(B)(1) may be removed per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit should be replaced as follows:

1. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.

2. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.

3. Minimum size requirements for trees replaced under this provision: deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

4. Tree replacement by utility or light rail transit system/facility on adjoining properties where tree removal is necessary to meet requirements in 20.50.350(D) or as a part of the anticipated development shall be at the same ratios in C. 1, 2, and 3 above with a minimum tree size of 12 feet in height.

5. Alternatively, for public lands and right-of-way, a fee-in-lieu may be approved for a utility or light rail transit system /facility on a per tree basis to be used for maintenance and enhancement of the City's tree urban canopy.

6. Alternatively, for property owners on adjoining private property, may choose either installation of replacement trees or compensation for the value of the trees removed. Compensation shall be limited to the value described in SMC 3.01.300(G).

Amendment #31
20.50.360 Tree replacement and site restoration.

Justification: The replacement tree requirement is assurance that a site will begin revegetation once the allowed number of trees is removed. The requirement assumes that the site had few trees to begin with. However, there many sites with lot of vegetation – sometimes to the point where it is difficult or futile to replant trees. If a site has other, non-significant sized trees then, in balance, it would be easier and more equitable to allow the site to use these established, other trees to meet the replacement requirement.

A. Plans Required. Prior to any tree removal, the applicant shall demonstrate through a clearing and grading plan, tree retention and planting plan, landscape plan, critical area protection and mitigation plan, or other plans acceptable to the Director that tree replacement will meet the minimum standards of this section. Plans shall be prepared by a qualified person or persons at the applicant's expense. Third party review of plans, if required, shall be at the applicant's expense.

B. The City may require the applicant to relocate or replace trees, shrubs, and ground covers, provide erosion control methods, hydroseed exposed slopes, or otherwise protect and restore the site as determined by the Director.

C. Replacement Required. Trees removed under the partial exemption in SMC 20.50.310(B)(1) may be removed per parcel with no replacement of trees required. Any significant tree proposed for removal beyond this limit should be replaced as follows:

1. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.

2. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.

3. Minimum size requirements for trees replaced under this provision: deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

Exception 20.50.360(C):
1. No tree replacement is required when the tree is proposed for relocation to another suitable planting site; provided, that relocation complies with the standards of this section.

2. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:

- *There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
- *Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
- *Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
- *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

3. The Director may waive this provision for site restoration or enhancement projects conducted under an approved vegetation management plan.

4. Established, non-significant trees on site may be used to meet the replacement ratio in this subsection if the trees meet the minimum size for replacement and the removed tree and its established replacement trees are not located in a Critical Area or its buffers.

Amendment #32
20.50.370 Tree protection standards.

Justification – This amendment to the tree protection standards will apply the following development regulations to trees that are adjoining a property that is under development. Currently, the City's tree protection standards only apply to trees that are on site.

This amendment also adds a reference to the International Society of Arboriculture when applying tree protection standards.

The following protection measures shall be imposed for all trees to be retained on-site or on adjoining property during the construction process.

A. All required tree protection measures shall be shown on the tree protection and replacement plan, clearing and grading plan, or other plan submitted to meet the requirements of this subchapter.

B. Tree dripline areas or critical root zones as defined by the International Society of Arboriculture shall be protected. No fill, excavation, construction materials, or equipment staging or traffic shall be allowed in the dripline areas of trees that are to be retained.

C. Prior to any land disturbance, temporary construction fences must be placed around the dripline of trees to be preserved. If a cluster of trees is proposed for retention, the barrier shall be placed around the edge formed by the drip lines of the trees to be retained.

D. Tree protection barriers shall be a minimum of six four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Director. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Director may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances.

E. Where tree protection areas are remote from areas of land disturbance, and where approved by the Director, alternative forms of tree protection may be used in lieu of tree protection barriers; provided, that protected trees are completely surrounded with continuous rope or flagging and are accompanied by "Tree Leave Area – Keep Out" signs.

F. Rock walls shall be constructed around the tree, equal to the dripline, when existing grade levels are lowered or raised by the proposed grading.

G. Retain small trees, bushes and understory plants within the tree protection zone to the maximum extent practicable.

H. Preventative Measures. In addition to the above minimum tree protection measures, the applicant should support tree protection efforts by employing, as appropriate, the following preventative measures, consistent with best management practices for maintaining the health of the tree:

1. Pruning of visible deadwood on trees to be protected or relocated;
2. Application of fertilizer to enhance the vigor of stressed trees;
3. Use of soil amendments and soil aeration in tree protection and planting areas;
4. Mulching over tree drip line areas; and
5. Ensuring proper watering during and immediately after construction and throughout the first growing season after construction.

Amendment #33
20.50.390 Minimum off-street parking requirements – Standards.

Justification – The retail and mixed trade use in the special nonresidential parking table SMC 20.30.390(D) is duplicative of the retail trade use in the general nonresidential parking standards SMC 20.30.390(C). Retail trade has the same meaning as mixed trade and does not restrict the uses allowed in both categories. In both cases the parking ratio is 1 parking space per 400 square feet of floor area.

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 20.50.390C – General Nonresidential Parking Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED

Table 20.50.390C – General Nonresidential Parking Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
General services uses:	1 per 300 square feet
Government/business services uses:	1 per 500 square feet
Manufacturing uses:	.9 per 1,000 square feet
Recreation/culture uses:	1 per 300 square feet
Regional uses:	(Director)
Retail trade uses:	1 per 400 square feet

Note: Square footage in this subchapter refers to net usable area and excludes walls, corridors, lobbies, bathrooms, etc.

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bowling center:	2 per lane
Houses of worship	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area
Daycare I:	2 per facility, above those required for the baseline of that residential area
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.5 per classroom
Fire facility:	(Director)

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Food stores less than 15,000 square feet:	1 per 350 square feet
Funeral home/crematory:	1 per 50 square feet of chapel area
Fuel service stations with grocery, no service bays:	1 per facility, plus 1 per 300 square feet of store
Fuel service stations without grocery:	3 per facility, plus 1 per service bay
Golf course:	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Golf driving range:	1 per tee
Heavy equipment repair:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area
High schools with stadium:	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
High schools without stadium:	1 per classroom, plus 1 per 10 students
Home occupation:	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on site.
Hospital:	1 per bed
Middle/junior high schools:	1 per classroom, plus 1 per 50 students
Nursing and personal care facilities:	1 per 4 beds
Outdoor advertising services:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage area
Outpatient and veterinary clinic offices:	1 per 300 square feet of office, labs, and examination rooms
Park/playfield:	(Director)

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Police facility:	(Director)
Public agency archives:	0.9 per 1,000 square feet of storage area, plus 1 per 50 square feet of waiting/reviewing area
Public agency yard:	1 per 300 square feet of offices, plus 0.9 per 1,000 square feet of indoor storage or repair area
Restaurants:	1 per 75 square feet in dining or lounge area
~~**Retail and mixed trade:**~~	~~**1 per 400 square feet**~~
Self-service storage:	1 per 3,500 square feet of storage area, plus 2 for any resident director's unit
Specialized instruction schools:	1 per classroom, plus 1 per 2 students
Theater:	1 per 3 fixed seats
Vocational schools:	1 per classroom, plus 1 per 5 students
Warehousing and storage:	1 per 300 square feet of office, plus 0.5 per 1,000 square feet of storage area
Wholesale trade uses:	0.9 per 1,000 square feet
Winery/brewery:	0.9 per 1,000 square feet, plus 1 per 50 square feet of tasting area

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Amendment #34
20.50.400 Reductions to minimum parking requirements.

Justification – Staff wants to ensure that the use of this parking reduction is carefully applied and consistently meets the intent of the Planning Commission and City Council. Some of the current criteria for granting a parking reduction does not have a direct relationship to parking demand. Criteria have been amended to include measures that decrease parking demand.

A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:

1. On-street parking along the parcel's street frontage.

2. A minimum, 20-year, s~~S~~hared parking agreement with adjoining parcels and land uses that do not have conflicting parking demands. The number parking stalls requested to be reduced must match the number provided in the agreement. A record on title with King County is required.

3. Parking management plan. ~~High-occupancy vehicle (HOV) and hybrid or electric vehicle (EV) parking.~~

4. A City approved Residential Parking Zone (RPZ) for the surrounding single family neighborhood within ¼ mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.
~~Conduit for future electric vehicle charging spaces, per National Electrical Code, equivalent to the number of required disabled parking spaces.~~

5. A h~~H~~igh-capacity transit service stop ~~available~~ within ¼ mile of the development property line with complete city approved curbs, sidewalks, and street crossings ~~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. City approved traffic calming or traffic diverting facilities to protect the surrounding single family neighborhoods within ¼ mile of the development. ~~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.

E. A parking reduction of 25 percent will be approved by the Director for multifamily development within one-quarter mile of the light rail station. These parking reductions may not be combined with parking reductions identified in subsections A and D of this section.

F. Parking reductions for affordable housing may not be combined with parking reductions identified in subsection A of this section. (Ord. 706 § 1 (Exh. A), 2015; Ord. 669 § 1 (Exh. A), 2013; Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 6(B-2), 2000).

Amendment #35
20.50.410 Parking design standards.

Justification – This amendment moves the allowance for compact parking stalls from Subsection D to Table 20.50.410 (E). The more logical location for the requirement for compact stalls is at the bottom of table 20.50.410(E) where he dimensions for compact stalls are located. In Subsection F, the subject section has been taken to mean that these are the minimums for any parking angle. The proposed amendment adds clarity that these aisle dimensions are only for those parking angles not listed in the table.

Justification for 20.50.410(F) – The subject section has been taken to mean that these are the minimums for any parking angle. The proposed amendment adds clarity that these aisle dimensions are only for those parking angles not listed in the table.

A. All vehicle parking and storage for single-family detached dwellings and duplexes must be in a garage, carport or on an approved impervious surface or pervious concrete or pavers. Any surface used for vehicle parking or storage must have direct and unobstructed driveway access.

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking shall be located on the same parcel or same development area that parking is required to serve. Parking for residential units shall be assigned a specific stall until a parking management plan is submitted and approved by the Director.

C. Parking for residential units must be included in the rental or sale price of the unit. Parking spaces cannot be rented, leased, sold, or otherwise be separate from the rental or sales price of a residential unit.

D. On property occupied by a single-family detached residence or duplex, the total number of vehicles wholly or partially parked or stored outside of a building or carport shall not exceed six, excluding a maximum combination of any two boats, recreational vehicles, or trailers. This section shall not be interpreted to allow the storage of junk vehicles as covered in SMC 20.30.750.

E. Off-street parking areas shall not be located more than 500 feet from the building they are required to serve. Where the off-street parking areas do not abut the buildings they serve, the required maximum distance shall be measured from the nearest building entrance that the parking area serves:

1. For all single detached dwellings, the parking spaces shall be located on the same lot they are required to serve;

2. For all other residential dwellings, at least a portion of parking areas shall be located within 100 feet from the building(s) they are required to serve;

3. For all nonresidential uses permitted in residential zones, the parking spaces shall be located on the same lot they are required to serve and at least a portion of parking areas shall be located within 150 feet from the nearest building entrance they are required to serve; and

~~4. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.~~

Exception 20.50.410(E)(1): In commercial zones, the Director may allow required parking to be supplied in a shared parking facility that is located more than 500 feet from the building it is designed to serve if adequate pedestrian access is provided and the applicant submits evidence of a long-term, shared parking agreement.

F. The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 20.50.410F below. For parking angles other than those shown in the table, the minimum parking space and aisle dimensions shall be determined by the Director. For these Director's determinations for parking angles not shown in Table 20.50.410F ~~Regardless of the parking angle, one-way aisles shall be at least 10 feet wide, and two-way aisles shall be at least 20 feet wide.~~ Parking plans for angle parking shall use space widths no less than eight feet, six inches for a standard parking space design and eight feet for a compact car parking space design.

Table 20.50.410F – Minimum Parking Stall and Aisle Dimensions

A	**B**	**C**	**D**	**E**		**F**	
Parking Angle	**Stall Width *(feet)***	**Curb Length *(feet)***	**Stall Depth *(feet)***	**Aisle Width *(feet)***		**Unit Depth *(feet)***	
				1-Way	**2-Way**	**1-Way**	**2-Way**
0	8.0* Min. 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 12.0 12.0	20.0 20.0 20.0	** 29.0 30.0	** 37.0 38.0
30	8.0* Min. 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 10.0 10.0	20.0 20.0 20.0	** 42.0 44.0	** 53.0 54.0
45	8.0* Min. 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 12.0 12.0	20.0 20.0 20.0	** 50.0 51.0	** 58.0 59.0
60	8.0* Min. 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 18.0 18.0	20.0 20.0 20.0	** 58.0 60.0	** 60.0 62.0
90	8.0* Min. 8.5 Desired 9.0	8.0* 8.5 9.0	16.0* 20.0 20.0	23.0 23.0 23.0	23.0 23.0 23.0	** 63.0 63.0	** 63.0 63.0

Notes:

* For compact stalls only. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.

** Variable, with compact and standard combinations

Amendment #36
SMC 20.50.430 Nonmotorized access and circulation

Justification – This section is dated, repetitive or conflicting with the requirements in the more recently adopted SMC 20.50.240.E. This amendment is about walkways and pedestrian access and does not belong in the Parking section of the code.

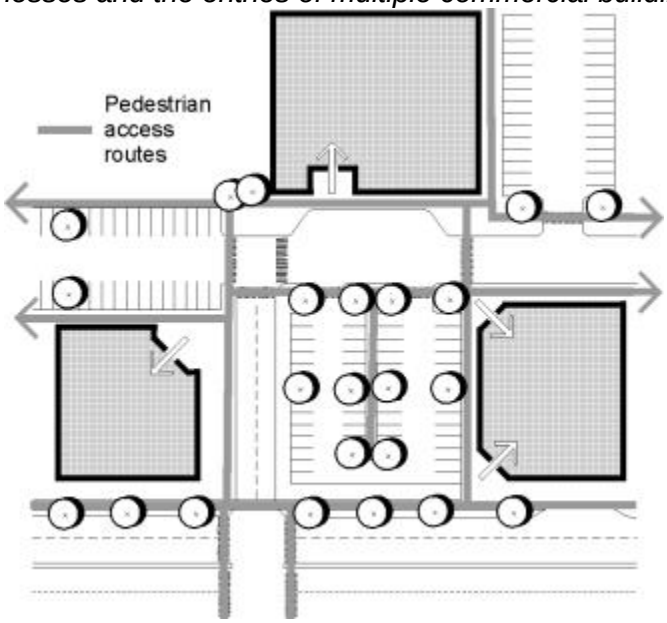
Delete SMC 20.50.430(A), SMC 20.50.430(B), SMC 20.50.430(C), and SMC 20.50.430(D) because SMC 20.50.180(B) and SMC 20.50.240(E) cover that requirement:

SMC 20.50.180(B)
A. To the maximum extent feasible, primary facades and building entries shall face the street.
B. The main building entrance, which is not facing a street, shall have a direct pedestrian connection to the street without requiring pedestrians to walk through parking lots or cross driveways.

SMC 20.50.240(E).
E. Internal Site Walkways.

> *1. Developments shall include internal walkways or pathways that connect building entries, public places, and parking areas with other nonmotorized facilities including adjacent street sidewalks and Interurban Trail where adjacent (except in the MUR-35' zone).*
>
> > *a. All development shall provide clear and illuminated pathways between the main building entrance and a public sidewalk. Pathways shall be separated from motor vehicles or raised six inches and be at least eight feet wide;*

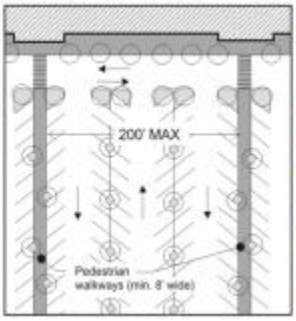
b. Continuous pedestrian walkways shall be provided along the front of all businesses and the entries of multiple commercial buildings;



Well-connected Walkways

c. Raised walkways at least eight feet wide shall be provided for every three, double-loaded aisles or every 200 feet of parking area width. Walkway crossings shall be raised a minimum three inches above drive surfaces;

d. Walkways shall conform to the Americans with Disabilities Act (ADA);



Parking Lot Walkway

e. Deciduous, street-rated trees, as required by the Shoreline Engineering Development Manual, shall be provided every 30 feet on average in grated tree pits if the walkway is eight feet wide or in planting beds if walkway is greater than eight feet wide. Pedestrian-scaled lighting shall be provided per subsection (H)(1)(b) of this section.

~~20.50.430 Nonmotorized access and circulation – Pedestrian access and circulation – Standards.~~

~~A. Commercial or residential structures with entries not fronting on the sidewalk should have a clear and obvious pedestrian path from the street front sidewalk to the building entry.~~

~~B. Pedestrian paths should be separate from vehicular traffic where possible, or paved, raised and well marked to clearly distinguish it as a pedestrian priority zone.~~

C. The pedestrian path from the street front sidewalk to the building entry shall be at least 44 inches wide for commercial and multifamily residential structures, and at least 36 inches for single-family and duplex developments.

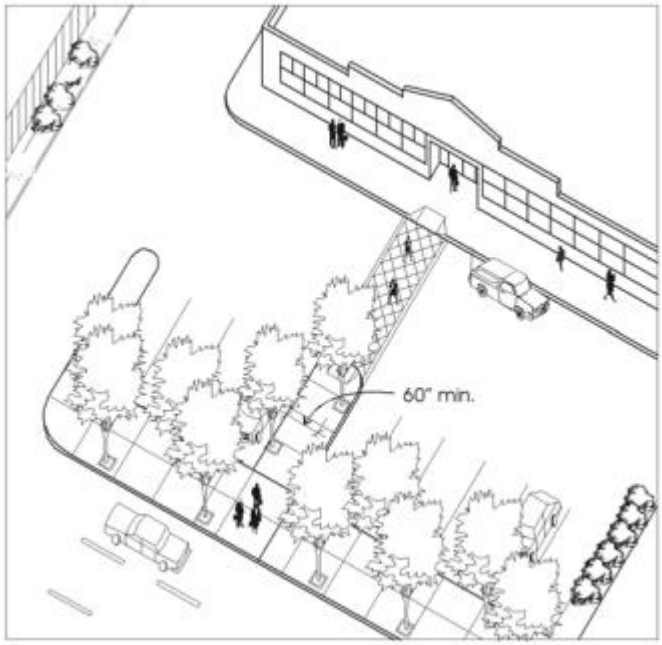


Figure 20.50.430(C): Landscaped walkways connect the public sidewalk with the entrance to a building set back from the street.

D. Provide pedestrian pathways through parking lots and connecting adjacent commercial and residential developments commonly used by business patrons and neighbors.

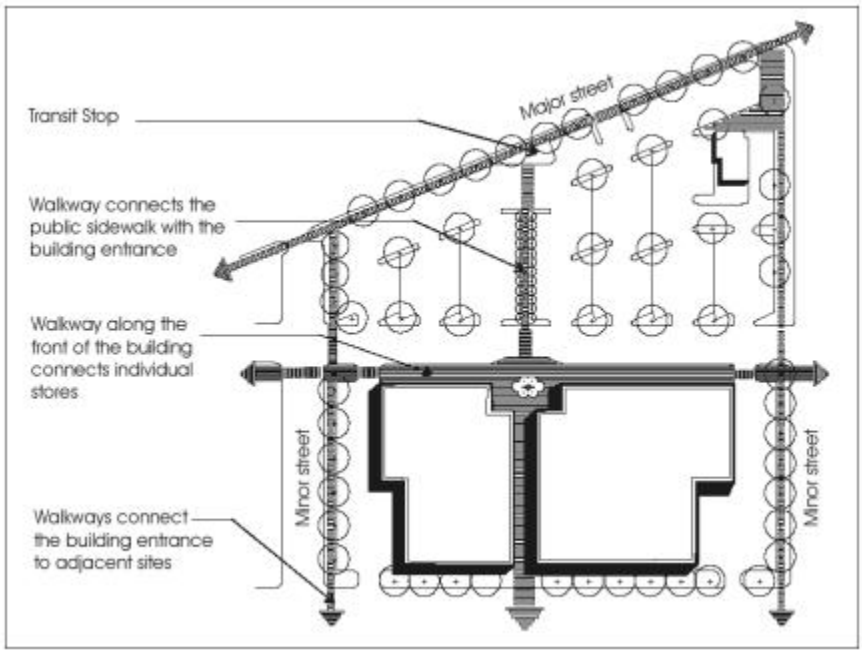


Figure 20.50.430(D): In this commercial site, landscaped walkways provide pedestrian connections. These walkways provide a safe, accessible pedestrian route from the street to the building entry and to neighboring properties.

(Ord. 581 § 1 (Exh. 1), 2010; Ord. 238 Ch. V § 6(C-1), 2000).

Amendment #37
20.50.480 Street trees and landscaping within the right-of-way – Standards.

Justification – This amendment is an administrative correction. The City adopted the Engineering Development Manual in 2012 which replaced the Engineering Development Guide. This is a reference that did not get updated.

C. Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Manual ~~Guide~~ including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list.

Amendment #38
20.60.140 Adequate streets.

Justification – There is currently an inconsistency between the adopted Development Code and the Transportation Master Plan. The code says "or" where it should say "and".

The purpose of this chapter is to set forth specific standards providing for the City's compliance with the concurrency requirements of the State Growth Management Act (GMA), Chapter 36.70A RCW. The GMA requires that adequate transportation capacity is provided concurrently with development to handle the increased traffic projected to result from growth and development in the City. The purpose of this chapter is to ensure that the City's transportation system shall be adequate to serve the future development at the time the development is available for occupancy without decreasing current service levels below established minimum standards.

A. Level of Service. The level of service standard that the City has selected as the basis for measuring concurrency is as follows:

1. LOS D at signalized intersections on arterial streets and at unsignalized intersecting arterials; ~~or~~and
2. A volume to capacity (V/C) ratio of 0.90 or lower for principal and minor arterials.

The V/C ratio on one leg of an intersection may exceed 0.90 when the intersection operates at LOS D or better.

These level of service standards apply throughout the City unless an alternative level of service for a particular street or streets has been adopted in the Comprehensive Plan Transportation Element.

Amendment #39
20.60.140 Adequate streets.

Justification – This amendment will add a Level of Service standard for pedestrians and bicycles. The City will experience a growing number of uses that will increase the number of pedestrians and cyclist throughout the City. These new uses include two light rail stations, redevelopment of Aurora Square, Point Wells, and various large apartment projects. It should be incumbent upon a developer to make sure a certain project meets not only LOS for vehicles but also LOS for pedestrians and bicyclists.

20.60.140
The purpose of this chapter is to set forth specific standards providing for the City's compliance with the concurrency requirements of the State Growth Management Act (GMA), Chapter 36.70A RCW. The GMA requires that adequate transportation capacity is provided concurrently with development to handle the increased traffic projected to result from growth and development in the City. The purpose of this chapter is to ensure that the City's transportation system shall be adequate to serve the future development at the time the development is available for occupancy without decreasing current service levels below established minimum standards.

A. **Level of Service.** The level of service standard that the City has selected as the basis for measuring concurrency is as follows:

1. LOS D at signalized intersections on arterial streets and at unsignalized intersecting arterials; or
2. A volume to capacity (V/C) ratio of 0.90 or lower for principal and minor arterials.

The V/C ratio on one leg of an intersection may exceed 0.90 when the intersection operates at LOS D or better.
These level of service standards apply throughout the City unless an alternative level of service for a particular street or streets has been adopted in the Comprehensive Plan Transportation Element.

3. Pedestrian and Bicycle LOS within the Station Subareas shall be LOS D or better.

Pedestrian Level of Service (LOS) shall be evaluated for each direction along all arterial streets within a quarter mile radius of the light rail station. Pedestrian LOS for sidewalks shall be evaluated using Steps 6 & 7 from the Highway Capacity Manual (HCM) 2010, Chapter 17. In the absence of sidewalks, Pedestrian LOS shall be determined using Exhibit 17-4 from the HCM. Each link within the quarter mile radius shall be evaluated. For questions regarding link boundaries, contact the City Traffic Engineer.

Amendment #40
20.70.320 Frontage improvements.

Justification – This clarification is necessary to state that detached single family residential dwellings are not required to install frontage improvements. The City made this change in 2010 and the following is an excerpt from that staff report:

Comprehensive Plan policy T35 provides that development regulations "require all commercial, multi-family and residential short plat and long plat developments to provide for sidewalks or separated all weather trails, or payment in-lieu of sidewalks." This policy provides clear

direction relative to the types of projects that must install sidewalks aka frontage improvements. The authority for mitigation of the impacts on infrastructure for this level of development is provided in the Revised Code of Washington (RCW) and through the use of the City's substantive authority under SEPA. This policy was developed after the adoption of the Development Code and does not extend to individual single family dwellings.

For determining the level of impact of development, the RCW defines "development activity" as any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for public facilities. In reviewing current regulations a nexus cannot be drawn to demonstrate that the level of mitigation required for development or redevelopment of an existing platted single family lot is reasonably related to the development. Nor can it be demonstrated that this level of development "creates additional" demand and need for public facilities.

During the Commercial Consolidation Development Code amendments, Staff inadvertently changed the language to what is shown below. The intent was always to exempt the replacement, addition, or remodel of single family residential from the frontage requirements in SMC 20.70.320(C)(1)

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels; or
2. 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 structure(s) at the time of the first issued permit.

3. For subdivisions;

4. For development consisting of more than one dwelling unit on a single parcel (Accessory Dwelling Units are exempt) or

5. One detached single family dwelling in the MUR zones.

Amendment #41
20.80.060 Permanent field marking

Justification – This amendment is an administrative correction updating the Department and the Departments phone number.

A. All critical areas tracts, easements or dedications shall be clearly marked on the site using permanent markings, placed every 300 feet, which include the following text:

This area has been identified as a <<INSERT TYPE OF CRITICAL AREA>> by the City of Shoreline. Activities, including clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations may be prohibited. Please

contact the City of Shoreline Department of Planning & Community Development (206) 801-2500 ~~546-1811~~ for further information.

Amendment #42
20.100.020 Aurora Square Community Renewal Area.

Justification – The CRA will amend specific standards of the Development Code. Those standards will include signage, transition, and frontage improvements. At this time, staff is only proposing to change the transition standards. The CRA is adjacent to three streets that are wider than the typical Shoreline street. Aurora Avenue, Westminster Way and N 155th Street are all wider than 100 feet wide. The City's consultant on the CRA Planned Action studied three transition options and applied those options to four sites in the CRA. The results of that study are included as ***Attachment 5.*** *Staff believes that the regulations that apply specifically to the CRA should be all in one place of the code to make it less confusing.*

Sections:
20.100.010 First Northeast Shoreline Recycling and Transfer Station Special District.
20.100.020 Aurora Square Community Renewal Area (CRA)

20.100.010 First Northeast Shoreline Recycling and Transfer Station Special District.
A. This chapter establishes the long-range development plans for the Shoreline Recycling and Transfer Station formerly referred to as the First Northeast Transfer Station Special District.
B. The development standards that apply to this special district were adopted by Ordinance No. 338 on September 9, 2003. A copy of the standards is filed in the City Clerk's office under Receiving Number 2346.

20.100.020 Aurora Square Community Renewal Area
A. This chapter establishes the development regulations specific to the CRA.
1. Transition Standards – Maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.

Council Meeting Date: August 3, 2015 **Agenda Item:** 8(a)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Fee Waiver for Affordable Housing
DEPARTMENT:	Community Services
PRESENTED BY:	Rob Beem, Community Services Manager
ACTION:	____ Ordinance ____ Resolution ____ Motion
	__X_ Discussion ____ Public Hearing

PROBLEM/ISSUE STATEMENT:

The City has strong policy and regulatory support to develop incentives for the construction and maintenance of affordable housing. This support is contained in the Housing Element of the Comprehensive Plan, the Comprehensive Housing Strategy, the Property Tax Exemption Program, the Transportation Impact Fee Program and most recently, in the planning, zoning and Development Code for the 185th Street Station Area.

Cities have the authority to waive certain building and development fees in order to encourage the development of affordably priced housing. In implementing any such program there are policy choices regarding income limits/affordability targets, geographic focus, fit with other incentives, type of developer the program applies to (non-profit only or all developers), fees affected and level of waiver granted. Implementing this program will require amendments to the Development Code and the Fee Schedule. State statute requires the Planning Commission to review and recommend any Development Code amendments.

Staff is bringing this item to Council for discussion and direction on the policy issues prior to the Planning Commission's review. Should Council wish to proceed with the fee waiver, the matter will be directed to the Planning Commission and brought back to Council in the fourth quarter of 2015 for action.

RESOURCE/FINANCIAL IMPACT:

The chart in Attachment A illustrates the range of potential costs to implement this program. At the high end, 100% of the City imposed fees could be waived if all units in a project meet the City's affordability requirements. For example, this would have equated to $96,218 in permit fees for the Ronald Commons. If the waiver were applied to the private developments to be built under the Station Area regulations the cost ranges from $147/unit to $190/unit. Using these developments as an example and assuming that the waiver applies to just 20% of the units, this equates to foregone revenue of $21,000 - $28,500 for a 150 unit building. Development of even all three of these prototype projects would result in foregone revenue of approximated $150,000.

The City's overall permit revenue has averaged $1.29M per year in the past three years. In this unlikely event, this would equate to roughly 12% of total fee revenue.

In the past decade, there have only been two new housing developments, Polaris and Ronald Commons, where 100% of the units are affordable and therefore 100% of the fees could potentially have been waived. Prior to that, Compass Housing's Veterans Center, which was constructed over 10 years ago, was the next most recent project that would have met this threshold. Given the nature of the affordable housing development market, it is unlikely that Shoreline would be home to another such development in less than five years. These projects take a minimum of three years to pull together and are very visible as they go through the funding and review process, and therefore staff should be able to anticipate workload and budget impacts of such projects

There are also several ways that the financial impact of this program can be either limited or moderated if the program is adopted. These include placing a cap on the fees waived annually, adjusting the percentage of fees waived or limiting the program to housing at 60% Adjusted Median Income (AMI) and below. Staff does not see the need to further mitigate any impacts this would have but seeks Council's direction as to limits for this waiver program. Ultimately, the cost is shifting general fund revenue from other areas to support affordable housing.

RECOMMENDATION

Staff recommends that Council discuss the affordable housing fee waiver program and refer this matter to the Planning Commission for a public hearing, review and recommendation of the affordability level and other conditions for application of a fee waiver for affordable housing.

Approved By: City Manager ***DT*** City Attorney ***MK***

INTRODUCTION

Both staff and members of the City Council have expressed an interest in developing a provision to waive building and development fees as one element of the City's overall strategy to encourage the development and maintenance of affordably priced housing in Shoreline. Overall, the intent of a fee waiver is to encourage and support the development of affordably priced housing. By enacting a fee waiver program the City can achieve three general objectives:

1) to provide direct financial support to a project,
2) to provide visible policy and political support to a project, and
3) to improve the financial viability of a project in terms of the project's ability to attract other funding partners.

The City has strong policy and regulatory support to develop incentives for the construction and maintenance of affordable housing. This support is contained in numerous plans and ordinances including the Housing Element of the Comprehensive Plan, the Comprehensive Housing Strategy, the Property Tax Exemption Program, the Transportation Impact Fee Program and most recently in the planning, zoning and Development Code for the 185th Street Station Area.

Within the Station Area there are a variety of incentives and requirements designed to generate affordably priced housing and to encourage a mix of housing prices and types. The Transportation Impact Fee Program (TIF) allows for a reduction in fees for certain affordable housing developments. The Property Tax Exemption (PTE) program is available in certain areas of the City for housing that is affordable as defined in the implementing ordinance. And, finally, the City uses Community Development Block Grant funds to support home repair and to make direct investments in housing development/redevelopment for low and moderate income residents. In addition to these tools, State statutes allow cities to waive or reduce building permit and development fees to further the development of affordably priced housing.

If the Council is interested in adding this tool to help further incentivize affordable housing development in Shoreline, the basic policy choice in front of the Council is whether to develop a program that benefits housing developed primarily with government funding, such as Housing Trust fund, Community Development Block Grant (CDBG) or other local, state or federal housing funds, or whether to make this waiver available to all affordable housing as defined by the City? The latter principally includes a percentage of housing typically developed as part of increased density provisions of the Development Code or with the PTE.

Staff is bringing this item to Council to seek direction whether Council would like to further explore the development of this program and, if so, what the scope of the fee waiver program should be. This discussion is intended to provide guidance for staff and the Planning Commission regarding the Council's policy preferences and, where necessary, to identify questions Council would like to see answered or choices to be

explored in greater depth. The following sections of this staff report identify elements to be considered in shaping a fee waiver program.

BACKGROUND

In the past year, the City has been approached by affordable housing developers seeking local support for their projects. Specifically, they have asked the City to explore the potential for waiving permit fees. Currently, the City has no provision allowing this to occur. In the same time frame, the City Council has taken action to support the development of affordable housing through the 185th Station Area planning process, the adoption of the Transportation Impact Fee (TIF) with provisions for affordable housing and amendments to the PTE program requiring affordability. And most recently the City Council has initiated action to exempt qualified service agencies from the payment of TIF fees in their entirety.

Under the Growth Management Act, the City has the option of enacting an affordable housing incentive program which includes fee waivers. Pursuant to RCW 36.70A.540(1)(a)(iii), a fee waiver or exemption is one type of incentive that the City can offer. These incentives can be through development regulations or as conditions on rezoning or permit decisions, or both, as in the Station Area. In establishing an incentive program the City needs to determine if it will keep the income level for rental units at 50% or less of the county median as set in State Statute or adopt a different level. If set at a different level, the City may do so after holding a public hearing. Other elements of the program are left to the discretion of the City.

The City's Comprehensive Plan and Housing Strategy support the use of fee waivers to encourage and support the development of affordably priced housing. Waivers are an effective way to reduce the development costs for affordable housing and can be seen by the developer and other funders as a sign of the City's strong policy and financial support for a project. As an element of Station Area planning, the Development Code has been updated to include strong incentives for the development of affordably priced housing within the 185th Station Area. Because fee waivers can have citywide application, they were not considered as an element of the Station Area planning.

DISCUSSION

The City assesses fees for building and development permits. Some fees are collected for the City and some for other jurisdictions and permit authorities. For purposes of this discussion we are only addressing fees that the City assesses.

Should the Council wish to proceed with this fee waiver, the implementing action will be in the form of an amendment to the Development Code. The Planning Commission must review and recommend such amendments to the City Council. If directed, the current schedule has the Planning Commission considering these amendments this fall and bringing them to Council late in the year.

Income Limits for the Waiver
State Statute enables cities to enact incentive programs that benefit projects seeking to provide rental housing affordable to households earning less than 50% of the Area Median Income (AMI). In Shoreline this equates to a household income of $31,400 for a one person household and $44,800 for a four person household. However, as noted above, cities have the authority to adopt a different AMI percentage threshold (higher or lower) and must hold a public hearing before doing so.

The 50% AMI threshold does not align with the income levels set for the City's other incentives nor does it reflect the realities of other funding support for affordable housing development. The City's own and other County and State direct funding programs set the ceiling for participation at 60% AMI. The various existing incentives the City uses apply differing income thresholds ranging from 60% AMI to 80% AMI. The policy choice then is whether to limit the waiver to 50% or 60% AMI and below or to increase the ceiling to match other City programs.

Within the housing development industry the divide between what is considered to be publicly financed or privately financed housing occurs at affordability levels of 60% AMI. Projects that are affordable to people earning 60% AMI and less are typically funded through the public sector. They utilize local, state, federal and private grants, direct contributions and some loans to accomplish this, as their ability to finance debt for these projects is extremely limited. The 60% AMI threshold is the highest limit for state and county financing programs such as the State Housing Trust Fund and King County Housing Program. Projects with rents affordable above this level generally have access to private capital.

With both the PTE and the increased density contained in the Station Area regulations, the City has sought to provide incentives to spur the development of housing within the conventionally-financed private market. These projects do not seek other direct public support. This is generally assumed to be housing that is marketed at rents affordable to those earning at least 70% of AMI. Typically, these projects do not receive other public funding in the form of direct investment, such as CDBG.

The practical impact of setting the income threshold at 60% AMI is to focus the program on the segment of the housing market that is being developed principally with governmental resources. However, setting the threshold at 70 or 80% AMI would make the fee waiver available to some projects financed in the private market. It would also allow the waiver to be applicable to many of the affordable units developed within the Station Area. Given these trade-offs, staff recommends that if an affordable housing permit fee waiver program is developed, that a 60% AMI threshold is used for affordability.

Waiver Eligibility – All Developers or Not-for-Profits Only
When cities allocate funds or set up programs to achieve human services goals they frequently limit eligibility for the program to not-for-profit organizations. This is done to assure that the program's long term benefits will remain in place as they are secured by

the organization's mission and purpose. Thus, an additional policy question before Council is whether this waiver should be available to any project that meets the affordability targets or only to not-for –profits.

When the waiver of the TIF for affordable housing was first being considered, the waiver was proposed to be limited to non-for profit entities only. Testimony from the King County Housing Authority and the Housing Development Consortium indicated that this limitation would exclude entities engaged in developing affordable housing that had other corporate structures. Ultimately the TIF was amended to provide a fee waiver for Housing Authorities. The Housing Development Consortium noted that there were entities working in partnership with non-profits to develop housing that met the affordability targets but that were not under the IRS code for non-profits. At the time there was not sufficient information available and Council decided to keep the TIF waiver limited to non-profit organizations.

Limiting the waiver to non-profits will result in a program that primarily benefits development at the 60% AMI and government funded portion of the market. The intent of this limitation would be to ensure that the benefits of this waiver accrue to developers who have an agency mission to develop and maintain affordable housing. To the extent that such a provision is meant to provide a long term assurance of affordability this limitation is not necessary. In all instances where government funding is used, developers enter into an agreement that is recorded and follows the property. This type of agreement is also used in our PTE and the Station Area density bonus programs. This is a straight forward approach and result in more affordable housing units being developed. And should the program include application to developments meeting higher income thresholds, such a limitation would interfere with those developments. Based on this, staff recommends that if an affordable housing permit fee waiver program is developed that it allow a broader range of entities to develop affordable housing and not limit the waiver to not-for-profits.

Stand Alone or In Addition to Other Incentives

The City offers a number of incentives to encourage development of affordable housing. Given this, a key policy question is whether the waiver should be applied to projects that are also making use of other incentives or should it apply only if other incentives are unavailable or unusable?

Table 1 below shows the variety of incentives available. Some are available in certain zones only, such as PTE and in the 185th Street Station Area. Others, such as parking reductions and waiver of the TIF, are available citywide. Thus in the Station Area a development could take advantage of all these tools to increase affordability. In other areas, only one may be available. It is unlikely that a project will not be able to utilize at least one of the incentives. Most non-profit affordable housing developers construct projects that are tax exempt and therefore will not benefit from the use of PTE. They will however be able to benefit from the TIF waiver. It is unlikely that a project which would qualify for a fee waiver would not also qualify for another incentive.

Table 1 – Affordable Housing Incentives

Incentive	Income Target	Term of Affordability	Area of Application
Property Tax Exemption (PTE)	70% AMI	12 Years	Certain Areas
Reduced Parking	60% AMI	30 – 99 Years	Citywide
Increased Density	70-80% AMI	99 Years	185th Station Area
TIF Exemption	60% AMI	30 – 99 Years	Citywide
Direct Investment	60% AMI	50	Citywide

Additionally, the table in Attachment A, which is a comparison of fee waivers, impact fees and PTE incentives, shows the potential fee waiver's value, though significant, is worth far less than other incentives. Thus, making it a condition that a development could only use if it did not use another incentive would virtually eliminate its effectiveness and use. Staff therefore recommends that if an affordable housing permit fee waiver program is developed that it be structured to be used in conjunction with other incentives.

The City charges fees at the time of application for a building permit. These fees cover the City's cost for review and inspection of the development. They typically represent slightly less than 1% to 1.5% of the construction value of a project. Using recent developments the chart in Attachment A models the effect of the proposed permit fee waiver, the PTE and TIF waiver for affordable housing were applied to these projects. Note that this is an illustration only and that none of these projects were assessed all these fees, nor have they requested the PTE. The top three developments are all private, conventionally financed developments. For purposes of this illustration staff has assumed that they were being built in a station area and subject to the requirement that 20% of the units be affordable. The two projects at the bottom of the table are being developed by non-profits or governmental organizations. These entities are already exempt from property tax and thus the PTE does not provide a special benefit.

New Construction Only or Remodel/Renovation?

A significant element of the City's Housing Strategy involves preserving existing affordable housing. Recent examples of this include the King County Housing Authority's properties such as the Westminster, 18026 Midvale and Paramount House, each of which have had significant renovation work done. These preservation and renovation projects are typically financed with public funding. This comes in the form of grants, subsidized low cost loans or tax credits. When the Housing Authority purchased the Westminster, the City provided CDBG funds, and the renovation of 18026 Midvale was funded with grants from the federal government. Staff recommends that if an affordable housing permit fee waiver program is developed that it be applied to renovation projects where the owner/developer is able to provide long term guaranteed assurances of affordability.

Application in Mixed Income Developments
If this waiver is intended to apply in the Station Area it will apply to mixed income projects. Should this waiver apply to all units, as does the PTE or just to the units meeting income targets? The PTE, which is available in the Station Area, is structured so that a developer meeting the affordability requirements is able to apply the PTE to the entire building. The policy intent is to assist and stimulate the development of affordable housing. As such, staff recommends that the waiver, if applied at all, only apply to units that meet affordability guidelines. Thus in the Station Area the 20% of units built that meet affordability standards would be eligible for this waiver.

RESOURCE/FINANCIAL IMPACT

The chart in Attachment A, illustrates the range of potential costs to implement this program. At the high end 100% of the City imposed fees would have been waived for Ronald Commons at a cost to the City of $96,218. If the waiver were applied to the private developments to be built under the Station Area regulations the cost ranges from $147/unit to $190/unit. Using these developments as an example and assuming that the waiver applies to just 20% of the units, this equates to foregone revenue of $21,000 - $28,500 for a 150 unit building. Development of even all three of these prototype projects would result in foregone revenue of approximated $150,000. The City's overall permit revenue has averaged $1.29M per year in the past three years. In this unlikely event this would equate to roughly 12% of total fee revenue.

In the past decade, there has only been one new housing development, Ronald Commons that would meet the 100% waiver threshold. Prior to that Compass Housing's Veterans Center constructed over 10 years ago was the next most recent project that would have met this threshold. Given the nature of the affordable housing development market, it is unlikely that Shoreline would be home to another such development in less than five years. These projects take a minimum of three years to pull together and are very visible as they go through the funding and review process. Should there be concern that the waiver will have a significant impact on overall permit revenues there will be sufficient time to evaluate and to adjust to this circumstance.

There are also several ways that the financial impact of this program can be either limited or moderated if the program is adopted. These include placing a cap on the fees waived annually, adjusting the percentage of fees waived or limiting the program to housing at 60% AMI and below. Staff does not see the need to further mitigate any impacts this would have but seeks Council's direction as to limits for this waiver program.

SUMMARY

In implementing a fee waiver program the Council is being asked to consider a number of elements to such a program. Should Council wish to proceed with development of this program, the Planning Commission will review and recommend a final proposal reflective of Council's direction.

The overall policy goal of the proposed program is to apply the waiver in such a way as to support and encourage the development and retention of housing that is affordable to households earning at least up to 60% of AMI. This discussion also presents the option of extending this program to affordability levels of 80% of AMI, which would allow its application to mixed income developments within the Station Area. Such a program may operate with other incentive programs. There appears to be little need to limit the applicability of this waiver to non-profit entities as the City's interest in long term affordability will be secured by recording documents that run with the property.

In summation, staff recommends that Council initiate an affordable housing fee waiver program that:

- has a 60% AMI threshold for affordability,
- is available to both non-profit and for-profit developers,
- can be used in conjunction with other affordable housing incentives,
- can be used for both new construction and remodels/renovations,
- only applies to units that meet the affordability requirements and not to the entire development if some of the units in a development are market rate, and
- is available citywide.

RECOMMENDATION

Staff recommends that Council discuss the affordable housing fee waiver program and refer this matter to the Planning Commission for a public hearing, review and recommendation of the affordability level and other conditions for application of a fee waiver for affordable housing.

ATTACHMENTS

Attachment A: Comparison of Fee Waivers, Impact Fees and PTE Incentives

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HOUSING DEVELOPMENT consortium

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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Please complete the following: Property address 205 N Richmond Beach Rd.

Applicant for Amendment 20.50.020(1) Rick Crosby

Address 6209 202nd St S.W. City Lynnwood State Wa. Zip 98036

Phone 206 914 1992 Email rick@carefreehomesinc.com

PLEASE SPECIFY: Shoreline Development Code Chapter 20.50.020(1) Section _____

AMENDMENT PROPOSAL: Please describe your amendment proposal.

See attached

REASON FOR AMENDMENT: Please describe your amendment proposal.

Carefree Homes, Inc. re 205 Richmond Beach Road, Permit Application# 122869

Code Amendment Proposal 20.50.020(1), Densities and Dimensions in Residential zones.

Currently the City of Shoreline code states that the lot square footage for density calculations will be made after the city right of way dedications are made. I propose it would be better for me and the citizens of Shoreline to dedicate the land for public right of ways *after* the property is improved or subdivided. To be clear this would comply with dedications that are required by the city for widening existing city streets as per Shoreline Development Code # 20.70.120; this would not apply to a new road or right of way a developer or contractor would propose in a new subdivision. Further, the city has informed me that if this were a single lot, and the required dedication would result in the lot being a sub-standard lot, they would still issue a building permit even though the lot would otherwise be smaller than zoning code would allow. The City would get the dedication required, and the land owner would not lose the value and use of the land.

Reason for Code Amendment

My specific case is this. I own the property located on the SW corner of 1st Ave NW and NW Richmond Beach Road. Currently it is in the R6 zone. I have owned the property since 2005, for approximately 10 years. When I bought it in 2005, it would yield 6 building sites. In the following 8 years or so, I was unable to begin development of the lots. In December 2014, I submitted complete civil and structural plans for 6 units. The city had determined that my application was complete. After the city's review of the project, I was informed by the city that one of the conditions for final approval would be to dedicate 5 feet of frontage along the entire length of Richmond Beach Road to meet the new Shoreline Development Code #20.70.120. Richmond Beach Road, one of the roads specifically mentioned in the new code, lies along the North side of my property. If such dedication must be done *before* the lots are approved for development, that would make my property approximately 400 feet short of yielding 6 building sites. The loss of one building lot would impose a great burden on me because I would need to do the same amount of infrastructure and improvements to the property, but I would lose a building site at a cost to me of approximately $250,000.00

Decision Criteria Explanation

The project I initially proposed is in accordance with the comprehensive plan. Other than imposing the dedications *before* the lots are approved, all the other regulations and requirements would still be adhered to. In addition, I have personally been a resident of the City of Shoreline for 28 years, and I have raised my family here. From the beginning, I have been active in providing "infill" housing in Shoreline which I feel has been in the best interests of the citizens and a positive factor in the growth of the city. It seems to me this amendment I have proposed would allow my site development project to be "grandfathered" since the new Shoreline Development Code #20.70.120 was enacted in 2011 after I purchased this property; the city could still get the dedication needed along Richmond Beach Road after the lots were approved, and I would not lose the value and use of an entire building site.

Amendment Will not adversely affect the public welfare.

This project will meet all City, State and Federal regulations. The project will have the same layout and appear the same as proposed. This code amendment would allow other property owners in similar circumstances to maximize the value in their property, and the city would get the dedications required. Your consideration will be greatly appreciated. R Crosby for Application# 122869

BERK

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Seattle, WA 98121
www.berkconsulting.com

MEMORANDUM

DATE: March 9, 2015

TO: Dan Eernissee, Economic Development Director – City of Shoreline

FROM: Kevin Gifford, AICP – Senior Planner
Aaron Raymond – Associate Planner
Lisa Grueter, AICP – Planning Manager

RE: Aurora Square Transition Standards – Supplemental Height and Bulk Analysis

INTRODUCTION AND PURPOSE

This memorandum presents supplemental analysis of height and bulk associated with proposed modifications to the City of Shoreline's transitional area development regulations for the Mixed Business (MB) zone, as established in Chapter 20.50.021 of the Shoreline Municipal Code. The analysis presented in this memorandum responds to comments received on the Draft Planned Action Environmental Impact Statement (EIS) published for the Aurora Square Community Renewal Area (CRA) in December 2014 and can be incorporated into the Final EIS that will be published this spring, following Planning Commission direction on a Preferred Alternative. Alternatively or in addition, it can be folded into a separate code amendment process addressing Transition standards more generally.

The purpose of this analysis is to address comments received by two property owners within the CRA, requesting elimination or modification of the current development regulations that govern building heights in the MB zone when adjacent to, or directly across a street from, low-density residential zones (R-4, R-6, and R-8). The current standards require the application of upper-story setbacks at defined height intervals to minimize impacts associated with height, bulk, and scale. The commenters noted that, due to the large right-of-way widths in the CRA, up to nearly 200 feet in some locations, additional upper-story setbacks would be unnecessary and could be a burden on property owners. While the comments received were from two specific property owners, this analysis tests the potential impacts of this request, as well as an intermediate modification of the standards, compared with the current standards on all properties in the Aurora Square CRA that lie adjacent to R-4, R-6, and R-8 zones.

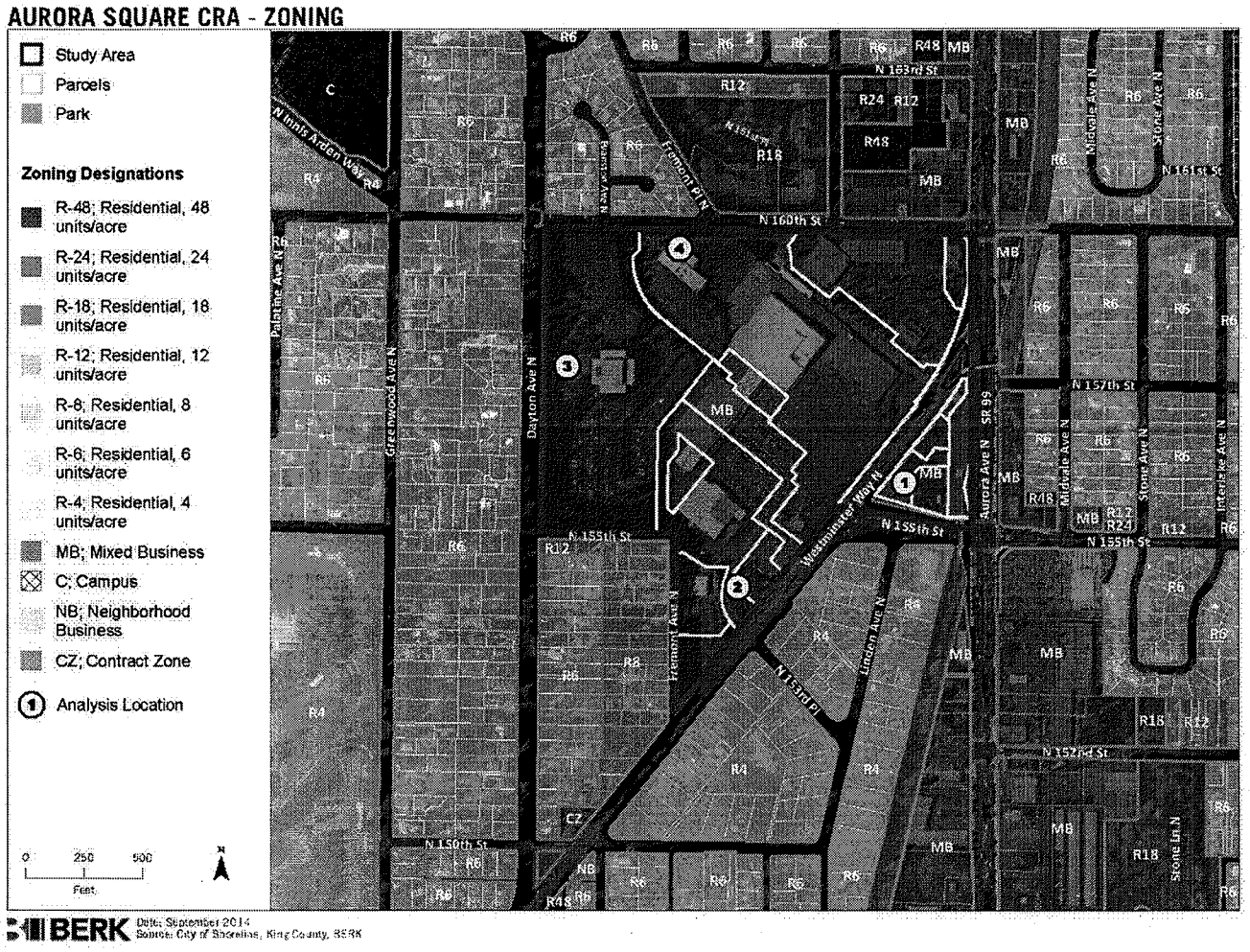
METHODOLOGY

Modeling Scenarios

Using available GIS data, BERK created a three-dimensional digital model of the Aurora Square CRA and surrounding areas, including parcel boundaries, site topography, and existing building footprints. Existing building heights were estimated based on Light Detection and Ranging (LIDAR) data collected by City of Shoreline.

As shown in Figure 1, low-density residential zoning surrounds the Aurora Square CRA to the northwest, west, and south. BERK selected four locations in the CRA for analysis to test varying topographical conditions and street right-of-way widths.

Figure 1. Current Zoning Map



Source: City of Shoreline, BERK Consulting 2015

At each of the identified locations, BERK constructed digital models of the maximum building envelope allowed under each analysis scenario, based on existing and proposed development regulations, incorporating required building setbacks, as wells upper-story stepbacks and height limits. The three test scenarios are summarized in the following sections.

Existing Regulations

This scenario modeled maximum building envelope allowed under adopted development regulations for the MB zone established in SMC Table 20.50.020(2) and the Transition Area requirements established in SMC 20.50.021. These included the following:

- Maximum building height of 65 feet;

- Minimum front yard setbacks of 15 feet where buildings would be located across rights-of-way from R-4, R-6, or R-8 zones, with the following exceptions:
    - Exception 2 to SMC Table 20.50.020(2) indicates that a 15-foot front setback is not required along rights-of-way classified as Principal Arterials. Analysis Locations 1 and 2 are located along segments of N 155th Street and Westminster Way N that are classified as Principal Arterials. Front yard setbacks along these streets were modeled as zero feet.
- Upper-Story Setbacks per SMC 20.50.021(A)
    - When R-4, R-6, or R-8 zoning is across a street right-of-way, maximum building height of 35 feet within the first 10 feet horizontally from the required setback line;
    - Additional upper-story setbacks of 10 feet each for every additional 10 feet in height, up to the allowed maximum height of 65 feet.

Transition Standard Elimination

This scenario modeled maximum building envelope using the same ground-level building setback requirements and height limits as Existing Regulations, but with no requirement for upper-story setbacks under SMC 20.50.021 (see Attachment 1).

Limited Transition Modifications

This scenario modeled an intermediate condition between existing regulations and complete elimination of the Transition Area standards. This scenario includes the same ground-level building setback requirements and height limits as Existing Regulations, as well as the following requirements:

- Maximum building height of 35 feet within the first 10 feet horizontally from the front-yard setback line.
- No additional upper-story setbacks required.

Modeling Assumptions

The digital models depicted in the Analysis Results section do not represent any proposed or approved building design. Rather, these massing models show maximum building envelope allowed by City development regulations. As such, these should be considered conservative projections.

ANALYSIS RESULTS

The results of digital modeling for each of the three scenarios are presented in the following sections. Each section provides figures showing maximum building envelope allowed at each analysis location, as well as models of nearby existing buildings. To estimate the potential for height and bulk impacts on surrounding residential development, each figure also illustrates shade and shadow conditions, based on early spring sun angles for the Puget Sound region. Due to seasonal variation in sun angles, shadows would be longer in winter months and shorter during the summer; because most out-of-door time would be between spring and fall, the spring timeframe was chosen as a conservative representation of shade and shadow effects.

Existing Regulations

As shown in Figure 2 through Figure 5, the combination of setbacks, upper-story stepbacks, and right-of-way widths are sufficient to minimize shading effects under existing regulations. In particular, R-4 properties along N 155th Street and Westminster Way N, near Analysis Locations 1 and 2, would benefit from wide rights-of-way and prevailing sun angles and would receive no shading from MB development.

R-6 development near Analysis Locations 3 and 4 would likewise receive very limited shading from MB development in the Aurora Square CRA. R-6 development across Dayton Avenue N would also benefit from a sharp grade change at the western edge of the CRA, which reduces the relative height of buildings on the Aurora Square site.

Figure 2. Existing Regulations – Analysis Location 1

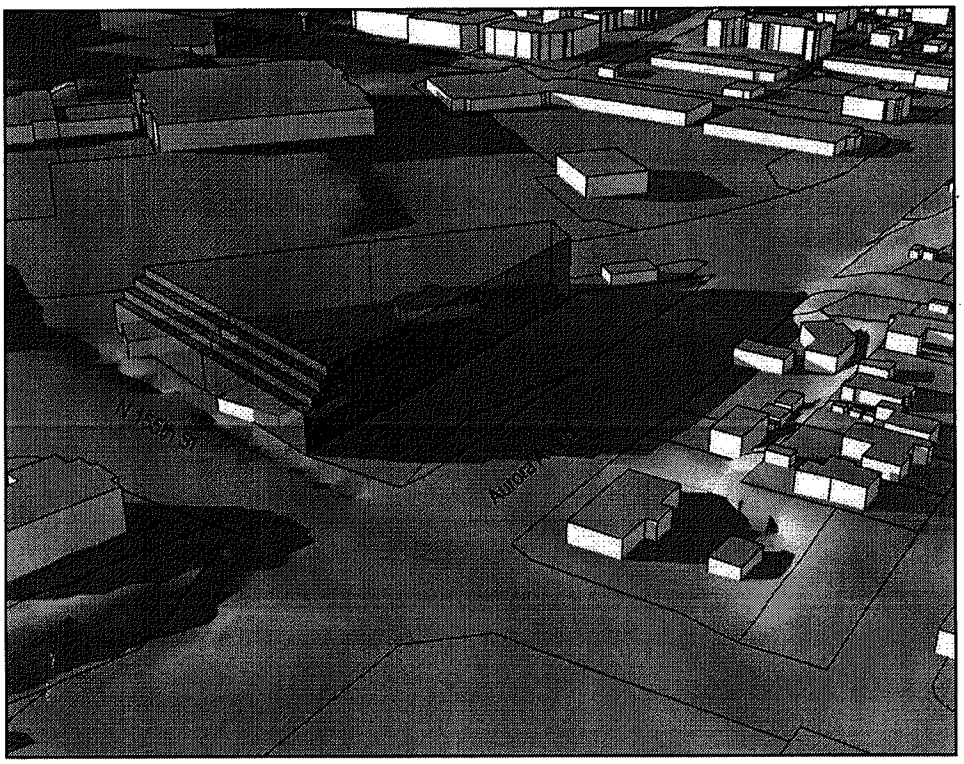


Figure 3. Existing Regulations – Analysis Location 2

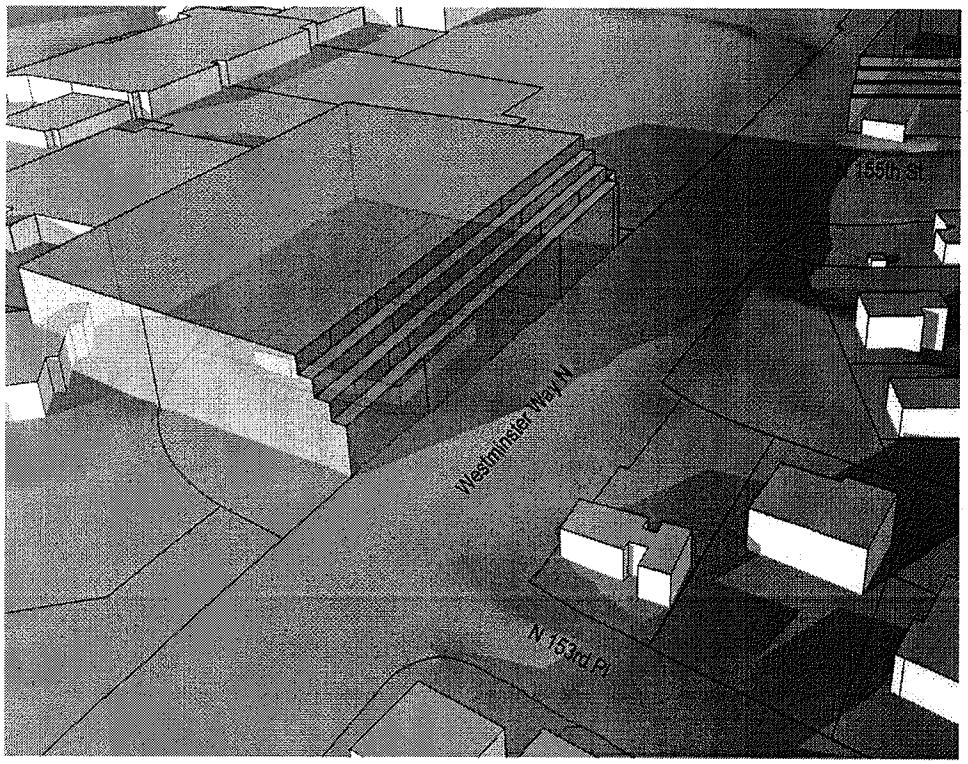


Figure 4. Existing Regulations – Analysis Location 3

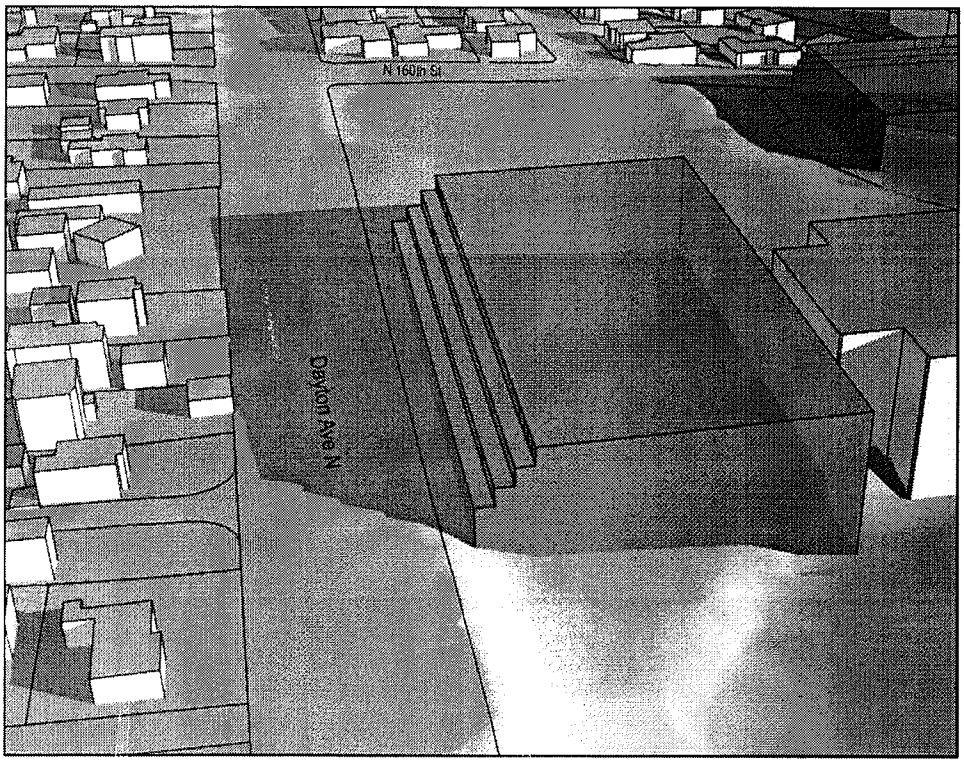
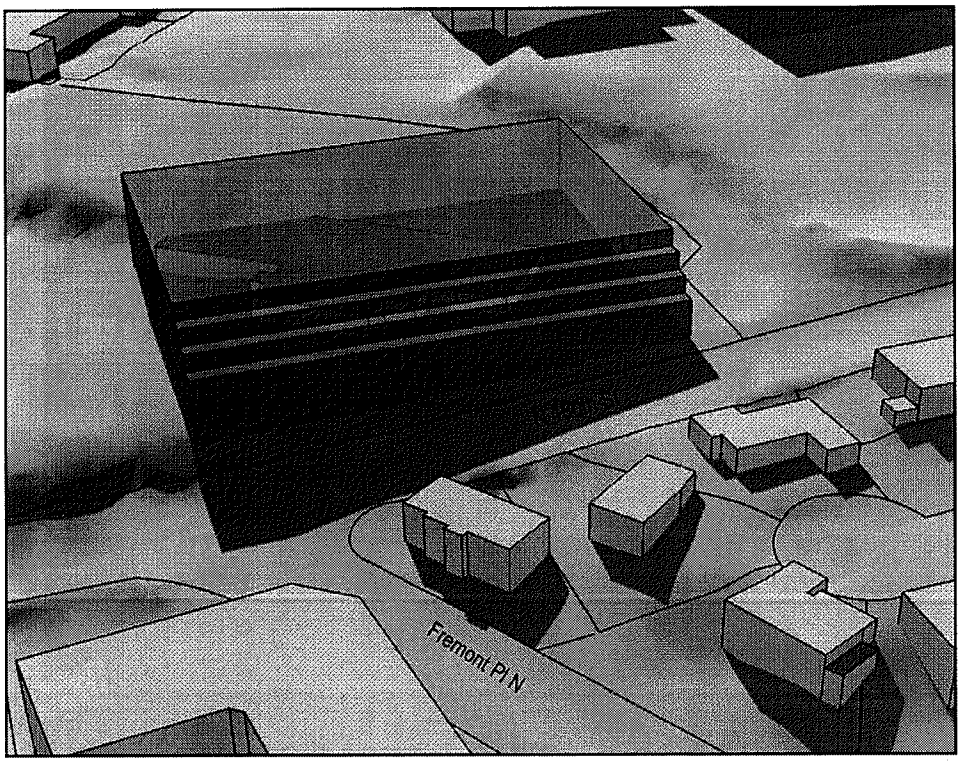


Figure 5. Existing Regulations – Analysis Location 4



Transition Standard Elimination

Eliminating the Transition Standard requirement for upper-story setbacks would slightly increase shading effects relative to existing regulations, as shown in Figure 6 through Figure 9. This increase would be most pronounced at Analysis Locations 3 and 4, where street rights-of-way are narrower than at Analysis Locations 1 and 2. The right-of-way of Dayton Avenue N at Analysis Location 3 is approximately 95 feet, and the right-of-way of N 160th Street at Analysis Location 4 is approximately 60 feet. Residential development near Analysis Locations 1 and 2 would experience no significant increase in shading under this scenario, primarily due to the large right-of-way widths associated with Westminster Way N and N 155th Street. However, some minor shading could occur at Analysis Location 3 during the early morning hours and at Analysis Location 4 in the early afternoon.

Figure 6. No Transition Standards – Analysis Location 1

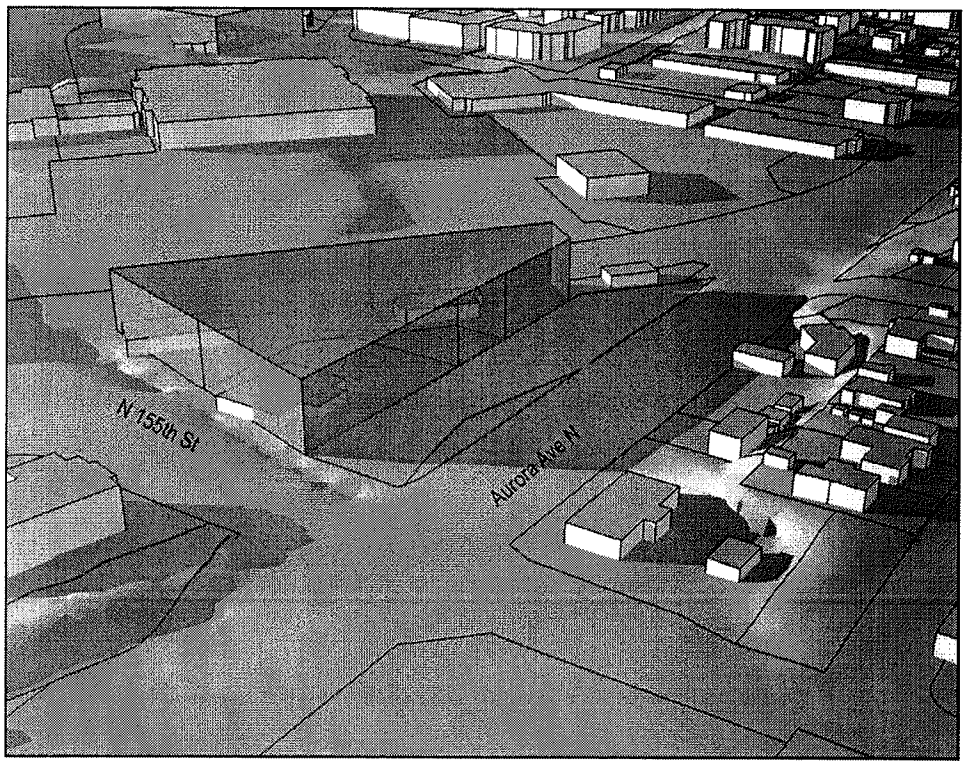


Figure 7. No Transition Standards – Analysis Location 2

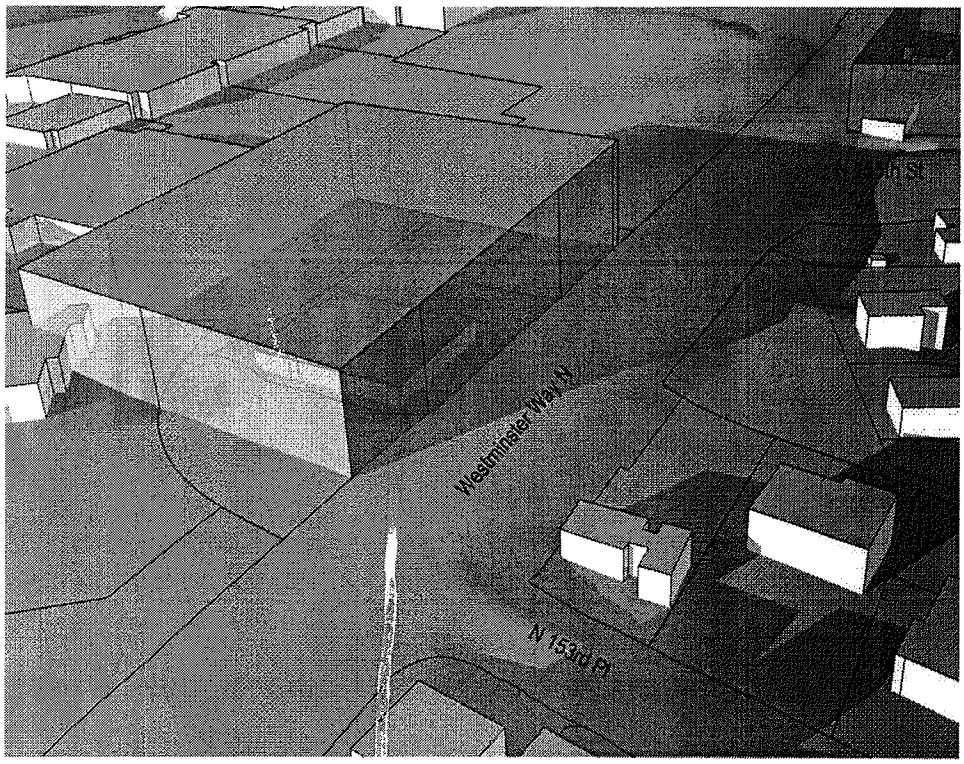


Figure 8. No Transition Standards – Analysis Location 3

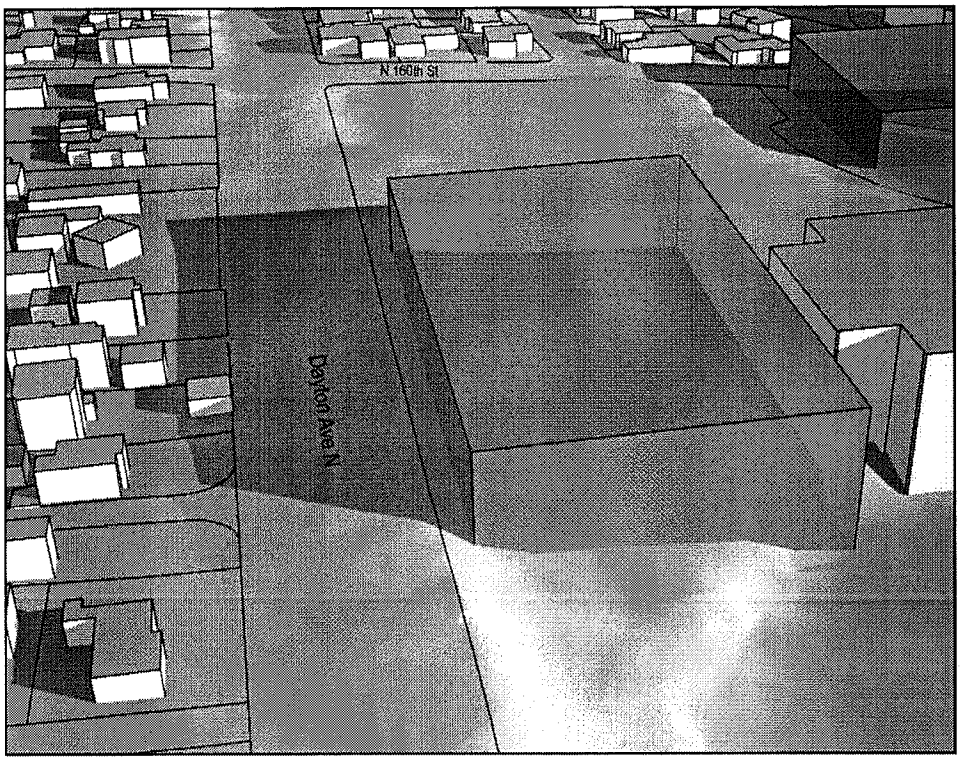
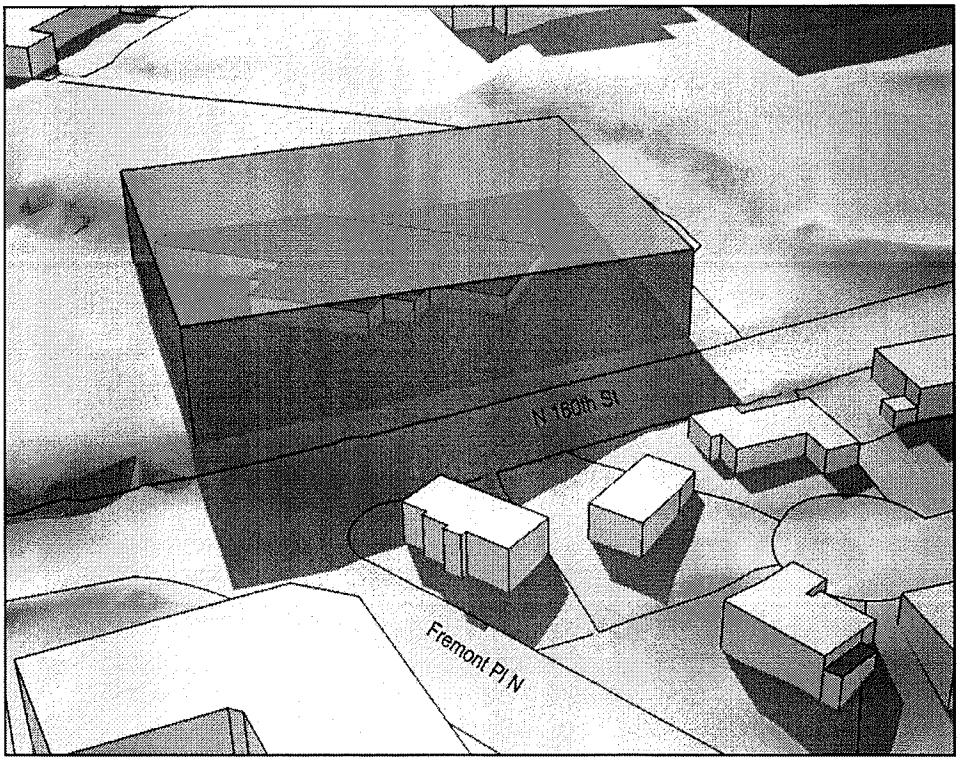


Figure 9. No Transition Standards – Analysis Location 4



Limited Transition Modifications

Predictably, limited modification of the Transition Standards to include a single upper-story stepback at 35 feet would result in shading effects within the range established by the previous two scenarios. In the areas most affected by elimination of the Transition Area standards (Analysis Locations 3 and 4), the limited modification scenario would still result in a similar increase in shading.

Figure 10. Limited Transition – Analysis Location 1

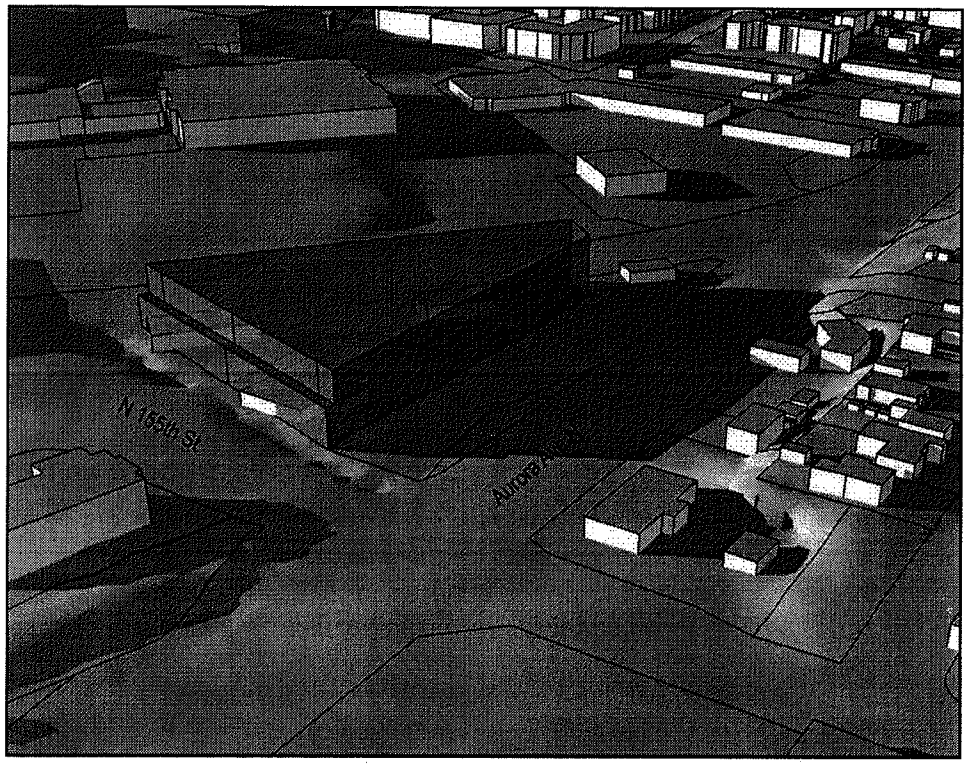


Figure 11. Limited Transition – Analysis Location 2

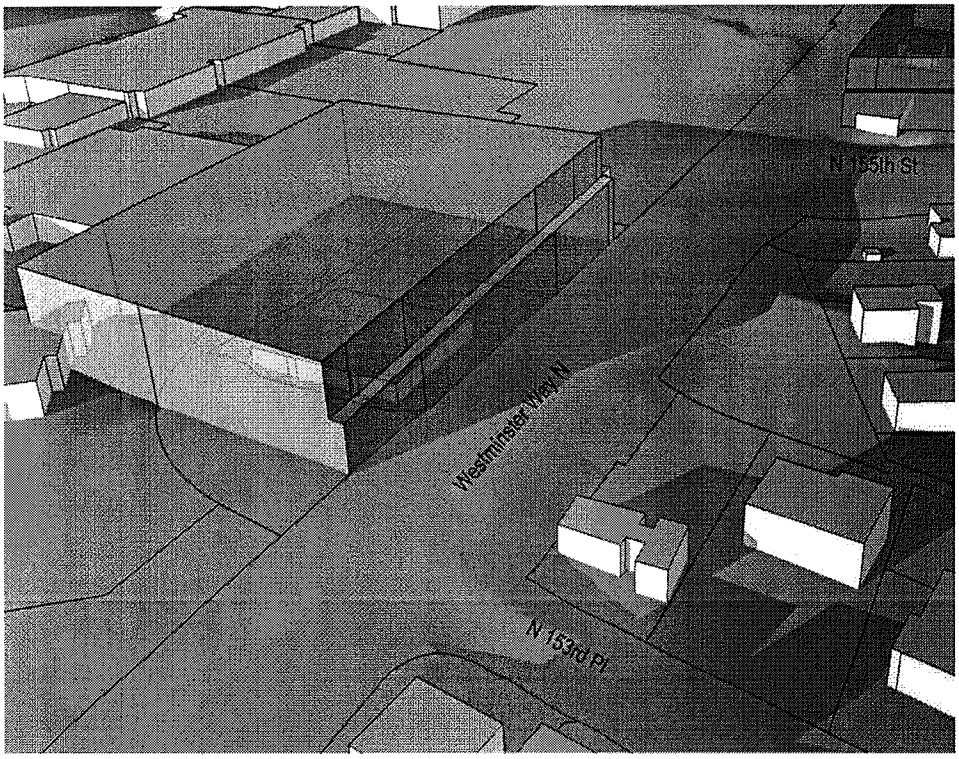


Figure 12. Limited Transition – Analysis Location 3

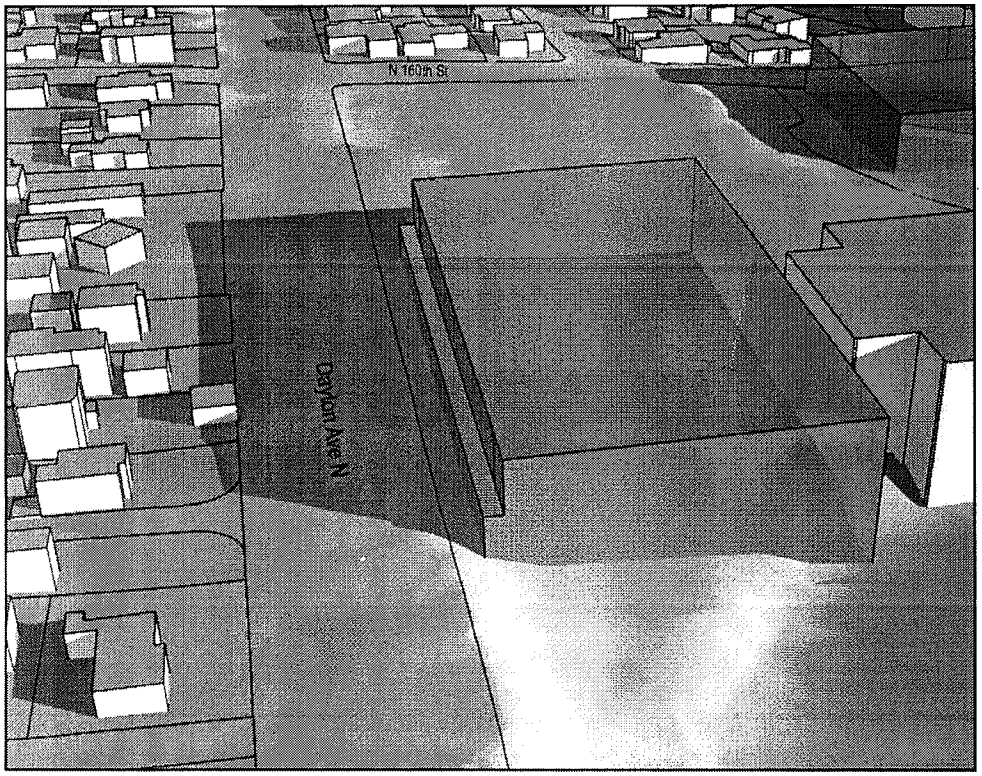
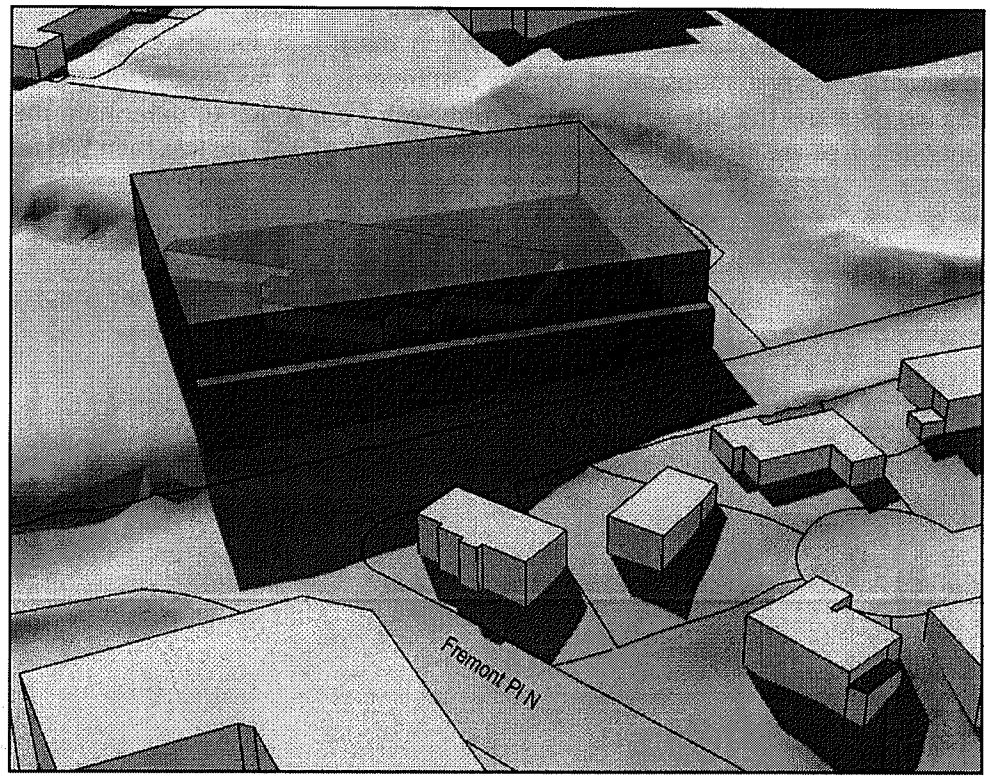


Figure 13. Limited Transition – Analysis Location 4



CONCLUSIONS AND RECOMMENDATIONS

Height, bulk, and shading effects associated with development on the Aurora Square site would be lowest under existing development regulations and Transition Area standards (Option 1). Increased shading effects resulting from elimination (Option 2) or modification of the Transition Area standards (Option 3) would be most pronounced on the north and west sides of the CRA, where street rights-of-way are narrower than in the south and east. Shading impacts in these locations would be moderate and would only occur for brief periods each day, though shading conditions would be more pronounced in winter months and less pronounced in summer. Option 3 avoids increased shading impacts associated with wider streets and allows for a more pedestrian-scaled environment than complete elimination of the Transition Area standards than Option 2.

In analysis locations where streets are characterized by wide rights-of-way, the modeled scenarios did not produce substantially different results, and elimination of the Transition Area standards would not result in a significant adverse impact in these locations. However, areas to the north and west of the CRA could potentially be impacted if development at Aurora Square was not required to apply the Transition Area standards, and complete elimination of the Transition Area standards would allow for only limited building façade modulation, which could have an adverse impact on the pedestrian environment. BERK would therefore recommend application of the modified Transition Area standards in areas where street rights-of-way are 100 feet or greater, which avoids increased shading impacts and allows for a more pedestrian-scaled environment than complete elimination of the Transition Area standards. In areas where the street right-of-way is less than 100 feet, BERK recommends that the development regulations be modified to allow applicants to request that the City apply the modified Transition Area standards instead of the current standards, provided that the applicant can demonstrate that their building design would not result

in increased shading when applying the modified standards; this is due to the conservative nature of the analysis in this memo that maximizes the bulk envelope. In the more specific site design for a specific parcel, it is likely that bulk would not be maximized. When there is a specific proposal, allowing an applicant to prepare an analysis demonstrating Option 3 standards are no greater in impact than for Option 1 standards would allow the City appropriate information from which to determine the standard Transition requirements are or are not needed where the street rights of way are less than 100 feet.

Attachment 1 – Transition Area Standards

Excerpted from Title 20 of the Shoreline Municipal Code

20.50.021 Transition areas.

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

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.

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The City of Shoreline Notice of Public Hearing of the Planning Commission

Description of Proposal: The City of Shoreline is proposing changes to the Shoreline Development Code that apply citywide. The non-project action to amend the Development Code include new definitions, amendments that address Sound Transit development activities, Level-of-Service standards for pedestrians and bicycles, fee waivers for affordable housing, transitional encampments, raising thresholds for short plats, greater tree protection standards, and general administrative corrections, procedural changes, policy changes, clarifying language, and codifying administrative orders.

This may be your only opportunity to submit written comments. Written comments must be received at the address listed below before **5:00 p.m. October 1, 2015**. Please mail, fax (206) 801-2788 or deliver comments to the City of Shoreline, Attn: Steven Szafran 17500 Midvale Avenue N, Shoreline, WA 98133 or email to sszafran@shorelinewa.gov.

Interested persons are encouraged to provide oral and/or written comments regarding the above project at an open record public hearing. The hearing is scheduled for Thursday, October 1, 2015 at 7:00 p.m. in the Council Chamber at City Hall, 17500 Midvale Avenue N, Shoreline, WA.

Copies of the proposal and applicable codes are available for review at the City Hall, 17500 Midvale Avenue N.

Questions or More Information: Please contact Steven Szafran, AICP, Senior Planner at (206) 801-2512.

Any person requiring a disability accommodation should contact the City Clerk at (206) 801-2230 in advance for more information. For TTY telephone service call (206) 546-0457. Each request will be considered individually according to the type of request, the availability of resources, and the financial ability of the City to provide the requested services or equipment.

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CITY OF SHORELINE

Planning & Community Development

17500 Midvale Avenue North
Shoreline, WA 98133-4905
(206) 801-2500 ♦ Fax (206) 801-2788

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

PROJECT INFORMATION

DATE OF ISSUANCE:	**September 16, 2015**
PROPONENT:	**City of Shoreline**
LOCATION OF PROPOSAL:	**Not Applicable - Non Project Action.**
DESCRIPTION OF PROPOSAL:	The City of Shoreline is proposing amendments to the Shoreline Development Code that apply citywide. The non-project action to amend the Development Code include new definitions, amendments that address Sound Transit development activities, Level-of-Service standards for pedestrians and bicycles, fee waivers for affordable housing, transitional encampments, raising thresholds for short plats in certain zones, tree protection, and general administrative corrections, procedural changes, policy changes, clarifying language, and codifying administrative orders.
PUBLIC HEARING	**Tentatively scheduled for October 1, 2015**

SEPA THRESHOLD DETERMINATION OF NONSIGNIFICANCE (DNS)

The City of Shoreline has determined that the proposal will not have a probable significant adverse impact(s) on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of the environmental checklist, the City of Shoreline Comprehensive Plan, the City of Shoreline Development Code, Sound Transit Lynnwood Link FEIS, and other information on file with the Department. This information is available for public review upon request at no charge.

This Determination of Nonsignificance (DNS) is issued in accordance with WAC 197-11-340(2). The City will not act on this proposal for 15 days from the date below.

RESONSIBLE OFFICIAL: **Rachael Markle, AICP**
Planning & Community Development, Director and SEPA Responsible Official

ADDRESS: **17500 Midvale Avenue North**
Shoreline, WA 98133-4905

PHONE: **206-801-2531**

DATE: _____ SIGNATURE: _____

PUBLIC COMMENT, APPEAL, AND PROJECT INFORMATION

The public comment period will end on October 1, 2015. There is no administrative appeal of this determination. The SEPA Threshold Determination may be appealed with the decision on the underlying action to superior court. If there is not a statutory time limit in filing a judicial appeal, the appeal must be filed within 21 calendar days following the issuance of the underlying decision in accordance with State law.

The file and copy of the Development Code amendments are available for review at the City Hall, 17500 Midvale Ave N., 1st floor – Planning & Community Development or by contacting Steven Szafran, AICP, Senior Planner at sszafran@shorelinewa.gov or by calling 206-801-2512.

The file and copy of this SEPA Determination of Nonsignificance is available for review at the City Hall, 17500 Midvale Ave N., 1st floor – Planning & Community Development.

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Planning Commission Meeting Date: October 1, 2015 Agenda Item

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**Public Hearing on Critical Areas Ordinance Update - continuation**
DEPARTMENT:	**Planning & Community Development**
PRESENTED BY:	**Juniper Nammi, AICP, Associate Planner** **Paul Cohen, Planning Manager**

☒ **Public Hearing** ☐ **Study Session** ☐ **Recommendation Only**
☐ **Discussion** ☐ **Update** ☐ **Other**

INTRODUCTION

The purpose of this meeting is a continuation of the September 17, 2015, public hearing on the proposed amendments to the Shoreline Municipal Code (SMC) in:

- Chapter 20.80, Critical Areas (CAO);
- Related sections of Division I, Title 20, Development Code; and
- Shoreline Master Program, (SMP) Division II, Title 20.

The amendments are proposed to meet the State of Washington Growth Management Act (GMA) requirement to periodically review and, if necessary, update the critical area regulations for consistency with best available science (BAS). Staff is also proposing changes that will add clarity and predictability to administration of these regulations. Incorporation of the updated critical areas regulations into the SMP is recommended by staff to replace the 2006 CAO and related critical area regulations in the SMP, but not required by the GMA.

The purpose of this public hearing is to:

- Review the proposed amendments to the critical area ordinance (CAO), SMP, and related chapters in Title 20;
- Respond to questions regarding the proposed amendments;
- Gather public comment;
- Deliberate and, if necessary, ask further questions of staff; and
- Make a recommendation to forward to Council.

Amendments to the SMC Title 20, Development Code, are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for legislative decisions and is responsible for holding an open record Public Hearing on the official docket of proposed Development Code amendments and making a recommendation to the City Council on each amendment.

Approved By: **Project Manager** ____ **Planning Director** ____

BACKGROUND

The staff report provided for the September 17, 2015, Planning Commission meeting includes the background for this project and a detailed summary of the changes proposed.

September 17, 2015 – Critical Areas Ordinance and SMP Limited Amendment Public Hearing
http://www.shorelinewa.gov/Home/Components/Calendar/Event/8105/182?toggle=allpast

Links to the staff reports for the five study session held with Planning Commission on this topic are also available in the September 17 meeting staff report.

At the September 17 public hearing, Planning Commission decided to continue the public hearing until the October 1, 2015, Commission meeting in light of the new information and public comment received that day. This continuation adds an additional two weeks to the official comment period for the public hearing. The SEPA checklist and notice of determination were revised and published again in response to changes proposed to the original draft regulations and the SEPA comment period was extended to October 1, 2015.

City Council is now scheduled to discuss the CAO update on October 26 and November 2 with adoption scheduled for December 7, 2015. This revised schedule allows a total of five additional weeks for public comment through the City Council processes for study sessions and adoption decision meetings.

Additionally, the limited amendment to the SMP would not go into effect until approved by the Washington State Department of Ecology (Ecology) which will be approximately 2-6 months after Council approval of the ordinances. Ecology will have its own 30-day comment period on the SMP limited amendment and may require additional changes for the critical area regulations to be incorporated into the SMP.

PROPOSAL & ANALYSIS

The CAO update project includes changes to the critical area regulations in SMC Chapter 20.80, other Title 20 chapters that reference or relate to critical areas, and a limited amendment to the SMP in order to incorporate the updated SMC Chapter 20.80 Critical Areas. To facilitate incorporation of the CAO into the SMP, the proposed Development Code amendments are organized into three ordinances:

- Ord. No. 723 - Critical Areas Ordinance (CAO) update
- Ord. No. 724 - Miscellaneous Title 20 Development Code amendments related to CAO
- Ord. No. 725 - Shoreline Master Program (SMP) Limited Amendment related to CAO

All three ordinances are provided in clean copy and legislative (strikethrough and underline) formats with the September 17 Commission meeting packet.

Please refer to the September 17 and earlier project staff reports for the analysis of the proposed changes to the critical areas regulations, related development code provisions, and limited amendment to the SMP.

RESPONSE TO PUBLIC COMMENT

The City received a number of specific comments on the draft regulations prior to or during the September 17 public hearing. Staff responses to most of these comments are included below. Staff is prepared to answer any questions Commission may have about the comments that are not directly addressed in this staff report. Specific recommendations for substantive code changes are included when applicable.

Changes to Ord. No. 723 - Critical Areas Ordinance (CAO) update:

20.50.350 Development standards for clearing activities.
(E) Cutting and Pruning of Protected Trees.

Public comment stated that the proposed revisions to the provisions for Pruning of Protected Trees (SMC 20.50.350(J) is too narrow to allow for the view preservation required in some Shoreline neighborhoods. The new language proposed in SMC 20.50.350(E), together with changes to SMC 20.80.030(J) *Normal maintenance*, allows for pruning, without a permit, of protected trees for view enhancement in ways that will not be detrimental to the health of the trees being pruned. Staff recognizes that this does not address all view issues, nor is it intended to. These changes are only intended to clarify and expand the management of trees that are protected, which can be undertaken with direction by a qualified arborist without review by the City or other qualified professionals. Alterations of buffer vegetation, such as nonhazardous tree removal, can still be considered through permit review processes with mitigation depending on the sensitivity of the critical area.

Staff does not recommend any additional changes to this section.

20.80.030 Exemptions.
(G) Nonimminent Hazard Trees.

The comment stated that the proposed regulations would unnecessarily subject hazard tree exemptions to expensive third party review. However, provisions allowing for third party review by the City's qualified professional are original to the 2012 adoption of this code section. The code revisions proposed by staff to this section primarily replace outdated terms with the current terms, such as replacing "risk assessment form" with "tree evaluation form" or replacing "peer review" with "third party review."

The two substantive changes to this section include provisions 6 and 7. Provision 6 puts into the regulations the current practice by the City when applying SMC 20.50.360(F) to hazard tree removal requests. Provision 7 adds specific

circumstances under which the City will require a qualified professional to review the proposed tree removal and require mitigation similar to existing provision 3.

Changes to implementation of the third party review process, such as maintaining active contracts with qualified professionals for all identified critical area categories, should help to expedite third party review when needed quickly. Additionally, the City may be able to utilize State agency technical assistance, when available, for quicker guidance on how best to mitigate for impacts to wildlife. Keep in mind that these provisions do not apply to active and imminent hazard tree removal, only to hazards that are less immediate.

Staff does not recommend any additional changes to this section.

20.80.085 Pesticides, herbicides and fertilizers on City-owned property.

This comment asserts that allowing for pesticide use on a limited basis was not necessary and that wildlife was too sensitive to these chemicals to allow their use. The staff proposed change to this section allows for use of pesticides or herbicides when the best available science indicates that it is the best method to be used for the specific species and location being controlled. Nonchemical methods can also be significantly damaging to a critical area, such as when root systems need to be dug out resulting in areas of land disturbance requiring re-stabilization. All federal, state, and local regulations for use of pesticides and herbicides as well as protection of water quality must be followed. Staff believes that this provision, when combined with other existing regulations, will allow for the best management of invasive species, while taking into consideration site specific concerns such as proximity to a wetland. Best practices do include measures such as injection or painting the herbicide on instead of generalized spraying.

Staff does not recommend any additional changes to this section.

20.80.220 GEOLOGIC HAZARDS – Classification.
(A) Landslide Hazard Areas. and (B) Landslide Hazard Area Classification.

Concern was raised over whether defining a distinct topographic break as "extending at least fifteen feet horizontally" as arbitrary and not supported by BAS. Staff asked Todd Wentworth, AMEC Foster Wheeler, to revise the Shoreline Geologic Hazards – Best Available Science memo to better articulate the basis for this definition. The revised memo was provided to Planning Commission and the public via email and as part of the Commission's desk packet on September 17. Staff has reviewed both the public comments and the revised memo and recommends making a change to the current draft based on the following:

- Defining the width of a distinct topographic break was intended to facilitate easier identification of landslide hazard areas generally and very high risk landslide hazard areas specifically;

- The basis for a 15-feet minimum for a distinct break is the current minimum allowed buffer for very high risk landslide hazard areas;
- The buffer width is supported by BAS, but the use of this width for defining a distinct break is not directly supported by BAS;
- Planning Commission revisions to the proposed CAO now allows for development in very high risk landslide hazard areas so the distinction between moderate to high risk and very high risk is related to the standards and requirements that apply to a project rather than whether or not a project can be permitted at all;
- Averaging the slope over 10 vertical feet should result in similar classifications as were anticipated using the original definition of a distinct break being at least 15 feet wide; and
- The analysis required by the qualified engineer should adequately assess for the total slope stability, even when there are mid-slope benches, under the requirements for both classifications of landslide hazard areas.

Based on these findings, staff recommends the following substantive changes to this section:

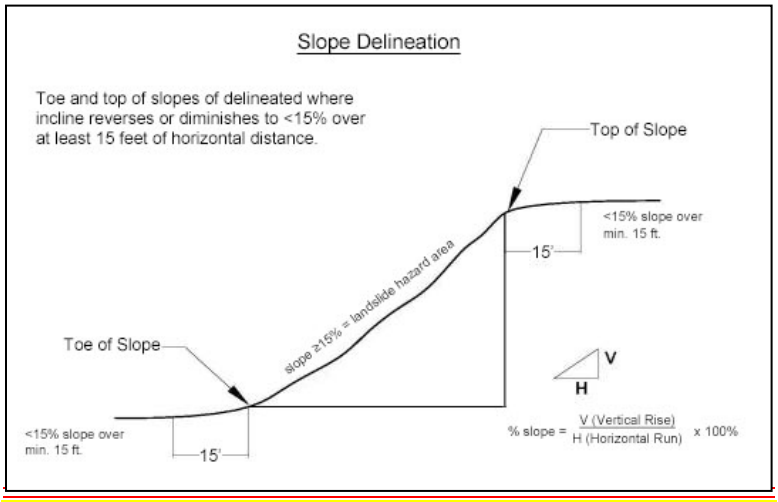
20.80.220 GEOLOGIC HAZARDS - Classification.

Geologic hazard areas shall be classified according to the criteria in this section as follows:

A. **Landslide Hazard Areas.** Landslide Hazard Areas are those areas potentially subject to landslide activity based on a combination of geologic, topographic and hydrogeologic factors as classified in SMC 20.80.220(B) with ~~Those areas in the City of Shoreline on~~ slopes ~~40~~15 percent or steeper within a vertical elevation change of at least 10 feet or all areas of prior landslide activity regardless of slope. A slope is delineated by establishing its toe and top, and is measured by averaging the inclination over ~~at least~~ 10 feet of vertical relief (see Figure 20.80.220(B)). The edges of the geologic hazard are identified where the characteristics of the slope cross section change from one landslide hazard classification to another or no longer meet any classification. ~~For the purpose of this definition:~~

~~A~~1. The toe of a slope is a distinct topographic break ~~in slope~~ which separates slopes inclined at less than ~~40~~15 percent from slopes above that are ~~40~~15 percent or steeper when measured over 10 feet of vertical relief~~, Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet A distinct topographic break is an area that extends at least 15 feet horizontally away from the slope and that slopes less than 15 percent~~; and

~~B~~2. The top of a slope is a distinct topographic break ~~in slope~~ which separates slopes inclined at less than ~~40~~15 percent from slopes below that are ~~40~~15 percent or steeper when measured over 10 feet of vertical relief. ~~Where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet A distinct topographic break is an area that is at least 15 feet horizontally away from the slope and that slopes less than 15 percent.~~



[Figure to be edited and replaced consistent with the text edits proposed]

Figure 20.80.220(A): Illustration of slope calcuation for determination of top and toe of landslide hazard area.

~~3. Landslide hazard area classifications differentiated based on percent slope shall be delineated based on topographic change that extends at least 15 feet horizontally away from the slope and that slopes less than 40 percent, as determined by two (2) foot contour intervals, not averaging over the full landslide hazard area.~~

B. **Landslide Hazard Area Classification.** Landslide hazard areas are classified as follows:

1. Moderate to High Risk ~~Hazard~~:

a. Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till that do not meet the criteria for Very High Risk areas in (3) below.

~~2. High Hazard:~~

b. Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay~~.~~ and do not meet the criteria for Very High Risk areas in (3) below; and

c. All slopes of 10 to 20 feet in height that are 40 percent slope or steeper and do not meet the criteria for Very High Risk in (3)(a) or (3)(b) below.

~~3~~2. Very High Risk ~~Hazard~~:

a. Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage)~~,~~;

b. ~~a~~Areas of landslide ~~deposits~~ activity (scarps, movement, or accumulated debris) regardless of slope~~,~~; and

c. ~~a~~All ~~steep~~ slopes ~~hazard areas sloping~~ that are 40 percent or steeper and more than 20 feet in height. Very high risk landslide hazard areas shall include mid-slope benches that do not meet the criteria for a top or toe of slope in SMC 20.80.220(A) when slope is averaged over 10 vertical feet of relief. ~~Slope height shall include all areas greater than 40 percent slope that are not separated by breaks greater than 15 feet wide (horizontal run) less than 40 percent slope, as illustrated in Figure 20.80.220(B).~~

~~[place holder for cross section and plan view illustrations differentiating Moderate to High, and Very High risk landslide hazard areas]~~
[revise draft figures provided in the revised Shoreline Geologic Hazards – Best Available Science memo for consistency with the proposed changes to this section]
Figure 20.80.220(B): Illustration of landslide hazard area delineation.

(C) Seismic Hazards Areas.

Staff received an~~d~~ inquiry from a Planning Commissioner asking about the distance of the South Whidbey fault to Shoreline and the potential risk from this fault to north Shoreline neighborhoods.

The Shoreline Geologic Hazards – Best Available Science memos do not mention this fault specifically. Todd Wentworth, AMEC Foster Wheeler, responded to this question with the following information:

> "The South Whidbey Island Fault extends from Victoria, BC, through South Whidbey Island, passes between Mukilteo and Edmonds, and continues southeast for an unknown distance, possibly to eastern Washington.
>
> King County indicates (Map 11-3) that if a large earthquake occurred on the fault, Shoreline would experience Moderate Damage (Mercali Scale VII). This is the same estimate as for a large earthquake on the Seattle Fault (King County Map 11-2). For the 100 year probabilistic earthquake (King County Map 11-1) only parts of Shoreline will have Moderate Damage. The King County hazards maps were published in May 2010.
>
> USGS recognizes the South Whidbey Island Fault as a potential hazard, but it needs more study; more is known about the Seattle Fault.
>
> In summary, less is known about the South Whidbey Island Fault, but for the City of Shoreline, the hazard could be similar to the Seattle Fault."

Seismic hazard area evaluation in critical area reports should take this fault into consideration when assessing geologic hazards. Staff does not recommend any additional changes to the Geologic Hazards provisions classifying seismic hazards or to the provision regulating alterations in these areas based on this information.

20.80.224 GEOLOGIC HAZARDS – Development standards.

(G) Additional Requirements for Alteration of Very High Risk Landslide Hazard Areas.

Concern was raised that the requirement, in provision 4, for a Geotechnical Special Inspector during the construction process goes beyond what other cities, such as Seattle, require. Concern was also raised regarding the requirement that the special inspector insure (or ensure) development is occurring as permitted, suggesting instead the use of the word verify.

Staff revisited the City of Seattle landslide and steep slope hazard regulations that were used as a starting point for most of the additional requirements included in this section. Staff also reviewed the City's existing provisions for special inspections under the International Building Codes and construction management by the qualified professional required under the proposed mitigation performance standards and requirements in SMC 20.80.250(C).

Building code special inspection requirements would be required for buildings and other structures proposed within the very high risk landslide hazard areas where continuous inspection during a stage of construction or specialized expertise is needed for verification of the construction methods and materials. Where nonstructural projects are proposed, staff believes that the construction management provided by the qualified professional proposed in SMC 20.80.250(C)(10) will be sufficient when combined by the discretion allowed to the building official to stop a project and require a letter of certification from the qualified geotechnical engineer when an emergency situation is identified per SMC 20.80.250(G)(5) and (6).

In response to these comments and staff analysis the following substantive changes and clarifying edits are proposed:

20.80.224 GEOLOGIC HAZARDS – Development standards.
G. Additional Requirements for Alteration of Very High Risk Hazard Landslide Areas.

~~4. During permitted construction on Very High Risk Landslide Hazard Areas and buffers a qualified professional Geotechnical Special Inspector shall be a third party contractor and authorized as a deputy of the building official to insure that the development is built as permitted and to insure that slope safety problems are prevented.~~

~~5~~4. If the building official has reasonable grounds to believe that an emergency exists because significant changes in geologic conditions at a project site or in the surrounding area may have occurred since a permit was issued and these changes increase~~, increasing~~ the risk of damage to the proposed development, to neighboring properties, or to ~~the drainage basin~~ nearby surface waters, the ~~Director~~ building official may by ~~letter or other reasonable means of~~ written notification suspend the permit until the applicant has submitted a letter of certification.

~~6.~~ The ~~building official may require a~~ letter of certification shall be based on such factors as the presence of known slides, indications of changed conditions at the site or the surrounding area, or other indications of unstable soils and meet the following requirements:~~.~~

a. The letter of certification shall be from the current project qualified professional geotechnical engineer of record stating that a qualified professional geotechnical engineer has inspected the site and area surrounding the proposed development within the sixty (60) days preceding submittal of the letter; and that:

~~b~~i. In the project geotechnical engineer's professional opinion no significant changes in conditions at the site or surrounding area have occurred that render invalid or out-of-date the analysis and recommendations contained in the technical reports and other application materials previously submitted to the City as part of the application for the permit; or that

~~c~~ii. In the project geotechnical engineer's professional opinion, changes in conditions at the site or surrounding area have occurred that require revision to project criteria and that all technical reports and any necessary revised drawings that account for the changed conditions have been prepared and submitted.

5. The letter of certification and any required revisions shall be reviewed and approved by the City's third party qualified professional, at the applicant's expense, before the building official may allow work to continue under the permit.

20.80.274 FISH AND WILDLIFE HABITAT – Development standards.
20.80.280 FISH AND WILDLIFE HABITAT – Required buffers. and
20.80.324 WETLANDS – Development standards.

Public comment received expresses concerns that the restrictions on vegetation management in certain stream and wetland buffers in these three sections is over broad and not supported by BAS. Suggestion made by the public to add "limited tree removal/replacement and other vegetation management pursuant to an approved buffer enhancement plan on previously developed or development restricted lots" in the allowed activities provisions of these sections or to include limited tree removal as minor conservation and enhancement under SMC 20.80.030(E).

Vegetated buffers are one of the important tools used to protect critical area functions and values. They were the primary focus of the BAS update completed by Ecology for wetlands in 2013. The findings in the original Wetlands in Washington State publications from Ecology and the updated synthesis of literature in 2013, support the restriction and management of vegetation removal in wetland buffers. Some of the research reviewed for effectiveness of buffers can also be applied to streams because some of the literature reviewed, for the effectiveness at protecting water quality, was done in the buffers of streams and rivers. Findings and conclusions that are particularly relevant to limiting vegetation removal and modification include:

- The types of plants present and how they are managed is one of the factors that contributed to the effectiveness of a buffer regarding phosphorus removal.
- Types of vegetation (trees, grasses, trees + grasses) are significantly correlated with removing pollutants.
- Wildlife preferences for types of vegetation in a buffer are very species specific.
- Humans can reduce the effectiveness of buffers in the long term through removal of buffer vegetation, soil compaction, sediment loading, and dumping of garbage.
- The composition of plants in buffers and core habitats is an important factor in protecting wetland-dependent wildlife species.

Management recommendations in Wetlands in Washington State - Volume 2 (pg. 8-41) states that:

> "Generally, buffers should be maintained in vegetation," and "any use that results in the creation of impervious areas, clearing of vegetation, or compaction of soils will be incompatible with buffer functions. Typically, buffers need to be densely vegetated with appropriate native vegetation to perform water quality and habitat-related functions."

The BAS memos from other cities, reviewed for this update project and included in the records as BAS references, all address the need for undisturbed vegetative buffers for wetlands, streams, and other fish and wildlife habitat conservation areas. These memos include numerous references to studies identifying vegetation characteristics as critical factors in the function of stream and wetland buffers.

Both the existing regulations and the proposed regulations, in SMC 20.80.090, require that buffers be maintained as undisturbed native vegetation or if disturbed be revegetated pursuant to an approved plan. New or revised provisions in SMC 20.80.274, 20.80.280, 20.80.324, and 20.80.330 that regulate vegetation removal and replacement within fish and wildlife habitat conservation areas and wetland buffers are consistent with the general provision in SMC 20.90.090 that applies to all buffers and are consistent with the BAS that is well documented within the record. The regulations do allow for vegetation enhancement or mitigated removal of vegetation when the alteration cannot be avoided and when consistent with an approved mitigation or enhancement plan. Tree removal and other vegetation removal can cause harm to critical areas and is a known disturbance that does contribute to cumulative impacts to critical areas.

Staff believes current provisions are supported by BAS, allow for most vegetation management needs through limited exemptions or approved mitigation or enhancement plans reviewed under permit and consistent with the provisions of this Chapter. Staff does not recommend any changes to these sections due to lack of support by BAS.

The City Attorney's Office review of the draft code did identify a few places in these sections where the wording of provisions has included buffers where the regulation should only apply to the critical area itself. The following technical changes are recommended to correct these mistakes:

20.80.060 Best available science.

A. **Protect Functions and Values of Critical Areas With Special Consideration to Anadromous Fish.** Critical area reports and decisions to alter critical areas shall rely on the best available science to protect the functions and values of critical areas ~~and required buffers~~ and must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fish, such as salmon and bull trout, and their habitat, where applicable.

C. **Characteristics of a Valid Scientific Process.** In the context of critical areas protection, a valid scientific process is one that produces reliable information useful in understanding the consequences of a local government's regulatory decisions, and in developing critical areas policies and development regulations that will be effective in protecting the functions and values of critical areas ~~and buffers~~. To determine whether information received during the permit review process is reliable scientific information, the Director shall determine whether the source of the information displays the characteristics of a valid scientific process. Such characteristics are as follows:

20.80.274 FISH AND WILDLIFE HABITAT - General development standards.

C. **Activities Allowed in Fish and Wildlife Habitat Conservation Areas.** These activities listed below are allowed in fish and wildlife habitat conservation areas subject to applicable permit approvals. Additional exemptions are listed in the provisions of SMC 20.80.030 and 20.80.040. These activities

do not require the submission of a critical area report and are exempt from monitoring and financial guarantee requirements, except where such activities result in a loss of the functions and values of a fish and wildlife habitat conservation area ~~or related buffer~~. These activities include:

F. **Approvals of Activities.** The Director shall condition approvals of activities allowed within or adjacent to a habitat conservation area ~~or its buffers~~, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the best available science and may include, but are not limited to, the following:

During review of the comments on the fish and wildlife habitat conservation area development standards, it came to the attention of staff that both the existing (SMC 20.80.290) and proposed (SMC 20.80.74(A) and (B)) standards for development in FWHCAs prohibit development except through a critical area reasonable use or critical area special use permit process. In comparison, the specific habitat standards in SMC 20.80.276 do not require critical area reasonable use or critical area special use permits except for the most sensitive stream categories.

Staff is asking for direction from Planning Commission on whether to revise these provisions so that a critical area reasonable use or critical area special use permit is not required in most FWHCAs when development may be able to coexist with the wildlife if mitigation measures are implemented.

20.80.324 WETLANDS – Development standards.

(D) Category II and III Wetlands.

Revisions to the standards for alteration of wetlands is worded as a prohibition on alteration of Category II and III wetlands, while existing regulations allow for alteration of Type II, III, and IV wetlands. Comments expressed concern that this prohibition did not appear to take into account the unique aspects of developing linear transportation systems. Both provisions have criteria that have to be met before alteration can be approved. The intent of this language is that where impacts to Category II and III wetlands cannot be reasonably avoided and meet all the criteria listed, then alterations can be permitted.

Consistent with the existing regulations alteration can be permitted without the critical area reasonable use or critical area special use permit processes, unless the strict application of the regulations denies reasonable use or unreasonably denies the provision of public services. Projects like the light rail extension through Shoreline may require review under a Critical Area Special Use application.

Staff does not recommend any additional changes to this section.

20.80.330 WETLANDS – Required buffer areas.

(A) Buffer Requirements.

(5) Increased Wetland Buffer Area Width

Concern was raised that the increased buffer width requirement in this provision can be problematic in situations where site constraints limit the width available for a buffer. The example of a wetland located within a highway interchange was given.

Staff believes that buffer width requirements that are not feasible because of existing or necessary physical separations that result in functional isolation of the buffer from the wetland are addressed when buffer width requirements are combined with proposed provision 20.80.330(H)(10) that allows for areas determined by a qualified professional to be functionally isolated, consistent with the criteria of this provision, to be excluded from the required buffer area.

(C) Measurement of Wetland Buffers.
Public comment indicated that proposed changes to the language originally found in SMP section 20.230.030(C)(4)(c) makes this provision more confusing rather than clearer, as intended by staff. The sentences in question are struck through in the following code excerpt:

C. **Measurement of Wetland Buffers.** All buffers shall be measured perpendicular from the wetland boundary as surveyed in the field. The buffer for a wetland created, restored, or enhanced as compensation for approved wetland alterations shall be the same as the buffer required for the category of the created, restored, or enhanced wetland. ~~Only fully vegetated buffers will be considered. Lawns, walkways, driveways, and other mowed or paved areas will not be considered buffers or included in buffer area calculations.~~

Staff originally proposed deleting these sentences because provision 20.80.330(A)(5) and 20.80.330(H)(10) address how to treat buffer areas when the existing condition is something other than undisturbed native vegetation or the buffer area is physically separated and functionally isolated from the wetland it is supposed to protect. Staff recommends keeping this code section as currently drafted, without the struck through sentences as these conflict with or are replaced by the sections mentioned.

20.80.350 WETLANDS – Compensatory mitigation performance standards and requirements.

(D) Type and Location of Compensatory Mitigation.
Staff explained at the June 4 Planning Commission meeting and again at the August 20 meeting the basis for not recommending provisions to allow the use of in-lieu fee programs or mitigation banks. Projects that cannot do on-site compensatory mitigation can work with the City, through applicable land use review and permit processes, to identify off-site mitigation locations within the same sub-basin as the proposed impacts.

Staff does not recommend any additional changes to these sections.

Prior draft section (F) on Timing of Compensatory Mitigation
The wetlands section on timing of compensatory mitigation, originally moved from SMP section 20.230(C)(6), was relocated to the general provisions in section 20.50.053(D) as applicable to mitigation for alterations to any type of critical area. The relocated and revised language still requires that mitigation occur prior to the activities that will disturb the critical area or immediately following disturbance and prior to use or occupancy of the development. Delayed mitigation is an option with an explanation from the qualified professional with the rationale for the delay.

Staff does not recommend any additional changes to these sections.

Changes related to Shoreline Master Program (SMP) Limited Amendment:

Staff received a number of comments from the Washington State Department of Ecology that are required to be addressed in order to receive Ecology approval of the proposed SMP Limited Amendment. These were provided to Planning Commission in the September 17 desk packet and are included for the record in **Attachment A**. City staff will work with Ecology over the next few weeks to work out how best to address comments where there is a difference in position between the City and Ecology. The changes needed to successfully incorporate the updated CAO into the SMP are primarily related to:

- excluding sections that conflict with the SMA rules on exemptions and shoreline variances,
- revisions to effectively incorporate the Flood Hazard regulations that have a different review and permitting process that conflicts with the SMP requirements,
- removing conflicts between language required under the GMA for reasonable use and requirements in the SMA for the shoreline variance process, and
- ensuring that standards required in the SMP for monitoring are not replaced by conflicting standards in the general CAO.

Ecology also wants the term “stream” to be replaced with “waters” in the sections that add the state water typing system for stream classification. The state water typing system includes marine waters and Ecology is asking that standards for marine waters be included in the fish and wildlife habitat conservation areas standards. Staff believes it would be confusing to use more generic terms and regulations for marine waters to the City-wide critical area regulations when marine waters are only regulated within the shoreline jurisdiction. Staff will work with Ecology to try an identify an alternative way to address Ecology’s requirements while not imposing new buffers for marine waters or generalizing the stream regulations so much that they are not understandable when applied to the rest of the City. Recommendations on this issue will be addressed in the Council Study sessions and will determine at that time if additional public review is needed.

SCHEDULE

The current schedule for City Council study and adoption of the CAO update is:

- October 26 – Study Session 1
- November 2 – Study Session 2
- December 7 – potential Adoption

Due to the complexity of the proposed CAO changes, staff is recommending a delayed effective date for this ordinance of two months after adoption – approximately February 1, 2016. This would allow time for staff training, update of forms and handouts, and

adjustment of projects being planned but not yet submitted. The proposed delayed implementation would be compatible with the GMA compliance requirements and could coincide with the earliest delayed effective date of the SMP limited amendment.

PUBLIC NOTICE

Public notice of the proposal, public hearing, SEPA Determination and SMP limited amendment was provided on July 29, 2015. The notice was posted in the Seattle Times, on the City's website, on Shoreline Area News, and emailed to Parties of Record. Emails and Alert Shoreline notifications were sent to distribution lists on July 28, August 14, and August 28, 2015, letting people know that the SEPA checklist and Notice of Determination of Non-Significance were available at http://www.shorelinewa.gov/government/departments/planning-community-development/land-use-action-and-planning-notices, and about the public hearing and subsequent Council study and potential adoption.

A revised SEPA checklist and Notice of Determination of Non-Significance was published on September 10, 2015 and the SEPA comment period was extended to October 1, 2015. Additionally, at the September 17 public hearing, Commission continued the public hearing by two weeks, until October 1, 2015. Public hearing comments are now due October 1, 2015, and will be provided to Commission via Plancom or in a desk packet.

RECOMMENDATION

Staff recommends the Commission amend if necessary and forward a recommendation to the City Council to adopt the following proposed Development Code amendment ordinances with an approximate two month delay to the effective date:

- Critical Areas Ordinance (CAO) update (Ord. No. 723);
- Miscellaneous Title 20 Development Code Amendments related to CAO (Ord. No. 724)
- Shoreline Master Program (SMP) Limited Amendment related to CAO (Ord. No. 725).

ATTACHMENTS

Attachment A – Shoreline Draft SMP Changes 9/16/2015 email from Ecology and attached documents.

Please refer to the September 17 staff report attachments for the public hearing draft ordinances in legislative and clean copy formats.

From: Juniper Nammi
To: Lisa Basher
Subject: FW: Wetland and FWHCA comments on City of Shoreline SMP-CAO
Date: Thursday, September 17, 2015 11:23:47 AM
Attachments: Shoreline Draft SMP changes table PA_City Response draft 9-16-2015.docx
Flood Hazard Management Sections of the Cities Shoreline Inventory and Characterization.docx

For inclusion in the desk packet.

Juniper Nammi, AICP
Associate Planner
P: (206) 801-2525

From: Blair, Misty (ECY) [mailto:mbla461@ECY.WA.GOV]
Sent: Wednesday, September 16, 2015 6:31 PM
To: Juniper Nammi
Cc: Anderson, Paul S. (ECY)
Subject: RE: Wetland and FWHCA comments on City of Shoreline SMP-CAO

Juniper,

Thank you for providing the Department of Ecology SEA Program with additional opportunities to review and comment on this proposed Shoreline Master Program Limited Amendment before local adoption. I have attached an updated comment matrix from Paul Anderson including CAO and SMP comments. I have also added a few of my own SMP comments in an attempt to help connect that table to the comments and concerns you will find listed below by topic.

General SMP

1. In addition to the CAO provisions already excluded from the SMP in your August 2015 draft, the following provisions should also be excluded as they are not consistent with the RCW 90.58 or WAC 173-26:

20.80.224.B Geologic Hazards Allowed Activities w/out critical areas report

20.80.274.C Activities Allowed in Fish and Wildlife Habitat Conservation Areas

20.80.274.K.3 Subdivision and short subdivision of land in FWHCA and associated buffers.- See additional comments below.

20.80.280.D Stream Buffer Allowed Uses and Alteration

20.80.324.B Activities Allowed in Wetlands

20.80.324.F Small, hydrologically isolated Category IV wetlands –See additional comments below.

20.80.330.H Allowed Wetland Buffer Uses

2. There is a lot of “reasonable use” type language used throughout the CAO, so I would

recommend adding "any" reasonable use or special use provisions, including but not limited to the provisions of SMC 20.30.333 and 20.30.336.

3. Maybe consider adding something similar to Whatcom County SMP 23.10.06 *References to Plans, Regulations or Information Sources*

A. The Whatcom County Critical Areas Ordinance, WCC 16.16 (Ordinance No. 2005-00068, dated Sept 30, 2005, and as amended on February 27, 2007) is hereby adopted in whole as part of this Program, except that the permit, non-conforming use, appeal and enforcement provisions of the Critical Areas Ordinance (WCC 16.16.270-285) shall not apply with shoreline jurisdiction. All references to the Critical Areas Ordinance WCC 16.16 (CAO) are for this specific version.

4. As you pointed out SMC 20.220.040.E mistakenly appears to state that a Critical Areas Reasonable Use Permit and a Shoreline Variance could be required. When in fact only a Shoreline Variance should be processed. This should be corrected.

Floodplain Management - I am coordinating additional review of this section with our Floodplain Manager, David Radabaugh. We will hopefully have additional comments and suggestions for you soon.

My initial concern with removing the Policy and Regulation sections of the SMP related to Floodplain Management is that they are curtailed to the needs of the Shoreline environment and specifically address the requirements of the SMA. See RCW WAC 173-26-211(3) that don't appear to be mirrored within 13.12.
Additional considerations include:

1. Flood Hazard Management Sections of the Cities Shoreline Inventory and Characterization, at 117-118 (see attachment).

2. Consider leaving the existing policies and regulations within SMP and referencing that additional City review will occur as part of the Floodplain Development Permit process under 13.12.

3. Consider the possibility of adding additional clarification within the SMP to address how shoreline permits will incorporate the floodplain review referenced within 13.12 Floodplain Management considering these provisions are under the authority of the Public Works Department.

4. If 13.12 is incorporated, administrative process, definitions and review authority will need to be clarified within the SMP. David and I are looking for some examples, but I don't think this approach is very common.

Wetlands

1. **Remove SMC 20.80.324.F from the CAO or exclude from the SMP.** Small hydrologically isolated category IV wetlands are not exempt from meeting any of the critical area provisions of WAC 173-26. WAC 173-26-221(2)(c)(i)(C) **Alterations to wetlands**. Master program provisions addressing alterations to wetlands shall be consistent with the

policy of no net loss of wetland area and functions, wetland rating, scientific and technical information, and the mitigation priority sequence defined in WAC 173-26-201 (2)(e). SMC 20.80.324.F skips the first step in mitigation sequencing, avoidance. WAC 173-26-221(2)(c)(i)(F) Compensatory mitigation, provides that compensatory mitigation is allowed only after mitigation sequencing is applied.

2. **SMC 20.80.276.D.3 –** contains a typo that references wetland acreage and functions within a stream provision.

Fish and Wildlife Habitat Conservation Areas (FWHCAs)

1. SMC 20.80 does regulate your marine waters as a fish and wildlife habitat conservation area. Implementing regulations for the protection of these FWHCA are not located elsewhere in the SMP and should currently be implemented through the integrated CAO. However, the FWHCA section of the existing and proposed CAO is lacking specifics related to marine FWHCAs. You may want to change stream to waters as Paul has recommended or add a critical salt water habitat/marine waters section within SMC 20.80.290 & 20.80.300.

2. **Remove SMC 20.80.274.K.3 from the CAO or exclude from the SMP.** Impacts associated with providing plat access or routing subdivision utilities through the FWHCA or its buffer could always be avoided by not subdividing the property. This provision is not consistent with the mitigation sequencing requirements.

Geologically hazardous areas

Geologically hazardous areas requirements of WAC 173-26-211(2)(c)(ii) appear to be sufficiently addressed by the CAO incorporation along with the existing SMP Shoreline Modification Policies and Regulations.

Thank you for your efforts to create a better SMP. I look forward to working on this further with you as your local adoption process moves forward.

Misty Blair | Regional Shoreline Planner | S.E.A. Program | Northwest Regional Office | WA Department of Ecology | P 425-649-4309| misty.blair@ecy.wa.gov

From: Juniper Nammi [mailto:jnammi@shorelinewa.gov]
Sent: Tuesday, August 25, 2015 4:43 PM
To: Blair, Misty (ECY)
Cc: Anderson, Paul S. (ECY)
Subject: RE: Wetland and FWHCA comments on City of Shoreline SMP-CAO

City draft responses added to Paul's comment table and are attached.

Misty's comments were in a PDF so the City's draft responses are listed here:

1. Retained policy sections for Floodplains and Wetlands in B and C, but would appreciate direction on how these can be simplified if possible.

Need specific language for the policy language you think may need to be added. Did not completely understand the direction except that "policies are required." There is also a lot of existing policy language in 20.30.020 that seems related.

2. 20.230.030 - Need direction on how to demonstrate how policies are being incorporated and reflect the results of the inventory and characterization. Do not understand this comment.

See opening statement in 20.210.010. Definitions in Title 20.20 are incorporated so duplicates (related to critical areas regulation) are proposed for deletion.

3. Chapter 20.80 does not regulate marine environment (except for coastal flood zone). These regulations are all in other parts of the SMP. No changes proposed. Adding this term/definition or related regulations to the critical areas regulations for the rest of the City does not make sense. If something is missing from the 2013 update, let me know.

4. Revised Ordinance reference and added exclusions for conflicting sections.

Need direction on how to update the Appendix.

5. Added language indicating that TUP does not apply in the shoreline jurisdiction.

6. Drafted change to address how Subsection A pertains to SMP, but not sure if I understood this comment correctly.

7. This section only indicates that buffers may be MORE not less than standard based on critical area report. No buffer reduction per in this general provisions section. Revisions were made in response to other comments received. It may clarify/fix this section.

I still need to revise the draft regulations to address some of your comments were I have questions. Also, I need to review the critical area report and mitigation plan requirements for each type of critical area to delete redundancy where general provisions are sufficient.

To help your review, I am attaching the current working drafts for ALL the proposed changes.

They are now in three sections – Chapter 20.80 changes (the CAO), SMP changes, and related Title 20 changes (Chapters 20.20, 20.30, 20.40, and 20.50). You can see retained language moved as different from new language (double underline/double strike through) if you turn the markup off under the review tab. I now have comments noting where provisions were moved from/to.

I need to finalize revised drafts by Thursday so that they can be shared with Planning Commission and the public for the upcoming public hearing. I will send you updated versions at that time, but hope to have more direction from you tomorrow so these revised drafts can include as many of the needed changes as possible.

Thank you for your assistance on this.

Juniper Nammi, AICP
Associate Planner
P: (206) 801-2525

From: Blair, Misty (ECY) [mailto:mbla461@ECY.WA.GOV]
Sent: Friday, August 21, 2015 5:11 PM
To: Juniper Nammi
Cc: Anderson, Paul S. (ECY)
Subject: FW: Wetland and FWHCA comments on City of Shoreline SMP-CAO

Juniper,

Paul Anderson's initial CAO comments are detailed below with DRAFT required and recommended changes from each of us attached.

Please note that Paul and I would be happy to meet with you to discuss these items in greater detail.

Misty Blair | Regional Shoreline Planner | S.E.A. Program | Northwest Regional Office | WA Department of Ecology | P 425-649-4309| misty.blair@ecy.wa.gov

This communication is public record and may be subject to disclosure as per the Washington State Public Records Act, RCW 42.56.

From: Anderson, Paul S. (ECY)
Sent: Friday, August 21, 2015 2:20 PM
To: Blair, Misty (ECY)
Subject: Wetland and FWHCA comments on City of Shoreline SMP-CAO

Misty:

Sorry I haven't gotten my comments to you on the City of Shoreline's SMP update. I know that Juniper is eager to hear back from us, but, unfortunately, there are a number of issues with the current CAO and I haven't yet completed my review. I have completed my review of the general sections, definitions, FWHCA, and am about half-way through the wetlands

section (which will complete my review).

I hope to finish my review of the CAO later today. In the interest of getting something to Juniper, I have attached my table of required and recommended changes. I have not added any comments on the SMP itself in the attached table and you will need to scroll down to the CAO comments.

As a general statement, I have the following observations about the CAO:

1. As you know, within shoreline jurisdiction the standard to be met is no net loss of ecological function. In addition to complicating the SMP statutory and policy requirements, ecologically, I am concerned that there are simply too many exemptions and options for alternatives from the standard critical area buffers and mitigation requirements. I don't see how no net loss can be achieved with all of the listed exemptions/exceptions. Also, reducing the number of these special allowances will greatly simplify critical areas protections within the SMP, which should make for easier interpretation and implementation by City staff.

2. I am very unclear (confused) as to what the correct definitions are. The most recent submittal seems to have many fewer definitions than the previous draft. There are a number of definitions that I feel need to be in the SMP that I don't see (shorelands, shorelines, shorelines of statewide significance).

3. The FWHCA section describes critical habitats that includes marine waters, yet there are little or no protection standards for marine habitats and their associated buffers. Most if not all of the FWHCA buffer and development standards refer to streams and not marine waters, which will need to be corrected in the SMP.

I would be happy to talk to Juniper about the changes listed in the attached table and will get the completed comments to you once I finish my review.

Thanks for your patience with me on this.

Paul

Paul S. Anderson, PWS
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City of Shoreline Revised Draft Shoreline Master Program Update, Dated August 28, 2015

Ecology Recommended and Required Changes – September 16, 2015

The following changes are required to comply with the SMA (RCW 90.58) and the SMP guidelines (WAC 173-26, Part III):

ITEM	Draft SMP Provision (Cite)	TOPIC	RECOMMENDED AND REQUIRED FORMAT CHANGES	DISCUSSION/RATIONALE
1	SMP § 20.230.030.C.1	Environmentally sensitive areas within the shoreline Wetlands	**Required:** m. Applicants should develop comprehensive mitigation plans to ensure long-term success of the wetland restoration, creation, or enhancement project. Such plans should provide for sufficient monitoring and contingencies to ensure wetland persistence. Mitigation projects shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years nor less than ten (10) years when the project includes planting of trees or shrubs.	[*9-16-15 PAAN*] To ensure the long-term success of mitigation, particularly where shrubs and trees are planted. Also, will provide more efficiency for applicants since these are the required standards for state and federal permitting (see p. A-22, Small Cities Guidance; pp. 6-29, 6-52 Wetlands in Washington; p. 27, Mitigation Guidance). Same comment for mitigation monitoring in FWHCA.
Comments on Chapter 20.80 - CRITICAL AREAS REGULATIONS 8-28-15 drafts)				
2	CAR § 20.80.082	Mitigation plan requirements	**Required:** D. Monitoring Program … A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years 0 [as-built],1, 3, 5, and 7 after site construction),The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years nor less than ten (10) years when the project includes planting of trees or shrubs.	[*9-16-15 PAAN*] Mitigation monitoring standards in shoreline jurisdiction (20.230.020) should be more specific and include the required minimums (5 years for herbaceous, 10 years for woody species) to ensure successful mitigation and no net loss of ecological function.
3	CAR § 20.80.276	FWHCA Specific habitat development standards	**Required:** D. Streams. Activities, uses and alterations of streams shall be prohibited ~~subject to the reasonable use provisions (SMC 20.30.336) or special use provisions (SMC 20.30.333), unless otherwise allowed by the exemptions or allowed activities provisions of this Title,~~ or subject to the provisions of the Shoreline Master Program, SMC Title 20, Division II.	Clarification and Consistency
4	CAR § 20.80.280	FWHCA Required buffer areas	**Required:** C. Standard Required Stream Buffer Widths. Buffer widths shall reflect the sensitivity of the ~~stream~~ water type, 1. The following buffers are established for ~~streams~~ waters based upon the Washington State Department of Natural Resources water typing system… Table 20.80.280(1) ~~Stream~~ Water Type Standard Buffer Width (ft) [The science clearly shows that marine riparian buffers provide important functions to the marine nearshore and are essential to achieving no net loss of shoreline ecological function. The protection standards in the CAO/SMP should apply to marine waters in addition to lakes and streams (see Brennan, J.S., and H. Culverwell. 2004. *Marine Riparian: An Assessment of Riparian Functions in Marine Ecosystems*. Published by Washington Sea Grant Program, UW Board of Regents, Seattle, WA. 34 p.; *Endangered and Threatened Species; Designation of Critical Habitat for 12 Evolutionarily Significant Units of West Coast Salmon and Steelhead in Washington, Oregon, and Idaho*, Federal Register, 70, No. 170, September 2, 2005)] D.6 Stormwater Management Facilities. The establishment of stormwater management facilities,	Clarification and Consistency [*9-16-15 PAAN*] I do not see FWHCA regulatory standards in the SMP. When we met on 9-2, we discussed adding a footnote to Table 20.80. 280 that marine waters are Type S waters and the standard buffer in the table would apply. SMP [*9-16-15 MB*] The existing Native Vegetation Conservation buffer/setback (Table 20.230.082) may have been intended to meet this FWHCA buffer requirement, but that is not clear. May want to cross reference Shoreline Environment Designation setback provisions here. [*9-16-15 PAAN*] Comment on stormwater

			limited to ~~outfalls, pipes and conveyance systems,~~ stormwater dispersion outfalls and bioswales, may be allowed within stream buffers; provided that: ~~c. Stormwater dispersion outfalls, bioswales, bioretention facilities, and other low impact facilities may be allowed anywhere within stream buffers when determined by a qualified professional that the location of the facility will enhance the buffer area and protect the stream;~~	management facilities still applies SMP [*9-16-15 MB*] Mitigation sequencing is still applicable to stormwater management facilities and should only be placed within buffers after avoidance, and minimization has been applied.
5	CAR § 20.80.290	FWHCA Critical area report requirements	**Required:** A. Preparation by a Qualified Professional. A critical areas report for a habitat conservation area shall be prepared by a qualified professional who is a biologist. Third party review by a qualified professional under contract with the City will be required, at the applicant's expense in any of the following circumstances: 2. Mitigation is required for impacts to Type S, Type F, or Type Np ~~streams~~ waters and/or buffers; or 3. Mitigation is required for impacts to Type Ns ~~streams~~ waters C. Habitat Assessment D. Additional Technical Information Requirements for ~~Streams~~ Waters. Critical area reports for ~~streams~~ waters must be consistent with the specific development standards for ~~stream~~ in SMC 20.80.276 and 20.80.280 and may be met through submission of one or more specific report types. If ~~stream~~ buffer enhancement is proposed to average ~~stream~~ buffer width, a ~~stream~~ buffer enhancement plan must be submitted in addition to other critical area report requirements of this section. If no project impacts are anticipated and standard ~~stream~~ FWHCA buffer width are retained, a ~~stream~~ delineation report, general critical areas report or other reports alone or in combination may be submitted as consistent with the specific requirements of this section. In addition to the basic critical area report requirements for fish and wildlife habitat conservation areas provided in subsections (A) through (C) of this section, technical information on ~~streams~~ waters shall include the following information at a minimum: a. ~~Stream~~ Survey showing the field delineated ordinary high water mark(s); b. Standard ~~stream~~ FWHCA buffer boundary; c. Boundary for proposed ~~stream~~ buffers averaging, if applicable	[*9-16-15 PAAN*] Comment on replacing "streams" with "waters" or "FWHCA" in shoreline jurisdiction still applies; perhaps should include language in SMP that within shoreline jurisdiction, CAO FWHCA standards (buffers, mitigation, habitat assessments, etc.) apply to marine waters. As currently written in the CAO, a development proposal on Puget Sound would only need to comply with the standards in § 20.80.290.D.6 for streams and not include marine waters, which will not adequately protect shoreline resources. SMP [*9-16-15 MB*] This is the only place for specific FWHCA report requirements, so it should include requirements associated with all FWHCA development proposals (not just streams). If you don't want to change streams to Waters, there needs to be additional sections added to address marine or other FWCHA reporting requirements such as OHWM determinations, eel grass surveys, spawning surveys, proposed fish windows…Another option would be to include these regulations within the SMP.
6	CAR § 20.80.300	FWHCA Mitigation performance standards	**Required:** I. Monitoring Program and Contingency Plan. A monitoring program shall be implemented by the applicant to determine the success of the mitigation project and any necessary corrective actions. This program shall determine if the original goals and objectives are being met. ~~The monitoring program will be established consistent with the guidelines contained in SMC 20.80.350(G).~~ The mitigation site shall be monitored for a minimum of five (5) years where mitigation plantings are limited only to herbaceous species and ten (10) years where shrubs or trees are planted. Monitoring should include an as-built report (Year 0) with scaled drawings that show the completed mitigation site grades, plantings, any habitat features and the associated buffer.	[*9-16-15 PAAN*] Comment on FWHCA mitigation monitoring standards still applies.
7	CAR § 20.80.324	WETLANDS – Development standards	**Required:** D. Category II and III wetlands. Development activities and uses that result in alteration of Category II and III wetlands is prohibited, unless the applicant can demonstrate that full compensation for the loss of acreage and functions of wetland and buffers due to unavoidable impacts shall be provided in compliance with the mitigation performance standards and requirements of these regulations;	SMP [*9-16-15 MB*] This sounds like a reasonable use allowance. Within the Shoreline the bulk and dimensional

			~~1. The basic project proposed cannot reasonable be accomplished on another site or sites in the general region while still successfully avoiding or resulting in less adverse impact on a wetland; and~~ ~~2. All on-site alternative designs that would avoid or result in less adverse impact on a wetland or its buffer, such as a reduction to the size, scope, configuration or density of the project are not feasible.~~ F. **Small, hydrologically isolated Category IV wetlands.** The Director may allow small, hydrologically isolated Category IV wetlands to be exempt from the avoidance sequencing provisions of SMC 20.80.055 and SMC 20.80.324(D) and allow alteration of such wetlands provided that a submitted critical area report and mitigation plan provides evidence that all of the following conditions are met: 1. The wetland is less than one thousand (1,000) square feet in area; 2. The wetland is a low quality Category IV wetland with a habitat score of less than 3 points in the adopted rating system; 3. The wetland does not contain habitat identified as essential for local populations of priority species identified by the Washington Department of Fish and Wildlife or species of local importance which are regulated as fish and wildlife habitat conservation areas in Chapter 20.80, Subchapter 3; 4. The wetland is not associated with riparian areas or buffers; 5. The wetland is not part of a wetland mosaic; and [Typo; two No. 5.] 5. A mitigation plan to replace lost	standards (buffers/setbacks/height) are met or a Shoreline Variance is required. [*9-16-15 PAAN*] § 20.80.324.F not listed as exempted in SMP; current draft of CAR does state a mitigation plan is required. SMP [*9-16-15 MB*] This should be removed. Section F, is not consistent with mitigation sequencing as required for both SMA and GMA compliance. Not clear how this type of approval would be administered within the shoreline. It is very difficult to replace the lost function and value of a filled wetland. Keep in mind that any wetland within the Shoreline jurisdiction is within 200 feet of the marine water which has a riparian area.

Flood Hazard Management Sections of the Cities Shoreline Inventory and Characterization, at 117-118:

Flood Hazard Areas

Flood hazard areas are defined in the Shoreline *Comprehensive Plan* as "those areas within the floodplain subject to a one percent or greater chance of flooding in any given year" (City of Shoreline, 2005a). These areas are typically identified on the Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM) as the 100- year floodplain. The 100-year floodplain is regulated by two chapters of the SMC: Chapter 16.12, Flood Damage Prevention, and Chapter 20.80.380-410 of the CAO.

Portions of the shoreline in Segment B, C, D, and E are mapped as a 100-year floodplain on the King County FIRM series, Panels 20, 40, 310, and 330 (FEMA, 1995). Flood hazards for Segment A (Point Wells) are mapped on Snohomish County FIRM series and include panels 1294 and 1292 (FEMA, 1999). The stream corridor of Boeing Creek (Segment E) is also mapped as a 100-year floodplain (FEMA, 1995), but the stream is not large enough itself to be a shoreline of the state and only the mouth of the stream is located within the marine shoreline. The King County Sensitive Area Map Folio (King County iMAP, 1991) shows only the Boeing Creek stream corridor within Segment E as being a potential flood hazard area (see Map 4 in Appendix C). Typically, the areas south of stream mouths and the marine shoreline below the OHWM are indicated as flood hazard areas. Following the recommendations made in the Snohomish County FIRM series, Base Flood Elevation for shoreline in all Segments (A, B, C, D, and E) will be 10 feet National Geodetic Vertical Datum (NGVD).

Several existing houses are within the shoreline of Puget Sound along 27th Avenue NE in Segment B (see Map 4 in Appendix C). Most of the homes are protected by bulkheads, with the exception of those on the south end, which, based on a conversation in March
2006 between Juniper Nammi (City of Shoreline Planner) and Chuck Steele (Ecology Floodplain Specialist), were reported to have had flooding in the past (Chuck Steele, personal communication, 2008). The existing lots within the flood hazard areas along 27th Avenue NE are fully developed, therefore flood regulations in the SMC would be applied primarily to remodel and rebuilding on these sites.

Industrial facilities and a large dock associated with Point Wells exist within the shoreline of Puget Sound in Segment A. Portions of these facilities are within the mapped flood hazard area (see Map 4 in Appendix C). Flood regulations in the SMC would be applied to replacement or rebuilding of industrial facilities and to shoreline restoration projects. If the property were to be rezoned in the future, flood regulations in the SMC would be applied to platting, subdivision, and new construction on the site.

Shoreline Modifications

Three white papers prepared in recent years summarize the current knowledge and technology pertaining to marine and estuarine shoreline modifications in the Puget Sound. These papers are: *Overwater Structures: Marine Issues* (Nightingale and Simenstad, 2001); *Marine and Estuarine Shoreline Modification Issues* (Williams and Thom, in King County Department of Natural Resources and Parks [KCDNRP], 2001); and *Beaches and Bluffs of Puget Sound* (Johannessen and MacLennan, 2007). These documents, along with *Reconnaissance Assessment of the State of the Nearshore Report: Including Vashon and Maury Islands (WRIAs 8 and 9)* (KCDNR, 2001) and the Washington Department of Natural Resources ShoreZone Inventory (2001) were summarized and incorporated into this section. A field visit in September 2003 verified modifications along portions

of the shoreline providing public access. Table A-2, Appendix A contains additional information regarding shoreline modifications within the planning segments.

Shoreline modifications refer to structural alterations of the shoreline‟s natural bank, including levees, dikes, floodwalls, riprap, bulkheads, docks, piers or other in-water structures. Such modifications are typically used to stabilize the shoreline and prevent erosion. Shoreline armoring (i.e. riprap, bulkheads, and other shore parallel structures) is the most common type of shoreline modification. Shoreline armoring impedes sediment supply to nearshore habitats, and this sediment starvation can lead to changes in nearshore substrates from sand or mud to coarse sand, gravel, and finally hardpan. This may, in turn, decrease eelgrass and increase kelp abundance, as well as forage fish spawning habitats. Armoring also alters natural process dynamics by blocking or delaying the erosion of upland areas and bluffs that replenish the spawning substrate. Beach narrowing and lowering and decreased driftwood abundance also result from shoreline armoring (Johannessen and MacLennan, 2007).

Construction of shoreline armoring may cover or destroy eelgrass meadows, and overwater structures may deprive eelgrass of light. Dredging can excavate eelgrass or cause excessive turbidity and permanent filling of eelgrass meadows (KCDNR, 2001).

Bulkheads and piers may also affect fish life by diverting juvenile salmonids away from shallow shorelines into deeper water, thereby increasing their potential for predation (Nightingale and Simenstad, 2001). Piers also alter wave energy and current patterns and obstruct littoral drift and longshore sediment transport (Williams and Thom, 2001). Sewer outfalls introduce nutrients and pollutants to the nearshore area altering current cycles and food web interactions.

Shoreline Armoring

Approximately 97 percent of the City‟s shoreline adjacent to Puget Sound is modified with riprap and bulkheads (WDNR, 2001). The majority of this armoring is associated with the BNSF railroad bed (Map 12 in Appendix C).