PLANNING COMMISSION
REGULAR MEETING
AGENDA

Thursday, October 20, 2016
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Ave North

		Estimated Time
1.	**CALL TO ORDER**	7:00
2.	**ROLL CALL**	7:05
3.	**APPROVAL OF AGENDA**	7:07
4.	**APPROVAL OF MINUTES**	7:08

a. October 6, 2016 Meeting Minutes - Draft

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**	7:10
6.	**PUBLIC HEARING**	7:15

a. Staff Report – Updates to Regulations for Transitional Encampments
- Staff Presentation
- Public Testimony

7. STUDY ITEMS

a. Staff Report – Deep Green Incentive Program — 8:00
- Staff Presentation
- Public Comment

b. Staff Report – Continuation of 2016 Development Code Amendments — 8:45
- Staff Presentation
- Public Comment

8.	**DIRECTOR'S REPORT**	9:00
9.	**UNFINISHED BUSINESS**	9:10
10.	**NEW BUSINESS**	9:11
11.	**REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS**	9:12

12. AGENDA FOR NOVEMBER 3, 2016 9:12

- Self Storage Public Hearing
- 2016 Comprehensive Plan Amendments
- Annual Letter due

13. ADJOURNMENT 9:15

The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236

DRAFT

CITY OF SHORELINE

SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING

October 6, 2016 Shoreline City Hall
7:00 P.M. Council Chamber

Commissioners Present
Chair Craft
Commissioner Chang
Commissioner Maul
Commissioner Mork
Commissioner Moss-Thomas

Staff Present
Rachael Markle, Director, Planning & Community Development
Ray Allshouse, Building Official, Planning & Community Development
Paul Cohen, Planning Manager, Planning & Community Development
Steve Szafran, Senior Planner, Planning & Community Development
Lisa Basher, Planning Commission Clerk

Commissioners Absent
Vice Chair Montero
Commissioner Malek

CALL TO ORDER

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

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of September 15, 2016 and September 29, 2016 were adopted as presented.

GENERAL PUBLIC COMMENT

There were no general public comments.

STUDY ITEM: UPDATE ON UNIT LOT DEVELOPMENT

Staff Presentation

Mr. Szafran recalled that at the September 15th meeting, there was a discussion about proposed regulations relative to Unit Lot Development. The Commission posed a number of questions, which Mr. Allshouse, the Building Official for the City, is present to address.

Mr. Allshouse explained that Unit Lot Development (ULD) is an improved process to create more housing options and homeownership opportunities by reducing unnecessary regulatory barriers. He reviewed that, at their last meeting, the Commission raised the following concerns relative to the proposed provisions:

- Vertical separation of walls and fire sprinkler requirements.
- Construction of walls between the units.
- Additional costs of building structurally independent units.
- Difficulty financing condominium projects versus fee-simple units.

Mr. Allshouse explained that the City's current fire code requirements include a provision that any new building that is greater than 4,800 square feet (including the garage) must be sprinkled, and there are no exceptions. In the first ULD subdivision application that came to the City, each unit was proposed to be 1,935 square feet. That means the project exceeded the 4,800 square foot limit at the third unit. Most of the projects proposed are more than three units, which means the units will actually be some of the safest in the City because they will be sprinkled.

Mr. Allshouse advised that there are provisions in the model code, as amended by the State of Washington, that lay out specific requirements for separation walls, and the proposed ULD provisions would not reduce these requirements in any way, shape or form. From a fire safety standpoint, the minimum requirements would always be maintained. If a structure is less than 4,800 square feet, the common walls would still be required to be two-hour construction. However, the code is very friendly when it comes to sprinklers, and as a general rule, a one-hour credit is allowed when sprinklers are installed in a building. There are also provisions that restrict what can be in the common walls to electrical wiring only. For example, there cannot be any pipes or ductwork.

Regarding seismic issues, Mr. Allshouse said the main concern is the structure's ability to react to lateral forces. Because the units in ULD projects would be located next to each other, the lateral dimension would be greater. The longer dimensions would be more resistive to lateral forces.

Mr. Allshouse reviewed that, with an apartment building, the entire structure would be owned by a single entity and the units would be separated by a one-hour fire wall. With a ULD project, property lines would be drawn along the common walls, but the building would be treated as a single building for code compliance. Because ULD projects would be constructed on a single piece of property, they can be designed and constructed to be fully compliant with the code. However, not all of his colleagues are in agreement when it comes to drawing property lines. Some are very conservative and look at the

common wall as the combination of two exterior walls. Others look at the common walls as interior walls, even though they are separated by a few inches. After wrestling with this and looking at what other jurisdictions have done across the board, Mr. Allshouse said he is extremely comfortable that the City can allow the buildings to be designed and constructed as though they are a single entity and then subsequently divide them. However, it will be important to require a recording on the title that indicates that the individual dwelling units are considered as a portion of a single building under the applicable edition of the residential code so that people who purchase the structures understand that they cannot just blow the unit away without having to worry about their neighbors.

Based on his evaluation, Mr. Allshouse voiced assurance that the proposed provisions represent a solution that meets the requirements of what the developers are looking for and provides opportunities for further ownership of units, which is a good thing from a planning standpoint. The proposed provisions relieve developers from having to put in another layer or two of chip board, which would be hidden inside the wall. Also, allowing the units to be tied together would result in a structural cost savings. The provisions would not result in a major difference in building design. Although the chance of someone wanting to blow away one of the middle units is possible, it is not likely. If there were a fire, because of the combination of the sprinklers and the rated construction, the chances of it getting beyond the first unit would be extremely slim. He summarized that the provisions represent a reasonable risk that still assures maximum health and safety.

Commissioner Maul expressed his opinion that the proposed ULD provisions make sense and the units would still be safe. Mr. Allshouse clarified that it simply represents an alternative means and method for achieving the City's housing goals. He is convinced the provisions will be a good solution and provide additional options to the City's new citizens.

Commissioner Mork said she appreciated Mr. Allshouse's explanation of how the square footage of a development would be calculated, and how the sprinkler requirement for any project over 4,800 square feet would provide the needed fire protection.

Public Comment

There were no public comments.

STUDY ITEM: FUTURE REGULATIONS OF SELF-STORAGE FACILITIES

Staff Presentation

Director Markle reviewed that the City Council enacted a moratorium on the acceptance, filing and processing of new applications for self-storage facilities. The purpose of the moratorium was to provide time to evaluate the City's vision, goals, policies, subarea plans and Comprehensive Plan, and to look at how other jurisdictions are regulating the use. She explained that the current code does not clearly address where self-storage facilities are permitted, and the use tables need to be updated. She emphasized that a moratorium is not the City's preferred method of regulation. The goal is to take the time that is needed to review all aspects of the use, but move the amendments forward as quickly as possible.

Director Markle advised that there was a recent dramatic increase in the number of applications for self-storage facilities. There are currently four self-storage facilities that were established prior to 1989 under King County rules, and one has been constructed since 2004. Recently, the City permitted two new applications, and six requests for pre-application meetings were submitted within the past eight months. This uptick in permit applications led staff to recognize that the current regulations do not contemplate self-storage facilities.

Director Markle reviewed that the main issues related to self-storage facilities are design and aesthetics. In addition, there is a concern that there could be a concentration of the use. If the City allows all of the self-storage facilities in the all of the locations that are proposed and leaves it open for future applications, they may end up with more self-storage facilities than the City's vision intended for the limited number of commercial properties.

Director Markle reported that staff met with self-storage facility experts to learn more about the industry they are proposing to regulate. All interested parties were invited to attend, including the applicants associated with the six proposed projects. The intent was to solicit feedback, particularly on the following questions:

- **Who are the users of self-storage facilities?** Almost everyone uses some form of self-storage at some point in their lives, including apartment dwellers, businesses, sports leagues, families in transition, home occupations, and pharmaceutical reps.

- **What is the demand for self-storage facilities, and how does a developer of self-storage facilities decide to come to a particular community?** The national statistic indicates that each person in the United States could use 6 to 10 square feet of storage. Self-storage facilities in urban areas are typically designed to serve a 3-mile radius, or a 10-minute drive with normal traffic. About 1 in 10 households rent storage space, and the existing storage in the City is near capacity. Most of the existing storage is not climate controlled.

- **Why has there been a sudden influx of self-storage project proposals?** Nearly all of the jurisdictions in the region allow self-storage uses, but the use is not allowed in Lake Forest Park and it is only allowed in limited areas of Mountlake Terrace. Self-storage facilities are one of the fastest growing segments of commercial real estate; and as the City's density increases, self-storage facilities are becoming a logical investment. In addition, financing for self-storage facilities has recently been made available to developers.

When organizing thoughts to move forward with regulations for self-storage facilities, Director Markle suggested that the Commission consider the following questions:

- **Where should self-storage facilities be permitted?** Based on review of the Comprehensive Plan Future Land Use Map (included in Staff Report), as well as the Comprehensive Plan policies in combination with the subarea plans, staff is recommending that the use be permitted in the Mixed Business (MB) and Community Business (CB) zones, but prohibited in the Town Center (TC), Neighborhood Business (NB), Campus (C), and all Residential (R and RM) zones.

- **Are there areas in the MB and CB zones where self-storage facilities would be inconsistent?** Based on the Comprehensive Plan, staff is suggesting that perhaps self-storage facilities should not be an allowed use in the Community Renewal Area (Shoreline Place), which is zoned MB. Based on the design standards in the North City Plan and the Comprehensive Plan, in general, staff is also recommending that the use should also be prohibited on corner lots in the MB and CB zones. In addition, it may be appropriate to prohibit the use in the Ridgecrest Community Business District, which is zoned CB and very small and somewhat unique. The larger North City Subarea has a fair amount of multi-family development, making it a desirable location for self-storage facilities, but direction in the North City Subarea Plan speaks to areas where self-storage facilities may not be consistent. A Councilmember also suggested that if the City prohibits self-storage facilities in Town Center Subarea, perhaps they should extend the boundaries to the north and south. However, this approach would require a longer process that involves a Comprehensive Plan amendment, which can only be considered once a year.

- **How many self-storage facilities would be considered too many?** With the six proposed projects, as well as the two permitted and five existing facilities, there would be thousands of units and 100s of thousands of square feet of storage. Given that the current need is estimated to be 10 square feet per capita and the City's population is 54,000, this large amount of storage space does not add up. Following the City Council meeting where the moratorium was established, staff obtained a map identifying the location of existing self-storage facilities in Puget Sound. As per the map, the density of self-storage facilities in Shoreline, even with the current proposals, is not much different than other cities along the Interstate 5 Corridor. Staff also prepared a map to illustrate the 3-mile radius that would be served by each of the existing and proposed facilities. The self-storage facility industry is attracted to Shoreline because there are fewer facilities in the surrounding communities. Prices are higher as a result of the limited supply, and often there are only large spaces available in facilities that are near capacity.

- **Should the City be selective on the location of self-storage facilities and should a buffer be required?** One way to prevent an overconcentration of self-storage facilities is to apply a no-build zone between facilities. A map was provided to illustrate what a 500-foot buffer from existing facilities would look like.

- **How can the City prevent the development of a disproportionate number of self-storage facilities in the community, thus allowing self-storage facilities to usurp a large amount of the area available for other commercial uses?** One idea is to require that retail commercial space on the ground floor must be retail. This would activate street level use of the site, create jobs and provide opportunities for goods and services. However, just because the retail commercial space is developed there is no guarantee that it will be rented any time soon. Some of the sites in the MB and CB zones may not be suited for active retail/service uses, and perhaps their best use is something more like a self-storage facility. It was also pointed out that there could be vehicular conflicts between self-storage facility users and retail/service customers. Access to the self-storage facility should remain separate from the access for pedestrian retail customers. Examples were provided of various styles of self-storage facilities, ranging from the old-building style to the newer, more contemporary style. Drawings of one of the proposed new facilities was also provided, noting that

the design would be more contemporary in nature. It was discussed that the old-building style is typically used in areas where land is more plentiful, and the more contemporary styles are used in urban locations. The contemporary design would be consistent with the types of buildings the City would permit in the commercial zones based on the commercial design standards.

Director Markle suggested that design standards should be adopted if the Commission recommends that self-storage facilities should be permitted in some zones within the City. For example:

- Concern about single-level, sprawling development could be addressed by requiring multi-story buildings.
- Concern about outdoor storage of boats, recreational vehicles, pods, etc. could be addressed by prohibiting outdoor storage.
- Concern about multiple garage doors visible to the public could be addressed by requiring internal access.
- Concern about large, blank walls, such as prefabricated warehouses and big boxy buildings, could be addressed by requiring glazing on all floors, as well as wall length maximums and façade and roofline variation.
- Concern about materials and colors not being complimentary could be addressed by requiring specific materials and muted tones.

Director Markle advised that a public hearing on the proposed amendments is scheduled for November 3rd, and the Commission's recommendation will be presented to the City Council at a study session on November 28th. It is anticipated that the City Council will conduct a public hearing and take final action on December 12th.

Director Markle invited the Commissioners to share their additional ideas and identify any additional information needed to move forward with the public hearing on November 3rd. She specifically asked the Commissioners to provide direction on whether self-storage facilities should be permitted or prohibited. If permitted, what additional conditions or standards should apply?

Public Comment

Randall Olsen, Cairncross and Hempelmann, Seattle, said he was present to represent Sherry Development, the applicant of a project planned at 14533 Bothell Way NE (a few parcels north of NE 145th Street and Bothell Way). The site is currently developed as a restaurant and large parking lot and is located across the street from Rick's, which is a strip club. An existing self-storage facility is located immediately south of the proposed project. He asked the Commission to consider recommending an option that would allow for self-storage facilities in the CB zone and not prohibit them from being located next to each other. He commented that one strategy that other jurisdictions use is to find specific locations (or nodes) where the uses can be concentrated, typically at the edge of cities and outside of the town center areas. This approach would allow access to the facilities for everyone in the City to use without resulting in a concentration of the use in areas where more walkability is desired. He voiced support for allowing self-storage facilities to locate in the MB and CB zones. He noted that he submitted a letter that provides more detail about his points and specifically about how a self-storage facility in the Southeast Neighborhood Subarea would meet the policies in the subarea plan.

Holly Golden, Hillis Clark Martin & Peterson P.S., Seattle, said she was present to represent Lake Union Partner's on a proposed project at 19237 Aurora Avenue North (just north of 192nd Street on Aurora Avenue). Currently, the site is undeveloped and is used as a dumping ground. The site is steep and narrow, and self-storage is its only viable use. She referred to a comment letter that she submitted at the end of August and specifically noted the following points about why a self-storage facility would be appropriate at the site based on the City's Development Code and Comprehensive Plan. She explained that, under the City's Development Code, the site is zoned MB, which supports a mixture of residential and commercial growth that is essential infrastructure for any new apartments and businesses. Under the City's Comprehensive Plan, the site is designated as Mixed Use 1 (MU1), which allows the most intense uses and encourages a mix of uses. The site is outside of the Town Center Subarea and is located on Aurora Avenue North. The property is not considered a corner lot or a gateway to the City. It is currently underutilized and the sites to the north and south have the same designation. She summarized that self-storage in the proposed location would also be consistent with Comprehensive Plan goals related to encouraging a mix of businesses that complement each other, creating economic momentum, and redeveloping underused parcels.

Ms. Golden noted that Options 1 and 2, which are outlined in the original Staff Report, would allow self-storage at this location, and her client would support either one. Option 1 would be more limited, as it would only allow self-storage facilities on MU1 sites, which are busy corridors like Aurora Avenue North and outside of town center. Her client supports a reasonable limit on the use. Option 3 would only allow self-storage facilities as accessory uses, and it would be limited to 30% of the use of the building. This option would not work at the 19237 location because no other uses are appropriate there. She summarized that the proposed project meets a lot of the supplemental index criteria guidelines that are outlined in the Staff Report and discussed as part of Director Markle's presentation. For example, it is not a corner lot, the building would be multi-story, it would be located outside of the community renewal area, it would be respectful of the adjacent neighbors, and it is a good design with high-quality materials. However, some of the standards on the list would be burdensome enough to kill the project. For example, the requirement of retail space on the lower level or the 50% glazing standard would basically be a de facto prohibition on the use.

Ms. Golden concluded her comments by stating that self-storage facilities should be allowed at 19237 Aurora Avenue North, which is located in the MB zone with a MU1 Comprehensive Plan designation. The project is supported by adopted City policies and it would be good for both residential and commercial growth in Shoreline. Her client supports either Option 1 or Option 2, which would both allow the use on the subject site.

Scott Roberts, Lake Union Partners, Seattle, said he is one of the owners and developers of the property at 19237 Aurora Avenue North. He provided a rendering, which was also included in the Staff Report, that demonstrates the contemporary design of the proposed project. He voiced concern about some of the design standards recommended by staff. He explained that his firm does mostly multi-family apartment development in the Puget Sound, Portland, Denver and Salt Lake City areas. The current trend is that units are getting smaller and smaller (average of between 500 and 650 square feet), and there is not a lot of storage space. Even with the smaller units, development is not keeping up with population growth and there is a housing crisis. The storage facilities are very important to people who

live in small apartments in urban areas. He encouraged the Commission to leave flexibility in the design standards because many of the sites are left-over sites, with odd configurations that prevent them from being developed into things the community would like to see. Retail and residential uses get higher rents, and good sites are developed as such. The self-storage facilities are typically built on unique properties that are not conducive to other types of development. That means that the projects have to be "shoe-horned" in. Perhaps design standards should be applied on a case-by-case basis. He noted that the property at 19237 Aurora Avenue North is extremely steep and has a strange shape, and the curb cut is difficult, as well. Mr. Roberts voiced particular concerns about the following proposed design standards:

- **The requirement for retail space on the ground floor.** Retail uses would conflict with the storage use, given that space is needed for large trucks that are used to load and unload the units. Also, requiring retail space would confuse the use. The marketability of self-storage facilities is very sensitive and competitive, and the facilities need to be easily identifiable to passersby.

- **The requirement that the design emulate office development or some other retail use.** There has been a lot of advance in the design and marketability of self-storage facilities. They are more attractive, function well and serve a needed purpose in the community. Trying to clad them into something that tricks the public into thinking they are not storage is probably not the best approach.

- **The requirement that 50% of the façade be glazed.** Given that many of the sites that are developed as self-storage are odd shaped and unique, requiring 50% glazing could result in windows in odd places. A glazing requirement should be applied on a case-by-case basis.

- **The requirements for specific cladding materials.** This requirement seems odd and a bit inequitable because all of the materials that would be prohibited on storage facilities are actually acceptable materials in the City's commercial development standards. This may be a case of prejudicing one use over another.

- **The requirement that truck loading docks not face residential development or the street front.** This should also be decided on a case-by-case basis. The requirement would end up prohibiting his proposed project. Because the site is so narrow and steep, there is no way to load the building without a loading dock facing north, which is parallel to the street.

Rodger Ricks, Cascade Investment Properties, LLC, Redmond, said he is the developer of the proposed project at 20029 – 19th Avenue Northeast. He said he provided written comments that were included in the Staff Report. He said he appreciates the City's process of trying to understanding issues surrounding self-storage facilities. Many communities do not allow them, and their residents have to use nearby communities as a closet. He appreciates that the City is trying to provide for the needs of its citizens. Mr. Ricks said the three-mile radius is really the outside of the range, and 85% of the clients actually come from a two-mile radius. Sometimes, drive times are more accurate assessment, and his letter provides a drive map that displays the market area. He said it is important that self-storage facilities are distributed throughout the community in an equitable fashion. They should be close enough so that residents do not have to drive all over the community to access storage opportunities.

Mr. Ricks said he opposes a buffer requirement and believes that self-storage facilities should be allowed to locate adjacent to each other or within close proximity to each other. Sometimes people like to be able to do comparison shopping of nearby facilities. He said he is also opposed to requiring retail commercial space on the ground floor, and he agreed about the dangers of mixing pedestrian traffic associated with retail uses with truck traffic associated with the self-storage use. In addition, he is concerned about the proposed glazing requirement. Glazing is costly and reduces the efficiency of the building. They try to put windows on the end of each isle so that natural light can flow through the building. They also like to provide windows on the street façade.

Mr. Ricks referred to the Staff Report, which suggests a 150-foot building length. He supports Mr. Roberts' earlier comment that self-storage facilities are often developed on odd-shaped lots, and the parcel he is proposing to develop has been vacant for more than 20 years. That means it has not added to the tax base in any significant way. The lot is odd shaped and will not work for retail development. The 150-foot limit would severely limit the execution of a viable design. He said he would prefer Option 2, which is most equitable. Option 3 would be too limiting and not viable. It is important that the facilities have dedicated management and security, as well as all of the access amenities that are provided in the new generation of self-storage facilities. These services will not be possible if they are developed as accessory to some other type of commercial development.

Yoshiko Saheki, Shoreline, said that, as a user, she is sympathetic to the self-storage industry. She voiced concern that the City not develop regulations that are difficult to use. Now that her property has been upzoned, she would like to sell it. She does not want to be told at some point in the future that she cannot get top dollar for her property because developers and businesses would rather go to jurisdictions where it is easier to do business. She encouraged the Commission to develop regulations that are easy to understand and business friendly.

Dave Lange, Shoreline, said he would like self-storage facilities to be limited to primarily arterial streets. He likes the idea of having two or three clustered together, as that would not impact the general neighborhoods. If self-storage facilities are allowed in the Mixed Use Residential (MUR) zones, then retail uses should be required on the ground floor to increase the walkability and participation of the building within the neighborhoods.

Greg Elmore, Seattle, commented that self-storage is an essential service, and there is definitely a demand for the product. He said he is a proponent for property at 16750 Aurora Avenue North and has invested heavily in advanced development of a self-storage facility. He is also an urbanist and architect, and many of the City's achievements are remarkably commendable, such as undergrounding of powerlines and improving the streetscape environment for pedestrians. He encouraged the Commission to consider many of the recommendations put forward by Director Markle in terms of design standards, adjacency, corner lots, relationships to park and rides, and the pedestrian environment of the Town Center area.

Commission Discussion

Commissioner Moss-Thomas requested background information on the recommendation that self-storage facilities only be allowed as accessory uses. She also requested background on the 50% glazing

requirement and the 150-foot length limit. Director Markle said the accessory use requirement comes from the City's existing code. Currently, self-storage is only regulated as an outright use in the MUR-45' and MUR-70' zones. The newly adopted 185th Street Station Subarea Plan addresses the concept of allowing mini storage to be included as part of a large mixed-use development. However, the storage space would be limited to 30% of the total use and would require a conditional use permit.

Director Markle said the glazing requirement and the building length limit came from the City of Lynnwood's code, which is the most heavily regulated example staff found in their research. She referred to the earlier comment that the City's existing standards do not even limit building materials for commercial development to the level that has been suggested for self-storage facilities. She explained that the idea came from the City of Lynnwood's code, as well, and some matching would need to be done. The façade length is another area where they would have to match what is being proposed with the existing code. The requirement of 50% glazing would allow for a different type of look other than blank walls that have little interest to the pedestrian.

Commissioner Chang recalled the previous comment that self-storage facilities are often located on odd-shaped lots that are not conducive to other types of development. She observed that many are also developed on fairly flat lots that could have been developed as multi-family residential with retail instead. Director Markle commented that the developers are the ones who have done due diligence in determining what is most feasible for their lots. She suggested it is likely a matter of interpretation and a number of factors related to a developer's personal investment. Perhaps the representatives could provide more input as to why some of the sites are not well suited. Chair Craft said profit is the bottom line, and there is clearly a cost benefit to building one type of development over another. While he recognized there are some unique lots that are not conducive for residential and retail development, self-storage facilities have good profit margins compared to the building costs.

Commissioner Chang asked how self-storage development fits within the City's vision. Director Markle said self-storage is not specifically addressed in the City's vision, with the exception of some of the subarea plans that describe the types of uses and environment that are desired. For example, the use clearly does not fit in the Town Center Subarea or the Community Renewal Area. Also, the North City Subarea Plan specifically prohibits the use in some locations. The Comprehensive Plan appears to support the use within the MB zones that do not have special designations, and there are no specific restrictions. In general, it is known that Shoreline has a job deficit, and the MB zone is where new jobs could be created. It could be determined that self-storage facilities do not provide a large number of jobs, and are therefore, are not part of the vision.

Commissioner Mork asked how many total square feet of self-storage space would be available in Shoreline if all of the proposed facilities are constructed. Director Markle said that, as a rule of thumb, the non-Costco variety of self-storage averages about 100,000 square feet, but not all of that space would be useable. If all six were built at this level, it would add 600,000 square feet of storage to what already exists, as well as the two projects that have been permitted. Commissioner Mork concluded that this amount of storage space would be well in excess of the estimated 6 to 10 square feet of storage space that is needed per person. Director Markle agreed and noted that the facility would also serve the residents of neighboring jurisdictions.

Commissioner Moss-Thomas said she also uses self-storage, and she was amazed at how costly self-storage is and how hard it is to find. As residential units get smaller and people age and move from their larger homes, there will be a greater demand for self-storage space. She commented that it is very important that the City have consistent development standards for the various commercial uses. She questioned the need to call out self-storage as something different than other types of commercial uses, but agreed that aesthetics must be considered as part of any type of development proposal to ensure that the buildings blend well with the community. She referred to a relatively new self-storage facility on Aurora Avenue in Lynnwood that has a significant amount of glazing and questioned whether a glazing requirement would accomplish the City's goal relative to aesthetics. Other design tools may be more useful. With the exception of the MUR zone, she said she does not support a requirement of retail on the ground floor. She voiced concern that self-storage and retail are not congruent uses, and requiring retail as part of a self-storage facility could result in a lot of vacant storefronts. Having a dedicated security perimeter is important to people who use self-storage facilities, and retail customers coming and going could raise issues when determining who belongs at the facility and who does not.

Director Markle summarized that, as per the Commission's discussion, the amendments put forward for the public hearing would allow self-storage facilities in the MB and CB zones. Staff would revise the proposed list of design standards based on the public testimony and Commission's discussion and to match up better with the existing design standards. As currently recommended by staff, the use would also be prohibited on corner lots, within the Community Renewal Area, etc. The buffer requirement would be carried forward for public comment at the hearing, as well.

DIRECTOR'S REPORT

Director Markle reviewed that at their recent retreat, the Commission talked about including an update on "development in Shoreline" as a standing item on the Commission's agenda on a monthly basis. She provided a copy of the written report she provides to the City Manager each month to identify new applications and said she can also provide a mapping component in the future to identify the location of the projects. She reviewed the status of the various projects included in the report.

UNFINISHED BUSINESS

Revision to ByLaws

Chair Craft recalled that the Commission reviewed its bylaws at their recent retreat. They specifically discussed Section 4, which states that *"The clerk shall record and retain, by electronic means, each meeting for the official record and shall prepare summary minutes for the Commission, maintain official records and post agendas."* It was suggested that including "by electronic means" might be too onerous, given the Commission's work and the inability to record some meetings that are held off site, such as field trip visits. The recommendation was to remove the clause.

COMMISSIONER MOSS-THOMAS MOVED THAT THE SECTION 4 OF ARTICLE III OF THE COMMMISSION'S BYLAWS BE AMENDED BY STRIKING "BY ELECTRONIC MEANS." COMMISSIONER MORK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports or announcements.

AGENDA FOR NEXT MEETING

Mr. Szafran reviewed that the October 20th Commission Meeting agenda will include a public hearing on code amendments related to transitional encampments and a study session on 2016 Development Code Amendments.

ADJOURNMENT

The meeting was adjourned at 8:30 p.m.

_____	_____
Easton Craft	Lisa Basher
Chair, Planning Commission	Clerk, Planning Commission

Planning Commission Meeting Date: October 20, 2016 Agenda Item Ordinance 762

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**PUBLIC HEARING on Updates to Regulations for Transitional Encampments**
DEPARTMENT:	**Planning & Community Development**
PRESENTED BY:	**Kim Lehmberg, Associate Planner** **Paul Cohen, Planning Manager**

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

INTRODUCTION

Presented are proposed amendments to the City's Transitional Encampment regulations. These amendments are intended to:

- Simplify and streamline the permitting process by creating a "Transitional Encampment Permit," expressly for the use;
- Remove the fee for the permit;
- Provide a timeline for encampments for 90 days with the possibility for extension up to six months; and
- Clarify the encampment regulations in the Code.

BACKGROUND

Council Resolution No. 379, passed December 14, 2015, directs Staff to review City policies and codes that may create barriers for those experiencing homelessness and to continue support of the City's human service partner agencies. These amendments have been initiated in part to facilitate churches and other human service organizations to provide people that are experiencing homelessness with temporary and safe shelter without excessive process or expense.

Transitional encampments provide shelter for persons experiencing homelessness, and have been hosted numerous times in Shoreline, mostly at churches. The process for these encampments has been for the host to apply for a Temporary Use Permit (TUP). Applicants have often found that the TUP application submittal items are cumbersome to produce and the criteria for approval are not necessarily relevant to the use. There is also a fee that is currently $322.50, which can be considered a barrier in providing services to persons experiencing homelessness.

Shoreline Municipal Code (SMC) Section 20.30.070 describes the process and procedures for Type L, Legislative decisions. Amendments to the Development Code

are Type L decisions that include a hearing and recommendation by the Planning Commission and action by the City Council.

Criteria for Development Code amendments under SMC 20.30.350 are as follows:

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.

Council Resolution No. 379, adopted April 25, 2016, supported King County's declaration of emergency due to homelessness, and expressed the City's commitment to work with King County and partner agencies on plans to address homelessness. The proposed amendments are an attempt to address some of the barriers agencies face when providing emergency shelter for the homeless. Stakeholders have presented to Council and met with Staff to discuss how to incorporate some of these ideas into the Development Code.

On September 15, 2016, the Planning Commission heard the proposed amendments in a study session. There was also public testimony. Much of the discussion was regarding staff's proposal for a 20-foot property line setback for an encampment. Staff is proposing to reduce this to 15 feet. The reasoning for this is expanded upon in Attachment A. One other change was to add in the requirement for visual screening, a common condition imposed upon encampments.

Public testimony also referred to the Council adoption of Resolution 379 and the testimony presented in the months leading up to the adoption of the Resolution. This information (Resolution 379, and related staff report, meeting minutes, video links, documents) was forwarded to the Planning Commission on September 16, 2016.

The Planning Commission previously reviewed the homeless encampment ordinance in the fall of 2015. In December of 2015 Council adopted Ordinance 731, amending the indexed criteria for Tent City and renaming the use from "Tent City" to "Transitional Encampments." The ordinance added language to the standards to reasonably and reliably identify potential residents and check for sex offenders and people with warrants. The Commission had recommended adoption of this change in October 2015 without comment.

Staff have met with stakeholders, including representatives from churches and others that have hosted encampments, and received direct input into these issues over the past 10 months. Given the direction from Council and input from stakeholders, staff further refined the regulations.

PROPOSAL & ANALYSIS

The proposed amendments to the Code are summarized below and presented in full on Attachment A.

1. Definitions: SMC 20.20.034 & 20.20.048: Add definitions for "Managing Agency" and "Transitional Encampments."
2. Table 20.30.040 Procedures: Add "Transitional Encampment Permit" as a Type A permit that will be required. A Temporary Use Permit will no longer be required.
3. Neighborhood Meeting 20.30.045: Clarify that a neighborhood meeting is required for Transitional Encampment Permit proposals.
4. Use Tables: Allow Transitional Encampments in all zoning districts. They are currently allowed in all residential and most commercial zones, but not allowed in the Town Center or Campus zones. Change name of use in Campus zones from "Tent City" to "Transitional Encampments" to reflect the current nomenclature.
5. Add additional standards and clarifications to the indexed criteria: Most of these are standard conditions having to do with health and safety that have been required for a Temporary Use Permit. The setback standard is additional and is designed to protect neighbors from potential impacts from having an encampment close by. Based on Planning Commission discussion at the Study Session on September 15, 2016, Staff is proposing to reduce the originally proposed setback of 20 feet to 15 feet (see Attachment A for additional clarification). The timeline has also been extended and clarified. A specific time limit will be codified as well as limiting the number of encampments to one per calendar year.

The proposed amendments are based on Council direction to address the homelessness crisis in general, and Transitional Encampments in particular. These revisions will make it easier for entities in good standing with appropriate sites to obtain permits for camps, while protecting single-family neighborhoods from the uncertainty of being in close proximity to Transitional Encampments. Standard conditions, that have been added to all previous Temporary Use Permit approvals for transitional encampments, are proposed by staff to be added to the code.

Relevant Comprehensive Plan policies that support the amendments are as follows:

- Housing Goal H VII: *"Collaborate with other jurisdictions and organizations to meet housing needs and address solutions that cross jurisdictional boundaries."*
- Housing Policy #H11: *"Encourage affordable housing availability in all neighborhoods throughout the city, particularly in proximity to transit, employment, and/or educational opportunities."*
- Housing Policy #H19: *"Encourage, assist, and support non-profit agencies that construct, manage, and provide services for affordable housing and homelessness programs within the city."*
- Housing Policy #H25: *"Encourage, assist, and support social and health service organizations that offer housing programs for targeted populations."*
- Housing Policy #H29: *"Support the development of public and private, short-term and long-term housing and services for Shoreline's population of people who are homeless."*
- Housing Policy H31: *"Partner with private and not-for-profit developers, social and health service agencies, funding institutions, and all levels of government to identify and address regional housing needs."*

OPTIONS

The public hearing is to gather public input and make a recommendation on the amendments to Council. Staff has proposed the attached amendments, focusing on the following code sections:

20.20 Definitions
20.30 Procedures: creating a Transitional Encampment Permit to streamline the permitting process; clarifying that Neighborhood Meeting is required
20.40 Permitted Uses: adding the use as allowed in Town Center and Campus zones (currently allowed in all other zones)
20.40 Indexed Criteria: adding indexed criteria - clarifying regulations by adding standards for setbacks, screening, camp rules, and time limits.

After hearing public testimony the Planning Commission may choose to recommend the proposed amendments as presented by Staff; or
recommend changes to the proposed language; or
recommend additional code language

RECOMMENDATION

Staff recommends that the Planning Commission conduct a Public Hearing to receive comments on proposed amendments related to the transitional encampments and recommend approval as proposed to the City Council of Transitional Encampment amendments.

ATTACHMENTS

Attachment A - Proposed Amendments with specific justification.
Attachment B – City of Seattle Code forwarded by Commissioner Chang. Contains examples of additional code requirements.
Attachment C - Public Comment

ATTACHMENT A

Amendment #1 - Definitions.
This proposal adds a definition of a "Managing Agency" to clarify the application requirements. This helps to ensure that there is an entity with responsibility for compliance with the requirements of the camp. A definition of "Transitional Encampments" is added to differentiate it from a non-sanctioned camp, or a back yard camp-out for children or other family members.

20.20.034 M definitions.

Managing agency: Managing agency means an organization, such as a non-profit or religious organization, that organizes and manages a transitional encampment.

20.20.048 T definitions.

Transitional Encampments: Temporary campsites for the homeless, organized by a managing agency.

Amendment #2 Procedures and Administration
Adds Transitional Encampment Permit as a Type A action. This allows to City to create a simplified application process and a checklist with submittal criteria that are specific to the use, as opposed to the more general Temporary Use Permit application. It also allows the City to set the fee for the permit at $0. A line item is being proposed in the 2017 budget to reflect this under SMC 30.01.010(G) Land use (23).

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

Action Type	Target Time Limits for Decision (Calendar Days)	Section
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
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
17, Transitional Encampment Permit	15 days	20.40.535

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 #3 Neighborhood meeting
This is not a new requirement – it has been in the indexed criteria since 2005 and that is not proposed to change. This amendment clarifies the requirement by including it with the other neighborhood meeting requirements for certain Type A proposals.

20.30.045 Neighborhood meeting for certain Type A proposals. SHARE

1. A neighborhood meeting is required for Transitional Encampment Permit proposals.

2. A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single-family detached dwelling unit on a single parcel in the R-4 or R-6 zones. This requirement does not apply to accessory dwelling units (ADUs). This neighborhood meeting will satisfy the

neighborhood meeting requirements when and if an applicant applies for a subdivision (refer to SMC 20.30.090 for meeting requirements). (Ord. 695 § 1 (Exh. A), 2014).

Amendment #4 – Use Tables.
This proposal allows Transitional Encampments in all zones, removing a barrier to locating in Town Center or Campus zones. It also clarifies the name, which was missed during the last code amendment process.

20.40.120 Residential uses. SHARE

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**
721310	Dormitory		**C-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
TEMPORARY LODGING									

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
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**	
	Transitional Encampment	**P-i**	**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**

20.40.150 Campus uses. SHARE

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
	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		

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
	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			
	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~~ Transitional Encampments	P-i	~~-~~P-i	~~-~~P-i	~~-~~P-i
	Wireless Telecommunication Facility	P-i			P-i

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
P = Permitted Use					
P-i = Permitted Use with Indexed Supplemental Criteria					
P-m = Permitted Use with approved Master Development Plan					

Amendment #5 Indexed Criteria

These additions to the ordinance mostly reflect the typical conditions that Staff has attached to past Temporary Use Permits for encampments. New code language includes the new permit type, the provision for a minimum 15 foot setback from property lines, an allowance for up to a six-month stay with an extension, and a once per year restriction. The following describes the intent of each of these changes in more detail:

20.40.535.A: The process for past camps has been for the host to apply for a Temporary Use Permit (TUP). Applicants have often found that the TUP application submittal items are cumbersome to produce and the criteria for approval aren't necessarily relevant to the encampment. There is also a fee that is currently $322.50. A separate permit type specific to Transitional Encampments allows to City to create a simplified application process and a checklist, with submittal criteria that are specific to the use, as opposed to the more general Temporary Use Permit application. It also allows the City to set the fee for the permit at $0.

20.40.535.F: The minimum setback requirement is in response to the possibility of camps being hosted on sites that may be too small for the use. An encampment located on a single-family parcel will tend to have greater impact to neighboring properties than one hosted by a church, which typically will have a much larger lot size. Based on Planning Commission discussion and public testimony at the Study Session on September 15, 2016, Staff is proposing to reduce the originally proposed setback of 20 feet to 15 feet. The reasoning for the 15-foot setback originates in Shoreline Municipal Code section 20.50.020, Exception 5, which states

> *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.*

The original proposal of 20 feet was based on the code requirement for a 20-foot setback from commercial zones to single-family zones. Also, most jurisdictions that have a setback requirement use at least 20 feet. Some use the setback requirement of the zone. An encampment, however, is more similar to a multi-family use than it is to a commercial use, so the provision of a 15-foot setback makes more sense from a code perspective.

20.40.535.H: Under the Temporary Use Permit code, uses are allowed for 60 days, although the Director has the discretion to extend them for up to a year. For past encampments, an expiration of 90 days has been typical because that is the timeline that was originally requested by early Tent Cities and what was approved by the City of Seattle, which was

one of the first jurisdictions in the region to have an ordinance governing such encampments. Recent encampments have sometimes had difficulty lining up a new place to move after just three months. Also, some of the campers have jobs or children in school which can make moving a difficulty. The initial term of the encampment would continue to be the standard 90 days, with a possibility for an extension up to six months.

20.40.535.I: Limiting the encampments to once per calendar year keeps them from becoming a permanent fixture; further protecting neighboring properties from impacts associated with the use. It also allows a host to continue to host an encampment at the same time each year. This is often desired by churches as some sites are better suited to host during certain times of year based on the location and layout, as well as scheduling preferences.

20.40.535 Transitional encampment. SHARE

A. Allowed only by Transitional Encampment ~~temporary use p~~Permit (TEP).

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 State or tribal issued identification card, 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 Sheriff's Office Communications Center.

D. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders.

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. (Ord. 731 § 1 (Exh. A), 2015; Ord. 368 § 2, 2005).

F. Setback, site and screening requirements:

1. Encampments must be set back from neighboring property lines a minimum of 15 feet. Smoking areas must be designated and be located a minimum of 25 feet from neighboring property lines.

2. Screening for mitigation of visual appearance to the street and neighboring properties is required. There shall be screening a minimum of six feet in height installed wherever the camp is visible from streets or residential properties. The color of the screening shall not be black.
3. A fire permit is required for all tents over 400 square feet. Fire Permit fees are waived.
4. All tents must be made of fire resistant materials and labeled as such.
5. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area and approved smoking area.
6. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ash trays in areas approved for smoking.
7. Emergency vehicle access to the site must be maintained at all times.
8. Security personnel shall monitor entry points at all times. A working telephone shall be available to security personnel at all times.

G The encampment shall permit inspections by City, Health and Fire Department inspectors at reasonable times without prior notice for compliance with the conditions of this permit. An inspection will be conducted by the Shoreline Fire Department within seven days of initial occupancy.

H. Encampments may be allowed to stay under the Transitional Encampment Permit for up to 90 days. A TEP extension may be granted for up to six months, on sites where agencies in good standing have shown to be compliant with all regulations and requirements of the TEP process, with no record of rules violations. The extension request must be made to the City, but does not require an additional neighborhood meeting or additional application materials or fees.

I. Managing Agencies may host an encampment no more often than once per calendar year.

23.42.054 - Transitional *encampments* accessory to religious facilities or to other principal uses located on property owned or controlled by a religious organization

- A. Transitional *encampment* accessory use. A transitional *encampment* is allowed as an accessory use on a site in any zone, if the established principal use of the site is as a religious facility or the principal use is on property owned or controlled by a religious organization, subject to the provisions of subsection 23.42.054.B. A religious facility site includes property developed with legally-established parking that is accessory to the religious facility. Parking accessory to a religious facility or located on property owned or controlled by a religious organization that is displaced by the *encampment* does not need to be replaced.

B. The *encampment* operator or applicant shall comply with the following provisions:

1. Allow no more than 100 persons to occupy the *encampment* site as residents of the *encampment*.

2. Comply with the following fire safety and health standards:

a. Properly space, hang, and maintain fire extinguishers within the *encampment* as required by the Fire Department;

b. Provide and maintain a 100-person first-aid kit;

c. Establish and maintain free of all obstructions access aisles as required by the Fire Department;

d. Install appropriate power protection devices at any location where power is provided;

e. Designate a smoking area;

f. Keep the site free of litter and garbage;

g. Observe all health-related requirements made by the Public Health Department of Seattle & King County; and

h. Post and distribute to *encampment* residents, copies of health or safety information provided by the City of Seattle, King County, or any other public agency.

i. Prohibit any open flames except an outdoor heat source approved by the Fire Department.

3. Provide toilets, running water, and garbage collection according to the following standards:

a. Provide and maintain chemical toilets as recommended by the portable toilet service provider or provide access to toilets in an indoor location;

b. Provide running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City; and

c. Remove garbage frequently enough to prevent overflow.

4. Cooking facilities, if they are provided, may be located in either an indoor location or outdoors according to the following standards:

a. Provide a sink with running water in an indoor location or alternatively, continuously maintain outdoor running water and discharge the water to a location approved by the City;

b. Provide a nonabsorbent and easily-cleanable food preparation counter;

c. Provide a means to keep perishable food cold; and

d. Provide all products necessary to maintain the cooking facilities in a clean condition.

5. Allow officials of the Public Health Department of Seattle & King County, the Seattle Fire Department, and the Seattle Department of Construction and Inspections to inspect areas of the *encampment* that are located outdoors and plainly visible without prior notice to determine compliance with these standards.

6. Individuals under the age of 18 years that are not accompanied by a parent or legal guardian shall not be permitted in an *encampment*.

7. File a site plan with the Seattle Department of Construction and Inspections showing the arrangement of the *encampment*, including numbers of tents or similar sleeping shelters, all facilities that are separate from the sleeping shelters, and all existing structures on the property, if any. The site plan is for informational purposes and is not subject to City review or permitting requirements.

C. A site inspection of the *encampment* by a Department inspector is required prior to commencing *encampment* operations.

D. Parking is not required for a transitional *encampment* allowed under this Section 23.42.054.

(Ord. 124919 , § 132, 2015; Ord. 124747 , § 1, 2015; Ord. 123729, § 1, 2011.)

- 23.42.056 - Transitional *encampment* as an interim use

A Type I Master Use Permit may be issued for a transitional encampment interim use according to the requirements of this Section 23.42.056.

A. The Director, in consultation with the Human Services Director, shall adopt a rule according to subsection 23.88.010.A that includes but is not limited to establishing:

1. Community outreach requirements that include:

a. Community outreach standards that the encampment operator shall comply with before filing a transitional encampment interim use permit application, whether for a new transitional encampment or relocation of an existing transitional encampment. At a minimum, outreach standards shall contain a requirement that the encampment operator convene at least one public meeting in the neighborhood where the transitional encampment interim use is proposed to be established, at least 14 days prior to applying for a permit;

b. A requirement that the proposed encampment operator establish a Community Advisory Committee that would provide advisory input on proposed encampment operations including identifying methods for handling community complaints or concerns as it relates to the facility or facility clients. The committee shall include one individual identified by each stakeholder group in the geographic area where the proposed encampment would be located as best suited to represent their interests. The committee shall consist of no more than seven members. Encampment operator representatives shall attend committee meetings to answer questions and shall provide regular reports to the committee concerning encampment operations. City staff may attend the meetings; and

2. Operations standards that the encampment operator is required to implement while an encampment is operating.

B. Location. The transitional encampment interim use shall be located on property meeting the following requirements:

1. The property is:

a. Zoned Industrial, Downtown, SM, NC2, NC3, C1, or C2; except if the property is in a residential zone as defined in Section 23.84A.048 or is in a special review district established by Chapter 23.66; or

b. Within a Major Institution Overlay district.

2. The property is at least 25 feet from any residentially-zoned lot.

3. A property may be less than 25 feet from a residentially-zoned lot and used as an encampment site if:

a. All encampment facilities, improvements, activities, and uses are located at least 25 feet from any residentially-zoned lot. Access to the encampment site may be located within the 25-foot setback area; and

b. Screening is installed and maintained along each encampment boundary, except boundaries fronting on an opened public street. The screening shall consist of existing or installed vegetation that is sufficiently dense to obscure viewing the encampment site, or a 6-foot high view-obscuring fence or wall.

4. The property is owned by the City of Seattle, a private party, or an Educational Major Institution.

5. The property is within 1/2 mile of a transit stop. This distance shall be the walking distance measured from the nearest transit stop to the lot line of the lot containing the encampment site.

6. The property is, as measured by a straight line, at least 1 mile from any other legally-established transitional encampment interim use including *encampments* accessory to a religious facility or accessory to other principal uses on property owned or controlled by a religious organization. This subsection 23.42.056.A.6 shall not apply to *encampments* on sites owned or controlled by religious organizations, or to any legally-established transitional encampment interim use that provides shelter for fewer than ten persons.

7. The property is 5,000 square feet or larger and provides a minimum of 100 square feet of land area for each occupant that is permitted to occupy the encampment site.

8. The property does not contain a wetland, wetland buffer, known and potential landslide designations, steep slope, steep slope buffer, or fish and wildlife habitat conservation area defined and regulated by Chapter 25.09, Regulations for Environmentally Critical Areas, unless all encampment facilities, improvements, activities, and uses are located outside any critical area and required buffer as provided for in Chapter 25.09.

9. The encampment site is not used by an existing legally-permitted use for code or permit-required purposes including but not limited to parking or setbacks.

10. The property is not an unopened public right of way; or designated as a park, playground, viewpoint, or multi-use trail by the City or King County.

C. Operation. The transitional encampment interim use shall meet the following requirements:

1. The encampment may be operated by a private party that shall prepare an Encampment Operations Plan that shall address: site management, site maintenance, provision of human and social services, referrals to service providers that are able to provide services to individuals under the age of 18 who arrive at an encampment unaccompanied by a parent or legal guardian, and public health and safety standards. The operations plan shall be filed with the transitional encampment interim use permit application.

2. The operator shall be included in the qualified encampment roster prepared by the Human Services Director. The transitional encampment interim use permit applicant shall include documentation as part of the permit application demonstrating that the encampment operator is on the qualified encampment operator roster.

D. Additional requirements. The transitional encampment interim use shall meet the following requirements:

1. The requirements for transitional encampment accessory uses in subsections 23.42.054.B and 23.42.054.C.

2. The operator of a transitional encampment interim use located on City-owned property shall obtain prior to permit issuance and maintain in full force and effect, at its own expense, liability insurance naming the City as an additional insured in an amount sufficient to protect the City as determined by the City Risk Manager from:

a. All potential claims and risks of loss from perils in connection with any activity that may arise from or be related to the operator's activity upon or the use or occupation of the City property allowed by the permit; and

b. All potential claims and risks in connection with activities performed by the operator by virtue of the permission granted by the permit.

3. The operator of a transitional encampment interim use located on City-owned property shall, on a form approved by the Director, agree to defend, indemnify, and hold harmless the City of Seattle, its officials, officers, employees, and agents from and against:

a. Any liability, claims, actions, suits, loss, costs, expense judgments, attorneys' fees, or damages of every kind and description resulting directly or indirectly from any act or omission of the operator of a transitional encampment interim use located on City-owned property, its subcontractors, anyone directly or indirectly employed by them, and anyone for whose acts or omissions they may be liable, arising out of the operator's use or occupancy of the City property; and

b. All loss by the failure of the operator of a transitional encampment interim use located on City-owned property to perform all requirements or obligations under the transitional encampment interim use permit, or federal, state, or City codes or rules.

4. A transitional encampment interim use located on City-owned property shall allow service providers to access the site according to the approved operations plan required by subsection 23.42.056.B.1.

E. Duration and timing. The transitional encampment interim use shall meet the following requirements:

1. A permit for a transitional encampment interim use under this Section 23.42.056 may be authorized for up to one year from the date of permit issuance. A permit for a transitional encampment may be renewed one time for up to one year by the Director as a Type I decision subject to the following:

a. The operator shall provide notice of a request to extend the use in a manner determined by a Director's Rule. The notice shall be given to the Citizen's Advisory Committee and persons who provided the operator with an address for notice;

b. The encampment is in compliance with the requirements of Section 23.42.056; and

c. The operator shall provide with the permit renewal application an Encampment Operations Plan that shall be in effect during the permit renewal period and consistent with subsection 23.42.056.A.

2. At least 12 months shall elapse before an encampment use may be located on any portion of a property where a transitional encampment interim use was previously located.

F. Limit on the number of *encampments*. No more than three transitional encampment interim use *encampments* shall be permitted and operating at any one time, and each encampment shall not have more than 100 occupants. This limit shall not include transitional *encampments* accessory to a religious facility.

From: Plancom
To: Rachael Markle; Steve Szafran; Easton Craft; David Maul; William Montero; Paul Cohen; Lisa Basher; Jack Malek; Laura Mork; Miranda Redinger; Julie Ainsworth-Taylor; Susan Chang; Donna M. Moss
Subject: FW: Development Code (SMC Title 20)
Date: Thursday, October 13, 2016 10:43:25 AM

From: Linda Erickson[SMTP:SONGDOG194@GMAIL.COM]
Sent: Thursday, October 13, 2016 10:43:19 AM
To: Plancom
Subject: Development Code (SMC Title 20)
Auto forwarded by a Rule

I have been a homeowner in Shoreline for 30 years. This email is to let you know I oppose amending SMC Title 20 to allow transitional encampments in single family zoning. Thank you for your consideration.

Linda Erickson
222 NW 196th Pl.
Shoreline, WA

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Planning Commission Meeting Date: October 20, 2016 **Agenda Item: 7a**

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: **Deep Green Incentive Program**
DEPARTMENT: **Planning & Community Development**
PRESENTED BY: **Miranda Redinger, Senior Planner**
Kimberly Lehmberg, Associate Planner

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

INTRODUCTION AND BACKGROUND

On September 30, 2013, Council adopted the Shoreline Climate Action Plan, thereby committing to reduce community greenhouse gas (GHG) emissions 80% by 2050 (80x50), with an interim target of 50% reduction by 2030 (50x30). In 2014, the City reaffirmed that commitment by signing the King County-Cities Climate Collaboration (K4C) Joint County-City Climate Commitments, joining with the County and other cities in similar targets.

Since the selection of these specific targets was based on scientific consensus of what it would take to prevent the most devastating impacts of climate change, an analysis of what was feasible still needed to be completed. Through its partnership with the K4C, the City of Shoreline had the opportunity to work with Climate Solutions' New Energy Cities Program to perform a Carbon Wedge Analysis, which developed strategies for the City to achieve these "ambitious but achievable" targets. Council was introduced to the analysis and strategies at their October 14, 2014 meeting. The staff report from that meeting is available here: http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2014/staffreport101314-9a.pdf.

On September 14, 2015, the Council discussed several of the strategies identified through the Climate Action Plan, Carbon Wedge Analysis, and K4C Climate Commitments, and selected three priority recommendations for 2016-2019:

- Adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program

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

- Examining feasibility of District Energy or Combined Heat and Power in areas that are likely to undergo redevelopment, including the light rail station subareas, Aurora Square/Shoreline Place, and Town Center; and
- Conducting a Solarize campaign, including exploring adoption of Solar-Ready regulations, and building on partnerships with local educational, professional, and non-profit organizations dedicated to increasing solar power generation in Shoreline.

The staff report from that meeting is available here: http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2015/staffreport091415-9b.pdf.

On February 1, 2016, the Council discussed the three identified priority strategies in further detail. This agenda item included a presentation from Thomas Puttnam, President of Puttnam Infrastructure, on studying the feasibility of District Energy. Linda Irvine, Program Director for Northwest Sustainable Energy for Economic Development (NW SEED), also answered questions related to Solarize initiatives. The staff report from that meeting is available here: http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport020116-8a.pdf.

On February 18, 2016 the Planning Commission received a presentation from City staff and staff from the International Living Future Institute (ILFI) to introduce the Living Building Challenge and Petal Recognition Program, which are that organization's certification programs for high-performing green buildings.

The staff report from that meeting is available here: http://www.shorelinewa.gov/home/showdocument?id=25137; the minutes from that meeting are available here: http://www.shorelinewa.gov/Home/ShowDocument?id=25209.

For tonight's discussion, it will be helpful to include some definitions:

Deep Green- refers to an advanced level of green building that requires more stringent standards for energy and water use, stormwater runoff, site development, materials, and indoor air quality. With regard to the Deep Green Incentive Program, this definition is divided into tiers. Tier 1 refers specifically to the standards of International Living Future Institute's (ILFI) Living Building Challenge™ certification program; Tier 2 refers specifically to the standards of the ILFI Petal Recognition™ certification program or Built Green's Emerald Star™ certification program; and Tier 3 refers specifically to the standards of the US Green Building Council's Leadership in Energy and Environmental Design™ (LEED) Platinum certification program or ILFI's Net Zero Energy Building™ (NZEB) certification program.

Living Building™- generates all of its own energy with renewable resources, captures and treats all of its water, and operates efficiently and for maximum beauty. With regard to the Deep Green Incentive Program, it refers specifically to the International Living Future Institute's Living Building Challenge™ program, which is comprised of seven performance areas. These areas, or "Petals", are place, water, energy, health and happiness, materials, equity, and beauty.

Net zero building -has zero net energy or water consumption, meaning the total amount of energy or water used by the building on an annual basis is roughly equal to the amount of renewable energy created or water captured or reused on the site. A net positive building produces more energy or water than is used on the site.

The Living Building Challenge emphasizes sustainability with regard to the following design considerations or "Petals":

- Place- restoring a healthy interrelationship with nature;
- Water- creating developments that operate within the water balance of a given place and climate;
- Energy- relying only on current solar income;
- Health and Happiness- creating environments that optimize physical and psychological health and well-being;
- Materials- endorsing products that are safe for all species throughout time;
- Equity- supporting a just, equitable world; and
- Beauty- celebrating design that uplifts the human spirit.

A Living Building Challenge Ordinance (LBCO) may be adopted by jurisdictions to provide relief from code barriers that may preclude development of Living Buildings and/or include incentives for their development. Seattle adopted an LBCO in order to facilitate development of the Bullitt Center, the world's greenest office building.

The City of Shoreline and other K4C cities' staff have been working with the ILFI and other green building certification programs to adapt existing ordinances to be applicable to smaller cities. The February 18, 2016 meeting introduced Commissioners to the concept of Living and Net Zero Energy Buildings and outlined various components of a potential Living Building Challenge Ordinance for Shoreline. The staff report for that meeting posed the following questions with regard to the draft components presented:

- Should Shoreline's ordinance limit the number of potential projects through a pilot program?
- Should Shoreline's program apply to all building types in all zones and geographic locations within the city or confine potential projects to certain types or areas?
- Should Shoreline consider different incentive packages for full Living Building Challenge Certification and Petal Recognition?
- If so, are the incentive packages identified in the draft ordinance appropriate?

During the discussion, the Commission supported not limiting the number of projects or the building type or zoning for which a project could apply for a potential incentive program, and applying a tiered system of incentives according to the level of certification for a proposed project. Based on direction from that evening and a series of discussions with the K4C working group, certification and regulatory agencies, and developers and designers of green building projects in the region, Attachment A outlines a proposed Deep Green Incentive Program (DGIP) Ordinance and regulations to implement a DGIP in Shoreline.

It is important to note that through the discussions described above, the focus of the incentive program expanded from including only ILFI Living Building Challenge and Petal Recognition programs to include the top tier of the other two main green building certification organizations. In addition to ILFI programs, now including their Net Zero Energy Building (NZEB) certification, the proposed DGIP would provide incentives for projects that receive Emerald Star certification from Built Green, and Leadership in Energy and Environmental Design (LEED) Platinum certification from the US Green Building Council or the local Green Building Cascadia Institute (GBCI). The DGIP outlined in Attachment A proposes a tiered system that is described in the discussion section of this staff report.

Before moving into this discussion, it is important to note that there are several different codes and regulations that may present barriers to or provide incentives for the development of Living or Deep Green Buildings, and multiple agencies that may be involved in approval of such projects. Ordinance No. 760 and implementing regulations that define the DGIP focus primarily on the City's Development Code.

- Development Code-The City of Shoreline has the ability to modify this code through a recommendation by the Planning Commission and decision by Council. Potential amendments to the Development Code could include providing incentives for Living and Deep Green Buildings by allowing for exemptions from the following standards:
    - Permitted, prohibited, or conditional use provisions;
    - Residential density limits;
    - Maximum size of use;
    - Parking requirements;
    - Setback, lot coverage, or other dimensional standards;
    - Standards for storage of solid-waste containers;
    - Open Space requirements;
    - Standards for structural building overhangs and minor architectural encroachments into the right-of-way; and
    - Fees associated with project permitting.
- State Building Code- Standards for commercial and multi-family buildings are regulated by the International Building Code (IBC), which Council has local authority to amend. The City's Building Official has reviewed the attached

materials and participated in K4C working group discussions with regard to implementation of the DGIP. He has not identified any barriers within the IBC that should preclude development of a project given that the associated plumbing code currently provides requirements for labeling and premises isolation needed for non-potable water systems, and other public health considerations. Single-family homes are regulated by the International Residential Code, which Council may specifically amend provided approval is gained from the State Building Code Council. The Building Official is confident that promoting the development of Living and Deep Green Buildings would be a legitimate basis to obtain this required approval.

- Surface Water Utility-The City manages this utility, which is governed by regulations set forth in the Shoreline Municipal Code Section 13.10. Council has the ability to amend these regulations. It may be appropriate for Living or Deep Green Building projects focusing on water to receive a reduction or waiver of the Surface Water Management fee. Existing regulations currently contain a fee rebate for low-impact development components of a project, and it is possible that this will be expanded through revisions made through an upcoming update of the Surface Water Master Plan.
- Water and Sewer Utilities- Determining potential barriers or incentives related to water and sewer utilities will require discussions with North City Water District, Seattle Public Utilities, and Ronald Sewer District. However, many of the water and sewer issues with regard to Living and Deep Green Buildings, such as rainwater harvesting, reuse of non-potable water, and composting toilets may be more appropriately handled by Health Departments.
- Health Departments- King County Public Health and the Washington State Department of Health will need to be involved in regional discussions related to Living and Deep Green Buildings. The State Department of Health currently has the ability to grant relief from regulations that may be barriers to such buildings. The Chief Plumbing Inspector for Public Health for Seattle and Unincorporated King County has been involved in the K4C working group, and has provided insights into the current process of approval and how it may need to be modified in the future to better accommodate these types of projects.

DISCUSSION

Exhibit A to Attachment A articulates regulatory changes proposed to Sections 20.20, 20.30, and 20.50 of the Shoreline Municipal Code that would implement the DGIP if it were to be adopted by Ordinance No. 760. It provides specific regulations that were generally included as potential components of an ordinance in the February 18, 2016 presentation and staff report to the Commission. Several areas of this exhibit warrant further discussion.

Tiered Incentive Package:

The proposed DGIP would include different incentives for various levels of certification. In some cases, how each rating system is classified is based on specific elements of the program. In the first example below, Living Buildings and Water Petal Recognition projects receive a higher level of exemption from stormwater fees because these programs have more stringent standards for stormwater control and infiltration, whereas an NZEB project does not contain this requirement. In the second example below, the tiered system is based on the overall comprehensiveness of the program.

1. A project may be granted a waiver for 100% of *stormwater* fees for Tier 1 – Living Building Challenge or Tier 2 – Emerald Star for single-family or Petal Recognition, only if the project will utilize the Water Petal. A project may be granted a waiver of 75% of stormwater fees for Tier 2 – Emerald Star multi-family. A project may be granted a waiver of 50% of stormwater fees for Tier 2 - Petal Recognition if the project will utilize the Energy or Materials Petal or Tier 3 – LEED Platinum. NZEB projects will be subject to stormwater fees.
2. A project qualifying for Tier 1 - Living Building Challenge may be granted a waiver of 100% City-imposed *development fees*. A project qualifying for Tier 2 – Emerald Star or Petal Recognition may be granted a waiver of 75% of City-imposed development fees. A project qualifying for Tier 3 – LEED Platinum or NZEB may be granted a waiver of 50% of City-imposed development fees.

<u>City Coordination with Certification Agencies:</u>

The City is not interested in becoming a body for the certification of Living and Deep Green Buildings, so the draft DGIP contains four stages where project proponents would provide evidence that they are on track to achieve a specific certification.

1. Preapplication meeting- A preapplication meeting is required prior to submitting an application for any project requesting departures through the Deep Green Incentive Program to discuss why departures are necessary to achieve certification through International Living Future Institute, Built Green, or US Green Building Council programs. The fee for the preapplication meeting will be waived. This will allow project proponents and staff to agree that proposed exemptions or departures are appropriate and that development fees will be waived prior to application submittal.
2. Permit Application Submittal- For projects requesting departures, fee waivers, or other incentives under the Deep Green Incentive Program, the building permit application shall include a report from the design team demonstrating that the project is likely to achieve the elements of the certification program for which it will register.
3. Within six months of issuance of Certificate of Occupancy (CO) - The applicant will submit preliminary data that the project is on track to meet certification requirements. This is because some certification requirements require a period of performance monitoring, but some do not, for example Petals related to Place, Materials, and Beauty.
4. Within two years of issuance of CO- The applicant must demonstrate that certification has been achieved under the program for which exemptions, fee

waivers, or other incentives were granted. If not, enforcement provisions outlined in 20.30.770 would be applied.

Neighborhood Meeting:

Staff recommends requiring a neighborhood meeting when a project proposed for R-4 or R-6 zones seeks an exemption or departure. This is an opportunity to educate neighbors on the environmental benefits of a Living or Deep Green Building and to explain why some exemptions, such as height or density limits, may improve the performance of the building or make it financially feasible to build to more stringent standards.

TIMING AND SCHEDULE

The DGIP Ordinance and regulations will be included in the 2016 Code Amendment Batch and subject to the December 1, 2016 public hearing before the Commission. It will follow the same schedule for Council adoption as the rest of the batch.

RECOMMENDATION

No action is required at this time, but the Commission should provide direction regarding any changes to the draft Ordinance No. 760 and regulations to implement the DGIP included in Attachment A in preparation for the December 1, 2016 public hearing.

ATTACHMENTS

Attachment A- Draft Ordinance No. 760 adopting the DGIP
Exhibit A- Regulations implementing DGIP

ORDINANCE NO. 760

AN ORDINANCE OF THE CITY OF SHORELINE AMENDING THE UNIFIED DEVELOPMENT CODE, SHORELINE MUNICIPAL CODE TITLE 20, TO IMPLEMENT A DEEP GREEN INCENTIVE PROGRAM

WHEREAS, buildings are responsible for a large portion of negative environmental impacts, accounting for approximately 50% of U.S. carbon emissions and contributing to climate change, persistent toxins in the environment, raw resource consumption, impacts to water supply, habitat loss, and other related concerns; and

WHEREAS, the Deep Green Incentive Program establishes goals for building owners, architects, design professionals, engineers, and contractors to build in a way that provides for a sustainable future through buildings informed by their ecoregion's characteristics that generate all of their own energy with renewable resources, capture and treat all of their water, and operate efficiently with maximum beauty; and

WHEREAS, Deep Green and Living Buildings require a fundamentally different approach to building design, permitting, construction, and operations that may necessitate flexibility in current codes and regulatory processes in order to support their development; and

WHEREAS, The City of Shoreline (City) has been a leader in encouraging sustainable building through construction of a LEED Gold City Hall; adoption of regulations through the 185th and 145th Street Station Subarea Plans that require green building in areas near future light rail stations; identifying energy and water efficient buildings as a primary strategy to meet its greenhouse gas reduction targets adopted through the Climate Action Plan; and initiated other processes, regulations, and incentives to encourage the private market to follow the City's lead; and

WHEREAS, the goal of this ordinance and implementing regulations is to encourage the development of buildings that meet the criteria for certification under the International Living Future Institute, Built-Green, or US Green Building Council programs, through a variety of incentives; and

WHEREAS, the City Council designated adoption of a Living Building Challenge Ordinance and consideration of a Petal Recognition Program as priority strategies for 2016-2019 on September 14, 2015, thereby requesting the Department of Planning & Community Development and the Planning Commission to develop recommendations for implementing the Living Building Program within the City of Shoreline;

NOW, THEREFORE, this ordinance establishes a Deep Green Incentive Program supporting the development of new buildings and the retrofitting of existing buildings that meet the standards defined by the International Living Future Institute, Built Green, or the US Green Building Council.

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

Section 1. **Amendment of the Unified Development Code, SMC Title 20.** The amendments to the Unified Development Code, SMC Title 20, attached hereto as Exhibit A are adopted. Amendments are to Chapters 20.20, 20.30, and 20.50.

Section 2. **Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation.

Section 3. **Effective Date.** A summary of this ordinance consisting of the title shall be published in the official newspaper and the ordinance shall take effect five days after.

PASSED BY THE CITY COUNCIL ON _____, 2016.

_____
Christopher Roberts
Mayor

ATTEST:

_____
Jessica Simulcik Smith
City Clerk

APPROVED AS TO FORM:

_____
Margaret King
City Attorney

Date of Publication: _____
Effective Date: _____

Attachment A, Exhibit A
October 20, 2016
Planning Commission Study Session

Draft Development Code Regulations to Implement City of Shoreline
Deep Green Incentive Program
Ordinance 760, Exhibit A

20.20.016 D definitions.

Deep Green- refers to an advanced level of green building that requires more stringent standards for energy and water use, stormwater runoff, site development, materials, and indoor air quality than required by the Building Code. With regard to the Deep Green Incentive Program, this definition is divided into tiers. Tier 1 refers specifically to the standards of International Living Future Institute's (ILFI) Living Building Challenge™ certification program; Tier 2 refers specifically to the standards of the ILFI Petal Recognition™ certification program or Built Green's Emerald Star™ certification program; and Tier 3 refers specifically to the standards of the US Green Building Council's Leadership in Energy and Environmental Design™ (LEED) Platinum certification program or ILFI's Net Zero Energy Building™ (NZEB) certification program.

20.20.032 L definitions.

Living Building™- generates all of its own energy with renewable resources, captures and treats all of its water, and operates efficiently and for maximum beauty. With regard to the Deep Green Incentive Program, it refers specifically to the International Living Future Institute's Living Building Challenge™ program, which is comprised of seven performance areas. These areas, or "Petals", are place, water, energy, health and happiness, materials, equity, and beauty.

20.30.045 Neighborhood meeting for certain Type A proposals.

A neighborhood meeting shall be conducted by the applicant or owner for the following in the R-4 or R-6 zones.

1. developments consisting of more than one single-family detached dwelling unit on a single parcel. This requirement does not apply to accessory dwelling units (ADUs); or
2. developments requesting departures under the Deep Green Incentive Program, as per Ordinance No. 760.

This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant or owner applies for a subdivision (refer to SMC 20.30.090 for meeting requirements). (Ord. 695 § 1 (Exh. A), 2014).

20.30.080 Preapplication meeting.

A preapplication meeting is required prior to submitting an application for any Type B or Type C action and/or for an application for a project that may impact a critical area or its buffer consistent with SMC 20.80.045.

A preapplication meeting is required prior to submitting an application for any project requesting departures through the Deep Green Incentive Program to discuss why departures are necessary to achieve certification through International Living Future Institute, Built Green, or US Green Building Council programs. A representative from

prospective certifying agency will be invited to the meeting, but their attendance is not mandatory. The fee for the preapplication meeting will be waived.

Applicants for development permits under Type A actions are encouraged to participate in preapplication meetings with the City. Preapplication meetings with staff provide an opportunity to discuss the proposal in general terms, identify the applicable City requirements and the project review process including the permits required by the action, timing of the permits and the approval process.

Preapplication meetings are required prior to the neighborhood meeting.

The Director shall specify submittal requirements for preapplication meetings, which shall include a critical areas worksheet and, if available, preliminary critical area reports. Plans presented at the preapplication meeting are nonbinding and do not "vest" an application. (Ord. 724 § 1 (Exh. A), 2015; Ord. 439 § 1, 2006; Ord. 324 § 1, 2003; Ord. 238 Ch. III § 4(a), 2000).

20.30.297 Administrative Design Review (Type A).

1. Administrative Design Review approval of departures from the design standards in SMC 20.50.220 through 20.50.250 and SMC 20.50.530 through 20.50.610 shall be granted by the Director upon their finding that the departure is:
   a) Consistent with the purposes or intent of the applicable subsections; or
   b) Justified due to unusual site constraints so that meeting the design standards represents a hardship to achieving full development potential. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 609 § 6, 2011).
2. Projects applying for certification under the Living Building Challenge, Petal Recognition, Emerald Star, Leadership in Energy and Environmental Design Platinum, or Net Zero Energy Building programs may receive departures from development standards under SMC 20.40, 20.50, 20.60, and/or 20.70 upon the Director's finding that the departures meet A and/or B above, and as further described under 20.50.630. Submittal documents shall include proof of enrollment in the programs listed above.

20.30.770 Enforcement provisions.

D. Civil Penalties.

8. Deep Green Incentive Program.

a. Failure to submit the supplemental reports required by subsection 20.50.630(F) by the date required- within six months and two years of issuance of the Certificate of Occupancy- is subject to civil penalties as specified in 20.30.770(D)(1) and 20.30.770(D)(4).
b. If the project does not meet the requirements after two years of occupancy as detailed under SMC 20.50.630(F)(5)(a-c), the applicant or owner will required to pay the following:
   i. Failure to demonstrate compliance with the provisions contained in subsection 20.50.630(F)(5)(a-c) is subject to a maximum penalty of five percent of the construction value set forth in the building permit for the

structure. This fee may be reduced at the discretion of the Director based on the extent of noncompliance.

ii. In addition, the applicant or owner shall pay any permit, stormwater, and Transportation Impact fees that were waived by the City.

20.50.400 Reductions to minimum parking requirements.

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. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. The number of on-site 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 according to criteria established by the Director.
4. A City approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.
5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.
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 one-quarter mile of the development.

B. A project applying for parking reductions under the Deep Green Incentive Program may be eligible for the following, based on the certification they intend to achieve:

1. Tier 1 – Living Building Challenge Certification: up to 100% reduction in parking required under 20.50.390 for projects meeting the full International Living Future Institute (ILFI) Challenge criteria;
2. Tier 2 – Living Building Petal or Emerald Star Certification: up to 75% reduction in parking required under 20.50.390 for projects meeting the respective ILFI or Built Green program criteria;
3. Tier 3 - LEED Platinum or Net Zero Energy Building Certification: up to 50% reduction in parking required under 20.50.390 for projects meeting the respective US Green Building Council or ILFI program criteria.

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

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

~~D~~E. 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~~F. A parking reduction of 25 percent may 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, B, and ~~E~~D of this section.
~~F~~G. Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section. (Ord. 731 § 1 (Exh. A), 2015; 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).

The entire Code section below constitutes a new subchapter so underline format is not used.

Subchapter 9: 20.50.630 – Deep Green Incentive Program (DGIP)

A. **Purpose.** The purpose of this section is to establish an incentive program for Living and Deep Green Buildings in the City of Shoreline. The goal of the DGIP is to encourage development that meets the International Living Future Institute's (ILFI) Living Building Challenge™ (LBC), Petal Recognition™ (PR), or Net Zero Energy Building™ (NZEB) programs; Built Green's Emerald Star™ (ES) program; and the US Green Building Council's (USGBC) Leadership in Energy and Environmental Design™ (LEED) Platinum programs by:

1. encouraging development that will serve as a model for other projects throughout the city and region resulting in the construction of more Living and Deep Green Buildings; and
2. allowing for departures from Code requirements to remove regulatory barriers.

B. **Project qualification**

1. Application requirements. In order to request exemptions, waivers, or other incentives through the Deep Green Incentive Program, the applicant or owner shall submit a summary demonstrating how their project will meet each of the requirements of the relevant certification program, such as including an overall design concept, proposed energy balance, proposed water balance, and descriptions of innovative systems.
2. Qualification process. An eligible project shall qualify for the DGIP upon determination by the Director that it has submitted a complete application pursuant to SMC 20.30.297 Administrative Design Review, and has complied with the application requirements of this subsection.
3. The project must be registered with the appropriate third-party certification entity such as the International Living Future Institute, Built Green, or US Green Building Council.
4. Projects requesting departures under the DGIP shall meet the current version of the appropriate certification program, which will qualify them for one of the following tiered packages of incentives:
   a. Tier 1 - Living Building Certification: achieve all of the Imperatives of the ILFI Living Building Challenge;

b. Tier 2 – Emerald Star or Living Building Challenge Petal certification: satisfy requirements of Built Green program or three or more ILFI Petals, including at least one of the following- Water, Energy, or Materials; or

c. Tier 3- LEED Platinum or NZEB: satisfy requirements of the respective USGBC or ILFI programs.

C. **Director's Determination.** All Shoreline Deep Green Incentive Program projects are subject to review by the Director under Section 20.30.297. Any departures from the Shoreline Development Code (SMC Title 20) must be approved by the Director prior to submittal of building permit application.

D. **Incentives.** A project qualifying for the Shoreline Deep Green Incentive Program will be granted the following tiered incentive packages, based on the certification program for which they are applying:

1. A project may be granted a waiver for 100% of stormwater fees for Tier 1 – Living Building Challenge or Tier 2 – Emerald Star for single-family or Petal Recognition, only if the project will utilize the Water Petal. A project may be granted a waiver of 75% of stormwater fees for Tier 2 – Emerald Star multi-family. A project may be granted a waiver of 50% of stormwater fees for Tier 2 - Petal Recognition if the project will utilize the Energy or Materials Petal or Tier 3 – LEED Platinum. NZEB projects will be subject to stormwater fees.
2. A project qualifying for Tier 1 - Living Building Challenge may be granted a waiver of 100% City-imposed development fees. A project qualifying for Tier 2 – Emerald Star or Petal Recognition may be granted a waiver of 75% of City-imposed development fees. A project qualifying for Tier 3 – LEED Platinum or NZEB may be granted a waiver of 50% of City-imposed development fees.
3. Departures from Development Code requirements when in compliance with SMC 20.50.630(E).

E. **Departures from Development Code requirements**: The following requirements must be met in order to approve departures from Development Code requirements:

1. The departure would result in a development that meets the goals of the Shoreline Deep Green Incentive Program and would not conflict with the health and safety of the community. In making this recommendation, the Director shall consider the extent to which the anticipated environmental performance of the building would be substantially compromised without the departures.
2. A Neighborhood Meeting is required for projects departing from standards in the R-4 or R-6 zones.
3. Departures from the following regulations may be granted for projects qualifying for the Shoreline Deep Green Incentive Program:
   a. SMC 20.50.020. Residential density limits:
      i. Tier 1 – Living Building Challenge Certification: up to double the allowed density for projects meeting the full Challenge criteria;

ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 75% bonus for the base density allowed under zoning designation for projects meeting the program criteria;
iii. Tier 3 - LEED Platinum or NZEB Certification: up to 50% bonus for the base density allowed under zoning designation for projects meeting the program criteria.

b. SMC 20.50.390. Parking requirements:
i. Tier 1 – Living Building Challenge Certification: up to 100% reduction in parking required under 20.50.390 for projects meeting the full Challenge criteria;
ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 75% reduction in parking required under 20.50.390 for projects meeting the program criteria;
iii. Tier 3 - LEED Platinum or NZEB Certification: up to 50% reduction in parking required under 20.50.390 for projects meeting the program criteria.

d. Setback and lot coverage standards, as determined necessary by the Director;
e. Use provisions, as determined necessary by the Director
f. Standards for storage of solid-waste containers;
g. Open space requirements;
h. Standards for structural building overhangs and minor architectural encroachments into the right-of-way;
i. Structure height bonus up to 10 feet for a development in a zone with a height limit of 35 feet or less; or a structure height bonus up to 20 feet for development in a zone with a height limit greater than 45 feet; and
j. A rooftop feature may extend above the structure height bonus provided in SMC 20.50.020 or 20.50.050 if the extension is consistent with the applicable standards established for that rooftop feature within the zone.

F. **Compliance with minimum standards**

1. For projects requesting departures, fee waivers, or other incentives under the Deep Green Incentive Program, the building permit application shall include a report from the design team demonstrating that the project is likely to achieve the elements of the certification program for which it will register.
2. For projects applying for an ILFI certification (Tiers 1, 2, or 3), after construction and within six months of issuance of the Certificate of Occupancy, the applicant or owner must show proof that an LBC Preliminary Audit has been scheduled; such as a paid invoice and date of scheduled audit. After construction and within twelve months of issuance of Certificate of Occupancy, the applicant or owner must show a preliminary audit report from ILFI demonstrating project compliance with the Place, Materials, Indoor Air Quality, and Beauty/Inspiration Imperatives that do not require a performance period.
3. For projects aiming for Built Green Emerald Star certification (Tier 2), after construction and within six months of issuance of the Certificate of

Occupancy, the applicant or owner must show proof that the project successfully met Built Green Emerald Star certification by way of the Certificate of Merit from the program.

4. For projects pursuing LEED certification (Tier 3), the applicant or owner must show, after construction and within six months of issuance of the Certificate of Occupancy, that the project has successfully completed the LEED Design Review phase by way of the final certification report.
5. No later than two years after issuance of a final Certificate of Occupancy for the project, or such later date as requested in writing by the owner and approved by the Director for compelling circumstances, the owner shall submit to the Director the project's certification demonstrating how the project complies with the standards contained in this subsection. Compliance must be demonstrated through an independent certification from a third party such as ILFI, Built Green, or USGBC/Green Building Cascadia Institute (GBCI). A request for an extension to this requirement must be in writing and must contain detailed information about the need for the extension.
    a. For projects pursuing ILFI certification (Living Building Challenge, Petal Recognition, or Net Zero Energy Building), performance based requirements such as energy and water must demonstrate compliance through certification from ILFI within the two year timeframe noted above.
    b. For projects pursuing Built Green certification post-occupancy compliance must be demonstrated with analysis proving 12 consecutive months of net zero energy performance and/or 70% reduction in occupant water use. It is the owner's responsibility to submit utility information to Built Green so analysis can be conducted and shown to the Director.
    c. For projects pursuing LEED certification, the applicant or owner must show proof of certification by way of the final LEED Construction Review report and LEED Certificate issued by USGBC/GBCI.
6. If the Director determines that the report submitted provides satisfactory evidence that the project has complied with the standards contained in this subsection, the Director shall send the owner a written statement that the project has complied with the standards of the Shoreline Deep Green Incentive Program. If the Director determines that the project does not comply with the standards in this subsection, the Director shall notify the owner of the aspects in which the project does not comply. Components of the project that are included in order to comply with the minimum standards of the Shoreline Deep Green Incentive Program shall remain for the life of the project.
7. Within 90 days after the Director notifies the owner of the ways in which the project does not comply, or such longer period as the Director may allow for justifiable cause, the owner may submit a supplemental report demonstrating that alterations or improvements have been made such that the project now meets the standards in this subsection.

8. If the owner fails to submit a supplemental report within the time allowed pursuant to this subsection, the Director shall determine that the project has failed to demonstrate full compliance with the standards contained in this subsection, and the owner shall be subject to penalties as set forth in subsection 20.30.770.

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Planning Commission Meeting Date: October 20, 2016 Agenda Item: 7b

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	**Continuation of 2016 Development Code Amendments focusing on amendments submitted since September 15, clarification of Unit Lot Development and Self-Service Storage, and repeal of SMC 16.10 and 16.20.**
DEPARTMENT:	**Planning & Community Development**
PRESENTED BY:	**Steven Szafran, AICP, Senior Planner** **Paul Cohen, Planning Manager**

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

Introduction

The purpose of this study session is to:

- Respond to questions and concerns by Commission;
- Introduce new Development Code regulations since the September 15th Planning Commission meeting;
- Provide information for issues identified by staff;
- Ask direction on options for certain Development Code regulations;
- Respond to questions regarding the proposed development regulations; and
- Gather public comment.

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

There are minor amendments to 20.20 – Definitions, 20.30 – Procedures and Administration, 20.40 – Zoning and Use Provisions, 20.50 – General Development Standards, 20.70 – Engineering & Utilities Development Standards, and 20.100 – Special Districts.

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

The proposed amendments to the Development Code are included in **Attachment 1**. Each amendment includes a description of the amendment, justification for the amendment and staff recommendations for the amendment.

Amendments Added Since September 15

At the September 15 meeting, the Planning Commission reviewed the 2016 batch of Development Code amendments. The staff report and attachment for September 15 can be found at http://www.cityofshoreline.com/home/showdocument?id=27891.

Staff is proposing five Development Code amendments and two Municipal Code amendments since the Commission has last reviewed the 2016 batch on September 15th. The additions are the result of continued implementation of the City's 2016 Citywide work plan and include provisions for: NPDES requirements, Sound Transit development activities, minor amendments, and City Council direction.

- New Amendment #2 – SMC 20.20.026 – I Definitions

  This amendment adds Non-Vegetated Surface to the Impervious Surface Definition. This is one of four proposed Development Code amendments that are recommended by the Department of Ecology to incorporate Low Impact Development and Best Management Practices into the Development Code.

- New Amendment #7 – SMC 20.30.160 – Expiration of Vested Status for Land Use Permits and Approvals.

  This amendment, along with Amendment #3, adds an exception to the vesting timelines for Special Use Permits granted to public agencies which includes Sound Transit.

- New Amendment #10 – SMC 20.30.330 – Special Use Permit – SUP (Type C Action).

  This amendment, along with Amendment #2, will increase the vesting period for Special Use Permits issued to public agencies because of the long development timelines for large public projects such as light rail.

- New Amendment #9 – SMC 20.30.290 – Deviations From the Engineering Standards (Type A Standards).

  This amendment simply changes “Director” to “Director of Public Works” for the approval of a Deviation from Engineering Standards applications because Public Works is the department that processes and approves deviations from engineering standards.

- New Amendment #25 – SMC 20.50.020(2) – Dimensional Requirements in Mixed-Use Zones.

  This is a minor amendment to strike “up to” in the front setback standards in the Density and Dimensions in Mixed-Use Zones Table.

- New Municipal Code Amendments #1 and #2 – SMC 16.10 and 16.20.

  Amendment #1 will delete SMC 16.10 – Shoreline Management Plan. The City has adopted a new Shoreline Master Program in 2012 which is part of the Development Code (SMC 20.200) which replaces SMC 16.10.

  Amendment #2 will strike SMC 16.20 – Fee Schedule. The City lists all of the fees in SMC 3.01 making SMC 16.20 redundant and unnecessary.

Amendments Needing Further Analysis

The Commission requested more information regarding Amendment #5 for Unit Lot Development and Amendment #13 for Self-Service Storage Facilities.

Unit Lot Development is an improved process to create more housing options and home ownership opportunities by reducing unnecessary regulatory barriers. The Commission’s concerns regarding Unit Lot Development are:

- Vertical separation of walls and fire sprinkler requirements
- Construction of walls between units
- Additional cost of building structurally independent units
- Difficulty financing condominium projects versus fee simple units

The City’s Building Official, Ray Allshouse, explained at the October 6 Planning Commission meeting that the City’s current fire code requirements include a provision that any new building that is greater than 4,800 square feet (including the garage) must be sprinkled, and there are no exceptions. Most of the projects in the Mixed-Use Residential (MUR) zones are more than three units, which mean the units will actually be some of the safest in the City because they will be sprinkled.

Mr. Allshouse advised that there are provisions in the model residential building code, as amended by the State of Washington, that lay out specific requirements for separation walls and the proposed Unit-Lot Development provisions would not reduce

these requirements in any way, shape or form. From a fire safety standpoint, the minimum requirements would always be maintained.

Regarding seismic issues, the main concern is the structure's ability to react to lateral forces. Because the units in ULD projects would be located next to each other, the lateral dimension would be greater. The longer dimensions would be more resistive to lateral forces.

As a precaution, it will be important to require a recording on the title that indicates that the individual dwelling units are considered as a portion of a single building under the applicable edition of the residential code so that people who purchase the structures understand that they cannot just modify or remove the unit without having to worry about their neighbors unit or the integrity of the structure as a whole.

In summary, the City's Building Official voiced assurance that the proposed provisions of the Unit Lot Development represent a solution that meets both the requirements of what the developers are looking for, providing opportunities for further ownership of units, and assures the City's health and safety requirements.

The Commission may refer to **Attachment 2** which generally lists the Shoreline Fire Department's residential sprinkler requirements in preparation of the discussion on October 20.

Self-Service Storage Facilities

The City Council enacted a six (6) month moratorium on the acceptance, processing, and/or approving permit applications or permits for any new self-service storage facilities on August 8, 2016. The Development Code has no clear definition, zoning, building, or site design standards for self-storage. The Council directed staff and the Planning Commission to analyze and make recommendations as to where self-service storage facilities should be located and determine if any additional requirements should apply.

Staff has removed amendments regarding self-service storage facilities from this general batch of Development Code amendments. Self-service storage facilities are now included as a separate batch of amendments which the Commission held a study session on October 6 and will hold a public hearing on November 3, 2016.

The staff report for the self-service storage amendments can be found at http://www.cityofshoreline.com/home/showdocument?id=29110

Next Steps

The 2016 batch of Development Code amendments schedule is as follows:

November 3	1. Public Hearing for Self-Service Storage Facilities 2. Study Session for 2016 Comprehensive Plan Amendments
November 17	Public Hearing for 2016 Comprehensive Plan Amendments
November 28	Joint Meeting City Council and Planning Commission
December 1	Public Hearing for 2016 Development Code Batch and Deep Green Development Code Amendments

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Attachments

Attachment 1 – Proposed 2016 Development Code Amendments
Attachment 2 – Shoreline Fire Department Residential Sprinkler Requirements

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DEVELOPMENT CODE AMENDMENT BATCH 2016

TABLE OF CONTENTS
AMENDMENTS ADDED SINCE SEPTEMBER 15

		the TC-1, 2 & 3 Zones
17	20.40.130 – Nonresidential Uses	Add Light Manufacturing Permitted in MB Zones
18	20.40.160 – Station Area Uses	Combine Dwelling Types
19	20.40.230 – Affordable Housing	Update Critical Area References
20	20.40.240 – Animals	Revised Rules for Beekeeping
21	20.40.340 – Duplex	Delete Entire Section
22	20.40.510 – Single Family Attached Dwellings	Amend Criteria
23	20.40.600 – Wireless Telecommunication Facilities	Delete Notice of Decision for Wireless Facilities
	20.50 – General Development Standards	
24	20.50.020(1) – Dimensional Requirements	Combined Sideyard Setback
25	20.50.020(2) – Dimensional Requirements in Mixed-Use Zones	Front Setbacks
26	20.50.021 – Transition Areas	Add Aurora Square Community Renewal Area (CRA) Standards to the Section
27	20.50.040.I. 4, 5, and 6 – Setbacks	Setbacks for Uncovered Porches and Decks
28	20.50.070 – Site Planning – Front Yard Setback	Move 20-foot Driveway Requirement
29	20.50.090 – Additions to Existing Single-Family Residence (SFR)	Additions to Existing, Non-Conforming SFR
30	20.50.110 – Fences and Walls	Delete 3.5 foot Fence Height Limit
31	20.50.240(C)(1)(a) – Site Frontage	Strike “On Private Property”
32	20.50.330 – Project Review and Approval	Add NPDES Language
33	20.50.390(D) – Minimum Off Street Parking Requirements	Self-Service Storage Facility Parking
34	20.50.540(G) – Sign Design	Add Reference to Aurora Square CRA Sign Code
	20.70 – Engineering & Utilities Development Standards	
35	20.70.020 – Engineering Development Manual	Corrects Reference to EDM and Deletes Text
36	20.70.430 – Undergrounding of Electric and Communication Service Connections	Delete Section and Refer to Title 13
	20.100.020 – Aurora Square Community Renewal Area	
37	20.100.020 – Aurora Square Community Renewal Area (CRA)	Add a Reference to Ordinance 705

	Municipal Code Amendments	
1	16.10 – Shoreline Management Plan	Delete Section
2	16.20 – Fee Schedule	Delete Section

Amendment #1
20.20.016 – D Definitions

This proposed Development Code amendment will amend the definitions of various types of dwellings. The amendment will also combine these dwelling types into three distinct categories.

***Justification** – The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the dwelling definitions seek to cut down the number of housing types by combining housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions.*

- *The definition of apartments will be retained but will be updated to read more clearly.*
- *Duplexes and townhomes will be defined in the single-family attached definition.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike "three or more" and replaced with more than one.*

With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.

This proposed Development Code amendment is related to amendments 15, 18, 21, and 22.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Dwelling, Apartment	A building containing ~~three or more~~ multiple dwelling units that are usually ~~may be are~~ located one over the other in a multi-unit configuration.
Dwelling, Duplex	A house containing two individual single-family dwelling units that are separated from each other by one-hour fire wall or floor but not including approved accessory dwelling unit.
Dwelling, Live/Work	A structure or portion of a structure: (1) that combines a residential dwelling with a commercial use in a space for an activity that is allowed in the zone; and (2) where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises. (Ord. 706 § 1 (Exh. A), 2015).
Dwelling, Multifamily	Multifamily dwellings are separate housing units contained within one building or several buildings within one complex. Multifamily dwellings may have units located above one over another. Apartments and mixed-use buildings with apartments are considered multifamily dwellings. ~~include: townhouses, apartments, mixed use buildings, single-family attached, and more than two duplexes located on a single parcel.~~ (Ord. 631 § 1 (Exh. 1), 2012; Ord. 299 § 1, 2002).
Dwelling,	A building containing ~~three or more~~ more than one dwelling unit attached by

Single-Family Attached	common vertical wall(s), such as townhouse(s), rowhouses, and duplex(s). Single-family attached dwellings shall not have units located one over another (except duplexes may be one unit over the other).(Ord. 469 § 1, 2007).
Dwelling, Single-Family Detached	A house containing one dwelling unit that is not attached to any other dwelling, except approved accessory dwelling unit.
~~Dwelling, Townhouse~~	~~A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls. Townhomes may be located on a separate (fee simple) lot or several units may be located on a common parcel. Townhomes are considered single-family attached dwellings or multifamily dwellings.~~

Amendment #2
20.20.026 – I Definitions

This proposed amendment will update the definition of impervious surface by replacing "hard surface" with "non-vegetated surface".

Justification *– The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructure the preferred and commonly-used approach to site development.*

In 2015, the City contracted Brown and Caldwell (BC) to review the following codes, standards and documents;

- *Shoreline Municipal Code (SMC Chapter 12-20)*
- *Engineering Development Manual (EDM)*
- *Comprehensive Land Use Plan*
- *Stormwater Management Program (SWMP) Plan*
- *Critical Area Ordinance (CAO) standards*

There are four proposed Development Code amendments that are recommended to be updated based on the Department of Ecology's review of the code. All of the amendments are minor in nature and will help Shoreline comply with the City's NPDES Permit.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Impervious Surface: A ~~hard~~ non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Amendment #3
20.20.040 – P Definitions

This proposed amendment will update the definition of private stormwater management facility by adding the word "infiltrate" as a way to control surface water.

***Justification** – The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructure the preferred and commonly-used approach to site development.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Private Stormwater Management Facility – A surface water control structure installed by a project proponent to retain, detain, infiltrate or otherwise limit runoff from an individual or group of developed sites specifically served by such structure.

Amendment #4
20.20.046 – S Definitions

There are two proposed amendments to the S Definitions. The first amendment is a minor amendment that updates the definition of formal and short subdivisions. The second amendment adds a definition for "Stormwater Manual".

Justification *– The City Council increased the number of lots for a short plat to 9 during the 2015 Development Code amendment batch. The definition section was not updated at the time and this proposed amendment will rectify this change.*

Subdivision, Formal - A subdivision of ten ~~five~~ or more lots.
Subdivision, Short - A subdivision of nine ~~four~~ or fewer lots.

Justification *- The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructures the preferred and commonly-used approach to site development. The City does not have a definition of Stormwater Manual.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Stormwater Manual: The most recent version of the Stormwater Management Manual for Western Washington published by Washington Department of Ecology ("Stormwater Manual").

Amendment #5
20.20.050 – U Definitions

The City is open to consider improved processes and standards in order to create more housing options, reduce unnecessary barriers, and redefine other types of ownership. A Unit Lot Development (ULD) is an alternative approach to the division of property. Other jurisdictions such as Seattle and Mountlake Terrace, have adopted ULD code amendments. This proposed amendment will add a definition of Unit Lot Development. Amendment #13 contains the regulations for ULD.

Justification *– A ULD is a subdivision of ownership into fee simple units and does not require the same Building and Fire Code requirements for traditional, attached housing with a property line between the units. Traditional attached housing requires that each unit must be structurally independent and have fire separation as if they were not attached structures. This amendment allows the Building and Fire codes to treat a ULD as one building, such as an apartment building, for fire separation and structural requirements rather than as stand-alone units because of a property line internal to the development.*

Also, a ULD allows separate ownership of housing units within a "parent lot" without requiring condominium ownership and the State restrictions that accompany it. The ULD is permitted in zones where density supports multiple units on one lot. Currently, multiple units on one lot are allowed in all zones in Shoreline with different unit density limits per acre.

Under Amendment #13 these units will be considered individual units but part of one structure that cannot be segregated from one another. A ULD is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code.

Amendment #24 is a related amendment that will add ULD into Exception 2 in Tables 20.50.020(1) and 20.50.020(2).

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Unit Lot Development (ULD) – A Unit Lot Development (also known as a "Fee Simple lot") is the subdivision of land for single-family attached dwelling *units*, such as townhouses, rowhouses, or other single-family attached dwellings, or any combination of the above types of single-family attached dwelling units in all zones in which these uses are permitted.

Amendment #6
Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority

This amendment will strike "home occupations" from the Type A permit table and add "planned action determination" to the table.

***Justification** – The City no longer requires or processes Home Occupation permits. A home occupation is applied for through the City Clerk's office through the business licensing program. When the City instituted the business licensing program, the home occupation permit process became redundant.*

The second amendment adds the Planned Action Determination of Consistency to the Type A action table. The determination of consistency is required for projects that require SEPA review within Planned Action areas such as the 145th and 185th Street Station Subareas.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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,	120 days	20.40.120, 20.40.250, 20.40.260,

Boarding House		~~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
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
17. Planned Action Determination	**14 days**	**20.30.360**

Amendment #7
20.30.160 – Expiration of Vested Status of Land Use Permits and Approvals

This proposed amendment adds an exception to the vesting timelines for Special Use Permits granted to public agencies.

***Justification** – Projects proposed by public agencies, such as Sound Transit, are usually long, complex, and may require multiple phases to complete. This amendment will add a vesting provision to the Special Use Permit that allows a longer vesting period to account for projects that may take many years to complete. This provision gives the public agency the flexibility for longer vesting timeframes.*

This amendment is related to amendment #10 which defines the vesting timelines for Special Use Permits for public agencies.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Except for subdivisions~~, and~~ master development plans and Special Use Permits for Public Agency uses or where a different duration of approval is indicated in this Code, vested status of an approved land use permit under Type A, B, and C actions shall expire two years from the date of the City's final decision, unless a complete building permit application is filed before the end of the two-year term. In the event of an administrative or judicial appeal, the two-year term shall not expire. Continuance of the two-year period may be reinstated upon resolution of the appeal.

If a complete building permit application is filed before the end of the two-year term, the vested status of the permit shall be automatically extended for the time period during which the building permit application is pending prior to issuance; provided, that if the building permit application expires or is canceled, the vested status of the permit or approval under Type A, B, and C actions shall also expire or be canceled. If a building permit is issued and subsequently renewed, the vested status of the subject permit or approval under Type A, B, and C actions shall be automatically extended for the period of the renewal.

Amendment #8
20.30.280 – Nonconformance.

This Development Code provision speaks to the additions of single-family homes which are a nonconforming use in the MUR-45' and MUR-70' zones. The structures may be conforming in terms of setbacks, lot coverage, and height but the use is not. This is why staff is recommending that this provision move from expansions of nonconforming structures to expansions of the nonconforming use section.

***Justification** – This proposed amendment is moving a section of the Development Code. The provision of "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" should not be in expansions of a nonconforming structure section but in the expansion of a nonconforming use section.*

The second amendment to this section is adding when a change of use occurs. The amendment allows the Director, or designee, to require upgrades to a building if a change of use occurs. These upgrades may include fire sprinklers, electrical, mechanical, or other provisions of the building code. The provision also allows the Director to require additional parking spaces if the new use necessitates an increase in parking demand.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Any use, structure, lot or other site improvement (e.g., landscaping or signage), which was legally established prior to the effective date of a land use regulation that rendered it nonconforming, shall be considered nonconforming if:

1. The use is now prohibited or cannot meet use limitations applicable to the zone in which it is located; or

2. The use or structure does not comply with the development standards or other requirements of this code;

3. A change in the required permit review process shall not create a nonconformance.

B. Abatement of Illegal Use, Structure or Development. Any use, structure, lot or other site improvement not established in compliance with use, lot size, building, and development

standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

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~~. Modification of structures that are nonconforming with regards to critical areas may only be permitted consistent with SMC 20.80.040.

D. Expansion of Nonconforming Use. A nonconforming use may be expanded subject to approval of a conditional use permit unless the indexed supplemental criteria (SMC 20.40.200) require a special use permit for expansion of the use under the code. A nonconformance with the development standards shall not be created or increased and the total expansion shall not exceed 10 percent of the use area. 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.

E. Nonconforming Lots. Any permitted use may be established on an undersized lot, which cannot satisfy the lot size or width requirements of this code; provided, that:

1. All other applicable standards of the code are met; or a variance has been granted;
2. The lot was legally created and satisfied the lot size and width requirements applicable at the time of creation;
3. The lot cannot be combined with contiguous undeveloped lots to create a lot of required size;
4. No unsafe condition is created by permitting development on the nonconforming lot; and
5. The lot was not created as a “special tract” to protect critical area, provide open space, or as a public or private access tract.

F. Nonconformance Created by Government Action.
1. Where a lot, tract, or parcel is occupied by a lawful use or structure, and where the acquisition of right-of-way, by eminent domain, dedication or purchase, by the City or a County, State, or Federal agency creates noncompliance of the use or structure regarding any

requirement of this code, such use or structure shall be deemed lawful and subject to regulation as a nonconforming use or structure under this section.

2. Existing signs that are nonconforming may be relocated on the same parcel if displaced by government action provided setback standards are met to the extent feasible. If an existing conforming or nonconforming sign would have setbacks reduced below applicable standards as a result of government action, the sign may be relocated on the same parcel to reduce the setback nonconformity to the extent feasible. To be consistent with SMC 20.50.590(A), the signs shall not be altered in size, shape, or height.

3. A nonconforming lot created under this subsection shall qualify as a building site pursuant to RCW 58.17.210, provided the lot cannot be combined with a contiguous lot(s) to create a conforming parcel.

G. Change of Use – Single Tenant.
If any applicant proposes a change of use on a lot used or occupied by a single tenant or use, the applicant shall meet those code provisions determined by the Director to be reasonably related and applicable to the change in use. These provisions shall apply to the entire lot. If the development is nonconforming due to the number of parking spaces provided for the existing use, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

H. Change of Use – Multi-Tenant.
If any applicant proposes a change of use on a portion of a lot occupied by multiple tenants or uses, the applicant shall meet those code provisions determined by the Director to be reasonably related and applicable to the change in use. These provisions shall apply only to that geographic portion of the lot related to the use or tenant space on which the change is proposed. If the multi-tenant lot is nonconforming due to the number of parking spaces provided for the existing uses, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

Amendment #9
20.30.290 – Deviation from the engineering standards (Type A action).

This proposed amendment will change who will approve a deviation from engineering standards from the Director to the Director of Public Works.

***Justification** – The Deviation from Engineering Standards is a request to deviate from certain engineering standards such as driveway widths, number of driveways, street frontage standards, or right-of-way improvements. These applications are submitted in the Planning & Community Development Department, usually accompanied by a building permit, and then routed to the Public Works Department for approval. This Development Code Amendment will make it clear the Director of Public Works makes the final decision this application.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Purpose. Deviation from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal.

B. Decision Criteria. The Director of Public Works shall grant an engineering standards deviation only if the applicant demonstrates all of the following:

Amendment #10
20.30.330 – Special Use Permit – SUP (Type C Action)

This proposed amendment will increase the vesting period for Special Use Permits issued to public agencies.

***Justification** – Projects proposed by public agencies, such as Sound Transit, are usually long, complex, and may require multiple phases to complete. This amendment will add a vesting provision to the Special Use Permit that allows a longer vesting period to account for projects that may take many years to complete. This provision gives the public agency the flexibility for longer vesting timeframes.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Purpose. The purpose of a special use permit is to allow a permit granted by the City to locate a regional land use including essential public facilities on unclassified lands, unzoned lands, or when 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 may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. The special use permit shall not be used to preclude the siting of an essential public facility.
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, City or region;

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 basic purposes of this title; and

9. The special use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Plan, SMC Title 20, Division II.

C. Decision Criteria (Light Rail Transit Facility/System Only). In addition to the criteria in subsection B of this section, a special use permit for a light rail transit system/facilities located anywhere in the City may be granted by the City only if the applicant demonstrates the following standards are met:

1. The proposed light rail transit system/facilities uses energy efficient and environmentally sustainable architecture and site design consistent with the City's guiding principles for light rail system/facilities and Sound Transit's design criteria manual used for all light rail transit facilities throughout the system and provides equitable features for all proposed light rail transit system/facilities;

2. The use will not result in, or will appropriately mitigate, adverse impacts on City infrastructure (e.g., roads, sidewalks, bike lanes (as confirmed by the performance of an access assessment report or similar assessment) to ensure that the City's transportation system (motorized and nonmotorized) will be adequate to safely support the light rail transit system/facility development proposed. If capacity or infrastructure must be increased to meet the decision criteria set forth in this subsection C, then the applicant must identify a mitigation plan for funding or constructing its proportionate share of the improvements; and

3. The applicant demonstrates that the design of the proposed light rail transit system/facility is generally consistent with the City's guiding principles for light rail system/facilities.

D. Vesting of Special Use Permits requested by Public Agencies. A public agency may, at the time or application or at any time prior to submittal of the SUP application to the City Hearing Examiner, request a modification in the vesting expiration provisions of SMC 20.30.160, allowing for vesting of the SUP for a period of up to five years from the date of hearing examiner approval or, if the SUP provides for phased development, for a period of up to ten years from date of hearing examiner approval. If permitted, the expiration date for vesting shall be set forth as a condition in the SUP.

Amendment #11
20.30.357 – Planned Action Determination

The Planned Action Determination is a new addition to the Development Code.

Justification *–This determination is required for applications that want to be considered a planned action and rely on the environmental documentation that was prepared for the planned action area. The new Development Code language proposed establishes a purpose and decision criteria section. Staff has also developed a planned Action form that an applicant must use when submitting for a Planned Action Determination.*

Staff recommendation*– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Purpose. The purpose of a planned action determination is decide if a project qualifies as a planned action project thereby not requiring additional substantive and procedural review under SEPA .

Decision criteria. For a site-specific project to qualify as a planned action, the applicant shall submit a Planned Action Determination Checklist on a form prescribed and provided by the Department and demonstrate that:

1. The project is located within one of the City's designated Planned Action Areas;

2. The uses and activities of the project are consistent with qualifying land use categories described in the relevant Planned Action EIS;

3. The project is within and does not exceed the planned action thresholds established for the relevant Planned Action Area;

4. The project is consistent with the Shoreline Municipal Code and the Shoreline Comprehensive Plan, including any goals and policies applicable to the Planned Action Area;

5. If applicable, the project's significant adverse environmental impacts have been identified in the relevant Planned Action EIS;

6. If applicable, the project's significant adverse environmental impacts have been mitigated by application of mitigation measures identified for the Planned Action Area and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;

7. The project complies with all applicable local, state, and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and

8. The project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a planned action project.

Amendment #12
20.30.380 – Subdivision Categories

This amendment seeks to strike lot line adjustments as a subdivision category.

***Justification** – Lot line adjustments are not a subdivision of land. Also, lot line adjustments provisions are found in 20.30.400 and do not need to be included in 20.30.380.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~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.~~

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

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

C. ~~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 #13
20.30.410 – Preliminary subdivision review procedures and criteria.

There are two proposed amendments to this section. The first amendment establishes a procedure for Unit Lot Developments. This amendment allows a developer to create fee simple lots (each unit located on its own lot) without having to construct the units to Building Code standards for standalone units. The building is considered one unit even though the units are sold individually with a generally a small lot created from a larger "parent lot". This eliminates the need to construct each unit as if it may someday need to be structurally independent of the other units. Constructing the building as one structure is more cost effective. This process also creates a home ownership opportunity for people to buy a unit and the property on which the unit is located.

***Justification** – The proposed amendment will allow single family attached-developments to be subdivided for fee simple ownership and to allow application of International Building Code (IBC), National Electrical Code (NEC), and International Fire Code (IFC) to consider the units together as constituting one building, notwithstanding the property lines separating the units Please also see the justification for Amendment #5 – Definition of Unit Lot Development (ULD).*

The second amendment to this section is part of a group of amendments recommended by the Department of Ecology to comply with the City's NPDES Permit. Amendment A.4 below is related to NPDES requirements in Amendments #3 and #4.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

The short subdivision may be referred to as a short plat – Type B action.

The formal subdivision may be referred to as long plat – Type C action.

Time limit: A final short plat or final long plat meeting all of the requirements of this chapter and Chapter 58.17 RCW shall be submitted for approval within the time frame specified in RCW 58.17.140.

Review criteria: The following criteria shall be used to review proposed subdivisions:

A. **Environmental.**

1. Where environmental resources exist, such as trees, streams, geologic hazards, or wildlife habitats, the proposal shall be designed to fully implement the goals, policies, procedures and standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, and the tree conservation, land clearing, and site grading standards sections.

2. The proposal shall be designed to minimize grading by using shared driveways and by relating street, house site and lot placement to the existing topography.

3. Where conditions exist which could be hazardous to the future residents of the land to be divided, or to nearby residents or property, such as floodplains, landslide hazards, or unstable soil or geologic conditions, a subdivision of the hazardous land shall be denied unless the condition can be permanently corrected, consistent with subsections (A)(1) and (2) of this section, Chapter 20.80 SMC Critical Areas, and Chapter 13.12 SMC, Floodplain Management.

4. Low Impact Development (LID) techniques shall be applied where feasible to minimize impervious areas, manage storm water, preserve on-site natural features, native vegetation, open space and critical areas.

B. **Lot and Street Layout.**

1. Lots shall be designed to contain a usable building area. If the building area would be difficult to develop, the lot shall be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this Code and does not create nonconforming structures, uses or lots.

2. Lots shall not front on primary or secondary highways unless there is no other feasible access. Special access provisions, such as, shared driveways, turnarounds or frontage streets may be required to minimize traffic hazards.

3. Each lot shall meet the applicable dimensional requirements of the Code.

4. Pedestrian walks or bicycle paths shall be provided to serve schools, parks, public facilities, shorelines and streams where street access is not adequate.

C. **Dedications and Improvements.**

1. The City may require dedication of land in the proposed subdivision for public use.

2. Only the City may approve a dedication of park land.

3. In addition, the City may require dedication of land and improvements in the proposed subdivision for public use under the standards of Chapter 20.60 SMC, Adequacy of Public Facilities, and Chapter 20.70 SMC, Engineering and Utilities Development Standards, necessary to mitigate project impacts to utilities, rights-of-way, and stormwater systems.

a. Required improvements may include, but are not limited to, streets, curbs, pedestrian walks and bicycle paths, critical area enhancements, sidewalks, street landscaping, water lines, sewage systems, drainage systems and underground utilities.

D. Unit Lot Development.

1. The provisions of this subsection apply exclusively to Unit Lot Developments for single-family attached dwelling units or zero lot line developments in all zones in which these uses are permitted.

2. Unit Lot Developments may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested.

3. As a result of the subdivision, development on individual unit lots may modify standards in SMC 20.50.020 Exception 2.

4. Access easements and joint use and maintenance agreements shall be executed for use of a common garage or parking area, common open space, and other similar features, to be recorded with King County Records and Licensing Services Division.

5. Within the parent lot or overall site, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, to be recorded with King County Records and Licensing Services Division.

6. The unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot and shall be noted on the plat, to be recorded with King County Records and Licensing Services Division.

7. The applicant shall record a covenant on the plat that states, "*These units will be considered individual units and part of one structure that cannot be segregated from one another. A unit lot development is defined as one building or one structure in the International Building Code and International Fire Code and National Electrical Code".*

Amendment #14
20.30.470 – Further division – Short subdivisions.

The proposed Development Code amendment changes the number of lots in a short plat from four to nine.

***Justification** – The City Council increased the number of lots for a short plat to 9 during the 2015 Development Code amendment batch. The definition section was not updated at the time and this proposed amendment will rectify this change.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A further division of any lot created by a short subdivision shall be reviewed as and meet the requirements of this subchapter for formal subdivision if the further division is proposed within five years from the date the final plat was filed for record; provided, however, that when a short plat contains fewer than nine ~~four~~ parcels, nothing in this subchapter shall be interpreted to prevent the owner who filed the original short plat, from filing a revision thereof within the five-year period in order to create up to a total of nine ~~four~~ lots within the original short subdivision boundaries.

USE TABLES: Amendments 15-18

Amendment #15
20.40.120 – Residential uses.

***Justification** – This amendment is related to amendments 1, 18, 21 and 22. The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the table below seek to cut down the number of housing types by combining housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions.*

- *Apartments are a housing type within the multifamily dwelling category.*
- *Duplexes and townhomes are a housing type within the single-family attached dwelling category.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike "three or more" and replaced with more than one.*

With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Amendment #16
20.40.130 – Nonresidential uses

This proposed amendment will remove fuel and service stations as a permitted use in the Town Center 2, 3, and 4 zones.

***Justification** – Automotive Fueling and Service Stations are exclusively automotive uses. These uses detract from the goal of enhancing the pedestrian experience in TC-2, TC-3, and TC-4 zones. Prohibiting Automotive Fueling and Service Stations in TC-2, TC-3, and TC-4 zones, removes the conflict between the needs of a purely automotive use and those uses that encourage pedestrian and gathering zones is removed.*

Ample alternative locations are available to Fuel and Service Station operators. Automotive Fueling and Service Stations are allowed to be located in Neighborhood Business (NB), Community Business (CB), Mixed Business (MB), zones of the City, notably in the Town Center (TC)-1 and MB zones along Aurora Ave N immediately to the north and south of Town Center. Most commercial uses generate revenue for the city. However, because Shoreline obtains tax revenue from fueling stations regardless of where the fuel is sold in the state, no incremental increase in City revenues will be experienced from increasing fuel sales in TC-2, TC-3, and TC-4 zones.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

Amendment #17
20.40.130 – Nonresidential uses

This proposed amendment will make light manufacturing an approved use in the Mixed-Business (MB) zone. Currently, light manufacturing requires a Special Use Permit in the MB zone.

***Justification** – The City permits outright light manufacturing land uses in TC zones and in MB zones with a Special Use Permit. Town Center is small area and to require a Special Use Permit in MB seems unnecessary considering these zones all border Aurora Avenue. Based on the intent of these two zones, if a Special Use permit is needed it would be better served in the TC zones and to be permitted outright in the MB zones. A recent example is a small t-shirt print shop and wholesaler was deterred because the Special Use Permit was too expensive and the decision and conditions unpredictable to apply. The t-shirt shop is not a big proposal but it*

raises the question: does Shoreline provide enough opportunity for light manufacturing locate here? Is the MB zone the appropriate place to allow light manufacturing since it already allows wholesale and warehouse uses, car repair, etc.?

The proposed definition from the manual of A Glossary of Zoning and, Development and Planning Terms for "Light Manufacturing" is: "The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assemble, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing."

***Staff recommendation** –Permit Light Manufacturing outright in MB zones rather than through a Special Use Permit and add a Light Manufacturing definition to SMC 20.20.016 that clearly defines the type of uses allowed.*

Staff recommends that this amendment be included in the 2016 Development Code amendment batch.

Amendment #18
Table 20.40.160 – Station Area Uses

***Justification** – This proposed amendment is related to amendments 1, 15, 21, and 22. The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. The proposed amendments to the table below seek to combine housing styles into distinct categories. For example, townhomes and duplexes are both single-family attached dwellings so staff believes these should be in one category instead of treated separately in the definitions and use tables.*

- *The definition of apartments will be retained but will be updated to read more clearly.*
- *Duplexes and townhomes will be defined in the single-family attached definition.*
- *The multifamily dwelling definition will be amended to strike a number of dwelling types within the category. This will lead to less confusion about how to define certain housing types.*
- *The single-family attached definition will be amended to strike "three or more" and replaced with more than one.*

With the proposed amendments to the dwelling definitions, there will be three logical categories of dwellings: Multifamily, single-family attached, and single-family detached.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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~~ **Amendment #15**	~~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				

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

20.40.130 Nonresidential uses.

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RETAIL/SERVICE									
532	Automotive Rental and Leasing						P	P	P only in TC-1
81111	Automotive Repair and Service					P	P	P	P only in TC-1
451	Book and Video Stores/Rental (excludes Adult Use Facilities)			C	C	P	P	P	P
513	Broadcasting and Telecommunications							P	P

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
812220	Cemetery, Columbarium	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
	Houses of Worship	C	C	P	P	P	P	P	P
	Construction Retail, Freight, Cargo Service							P	
	Daycare I Facilities	P-i	P-i	P	P	P	P	P	P
	Daycare II Facilities	P-i	P-i	P	P	P	P	P	P
722	Eating and Drinking Establishments (Excluding Gambling Uses)	C-i	C-i	C-i	C-i	P-i	P-i	P-i	P-i
812210	Funeral Home/Crematory	C-i	C-i	C-i	C-i		P-i	P-i	P-i
447	Fuel and Service Stations **Amendment #16**					P	P	P	~~P~~
	General Retail Trade/Services					P	P	P	P
811310	Heavy Equipment and Truck Repair							P	
481	Helistop			S	S	S	S	C	C
485	Individual Transportation and Taxi						C	P	P only in TC-1
812910	Kennel or Cattery						C-i	P-i	P-i
	Library Adaptive Reuse	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
31	Light Manufacturing **Amendment #17**							P ~~S~~	P
	Marijuana Operations – Medical Cooperative	P	P	P	P	P	P	P	P
	Marijuana Operations – Retail					P	P	P	P
	Marijuana Operations – Processor							S	P
	Marijuana Operations – Producer							P	

Table 20.40.130 Nonresidential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
441	Motor Vehicle and Boat Sales							P	P only in TC-1
	Professional Office			C	C	P	P	P	P
5417	Research, Development and Testing							P	P
484	Trucking and Courier Service						P-i	P-i	P-i
541940	Veterinary Clinics and Hospitals			C-i		P-i	P-i	P-i	P-i
	Warehousing and Wholesale Trade							P	
	Wireless Telecommunication Facility	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					

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~~ **Amendment #18**	~~P-i~~	~~P-i~~	~~P-i~~

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	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		

Amendment #19
20.40.230 – Affordable housing

The proposed amendment updates critical area language contained in this section that was missed when the City updated the Critical Areas Ordinance as part of Ordinance 724 which is the City's Critical Areas.

***Justification** – Ordinance 724 updated many sections of the Development Code for consistency of terms and references. Section 20.40.230(A) was revised by this ordinance, however the reference to the critical area regulations in Section 20.40.230(A)(5) was missed.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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) and provisions for accessory dwelling units~~, and (c) projects which are limited by the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II~~.

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~~ professional and the City to address the requirements of the critical area ~~overlay district chapter~~ regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II.

Amendment #20
20.40.240 – Animals – Keeping of

The proposed amendment will amend the rules related to beekeeping.

***Justification** – The City has a business, Rainy Day Bees, which tends to bees in hives that belong to them but are on other people's private property on a voluntary basis. It is used on underutilized yards. Shoreline recently adopted an ordinance about beekeeping that is stricter than Seattle's regulations. Briefly, Seattle and other municipalities allow for hives to be closer to the property line if there is a fence or hedge or if the hives are elevated. Shoreline has no exemptions; the hives must be 25 feet from the nearest property line. Rainy Day Bees are being forced to locate most of their hives in Seattle.*

This amendment will make Shoreline's rules for beekeeping aligns with that of Seattle's and promote Shoreline as a beekeeping friendly city.

- *Pros to this proposal include: Health benefits from the end product: honey;*
- *Financial boost: supports small businesses like Rainy Day Bees;*
- *Health of bees: Urban bees tend to be more resilient;*

Cons to this proposal include:
- *Overcrowding: More urban bees competing for potentially limited pollen sources;*
- *Increased threat of stings: Can be eliminated with proper placement and management of hives.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

F. Beekeeping is limited as follows:

1. Beehives are limited to no more than four hives, each with only one swarm, on sites less than 20,000 square feet.

2. ~~Hives must be at least 25 feet from any property line; if the lot width or depth does not allow for 25 feet per side, then the hive may be placed in the center of the widest point of the lot on a lot, so long as it is at least 50 feet wide.~~

2. Hives shall not be located within 25 feet of any lot line except when situated 8 feet or more above the grade immediately adjacent to the grade of the lot on which the hives are located or when situated less than 8 feet above the adjacent existing lot grade and behind a solid fence or hedge six (6) feet high parallel to any lot line within 25 feet of a hive and extending at least 20 feet beyond the hive in both directions.

3. Must register with the Washington State Department of Agriculture.

4. Must be maintained to avoid overpopulation and swarming.

Amendment #21
20.40.340 – Duplex.

Justification *- The current definitions for various types of dwelling units and housing styles are confusing, repetitive, and in some cases, contradict themselves. This proposed amendment is related to amendments 1, 15, 18, and 22. The proposed amendment will strike the indexed criteria for duplexes and move the entire section into the indexed criteria for single-family attached dwellings. This proposed amendment matches the other changes in this batch that includes duplexes with single-family attached dwellings. The criteria for duplexes in the R-4 and R-6 will not be completely deleted from the Development Code. The conditions for duplexes in the R-4 and R-6 zones will be moved to the conditions for single-family attached dwellings in SMC 20.40.510.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~Duplex may be permitted in R-4 and R-6 zones subject to compliance with dimensional and density standards for applicable R-4 or R-6 zone and subject to single-family residential design standards.~~

~~More than two duplexes on a single parcel are subject to multifamily and single-family attached residential design standards.~~

Amendment #22
20.40.510 – Single-family attached dwellings.

Justification *– Proposed amendments 1, 15, 18, and 21 amend dwelling types in the definition section and the use tables. This proposed amendment strikes letter "A" since single-family attached dwellings include more than just triplexes and townhomes. Letter "C" is an outdated set of guidelines that may or may not apply to a development project. There are specific sections of the Development Code that regulate the items in the below list and therefore do not need to be included in this section. These include:*

1. *SMC 20.50.350 is the section that regulates minimum tree retention requirements.*
2. *The Development Code is silent on view restrictions so this item is not enforceable.*
3. *SMC 20.80.280 regulates fish and wildlife habitat conservation areas.*
4. *SMC Table 20.50.020 lists required setbacks along property lines while SMC 20.50.460 requires landscaping within those required setbacks.*
5. *The Critical Areas Ordinance has been recently updated to regulate development in geologic hazard areas.*
6. *The Development Code is largely silent on the protection of historic features and therefore not enforceable.*

This amendment also adds the indexed criteria for duplexes since the definition of single-family attached dwellings now include duplexes.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

20.40.510 – Single-family attached dwellings.

~~A. Single-family attached dwellings include triplexes and townhouses.~~

~~B.~~ Single-family attached dwellings in R-4 and R-6 zones shall comply with applicable R-4 and R-6 dimensional and density standards, and ~~multifamily~~ single-family residential design standards.

~~C. Single-family attached dwellings shall comply with one or more of the following:~~

~~1. The development of the attached dwelling units enable protection and retention of windfirm trees; or~~

~~2. The development of the attached dwelling units enable preservation of scenic vistas; or~~

~~3. The development of the attached dwelling units enable creation of buffers along fish and wildlife habitat conservation areas and wetlands; or~~

~~4. The development of the attached dwelling units enable creation of buffers among incompatible uses; or~~

~~5. The development of the attached dwelling units protects slopes steeper than 15 percent; or~~

~~6. The development of the attached dwelling units would allow for retention of natural or historic features.~~

~~B. D. The single-family attached dwelling development shall not result in greater density than would otherwise be permitted on site. (Ord. 238 Ch. IV § 3(B), 2000).~~

Amendment #23
20.40.600 – Wireless Telecommunications Facilities/ Satellite Dish and Antennas

This proposed amendment will delete the requirement that a Notice of Decision be issued for a wireless communication permit when attached to a right-of-way permit.

***Justification** – This is a Type A process which does not require a public notice of application nor decision.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

4. Wireless telecommunication facilities located on structures within the City of Shoreline rights-of-way shall satisfy the following requirements and procedures:

a. Only wireless telecommunication providers holding a valid franchise in accordance with SMC 12.25.030 shall be eligible to apply for a right-of-way permit, which shall be required prior to installation in addition to other permits specified in this chapter. Obtaining a right-of-way site permit in accordance with this title may be an alternative to obtaining both a franchise and a right-of-way permit for a single facility at a specific location.
b. All supporting ground equipment located within a public right-of-way shall be placed underground or, if located on private property, shall comply with all development standards of the applicable zone.
c. To determine allowed height under subsection (F)(2) of this section, the zoning height of the zone adjacent to the right-of-way shall extend to the centerline except where the right-of-way is classified by the zoning map. An applicant shall have no right to appeal an administrative decision denying a variance from height limitations for wireless facilities to be located within the right-of-way.
~~d. A notice of decision issued for a right-of-way permit shall be distributed using procedures for an application. Parties of record may appeal the approval to the Hearing Examiner but not the denial of a permit.~~

Amendment #24 and #25
20.50.020 – Dimensional requirements.

Amendment #24 deletes the requirement for a combined side setback of 15 feet in the R-6 zone and adds Unit Lot Development to exception #2 of the Tables.

***Justification** – The City currently requires 15-foot setbacks for two side yards combined with a minimum 5-foot setback in R-4 and R-6 zones. Setbacks are used to create separation between residences. However, since either neighbor on each side of residence can experience a 5-foot setback how does the combined setback benefit each neighbor? The indirect benefit of a greater sideyard setback may be the overall size of the house on the property. Lot coverage maximums are a better regulation to affect the density and open space to surrounding neighbors. This amendment complements Amendment #29.*

Amendment #25 makes a minor change to the setbacks in the MUR zones. Staff is proposing to strike "up to" in the table to clear up confusion and will provide the explanation of the front setback in the exceptions section immediately following the table.

Please refer to Amendment #5 for the justification for adding Unit Lot Development to Exception #2.

***Staff recommendation** – Staff recommends that these amendments be included in the 2016 Development Code amendment batch.*

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%

Table 20.50.020(2) – Densities and Dimensions in Mixed-Use Residential Zones.
Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

Table 20.50.020(2) Dimensional Standards for MUR Zones

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density:	N/A	N/A	N/A

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Dwelling Units/Acre			
Min. Density	12 du/ac(16)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street ~~Up to~~ 20 ft if located on 145th Street (14)	15 ft if located on 185th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street ~~Up to~~ 20 ft if located on 145th Street (14)	~~Up to~~ 15 ft if located on 185th Street (14) ~~Up to~~ 20 ft if located on 145th Street (14) 0 ft if located on an arterial street 10 ft on nonarterial street
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft (15)	45 ft (15)	70 ft (11) (12)(15)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	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 and Unit Lot 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 dedication of facilities to the City as defined in Chapter 20.70 SMC.

(14) The exact setback along 145th Street and 185th Street, up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

(15) Base height may be exceeded by 15 feet for rooftop structures such as arbors, shelters, barbeque enclosures and other structures that provide open space amenities.

(16) Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards.

Amendment #26
20.50.021 – Transition Areas

This proposed amendment will move the transition standards from SMC 20.100.020, the Aurora Square Community Renewal Area (CRA), to SMC 20.50.021.

***Justification** – This amendment is related to amendment #36. There is only one regulation in this section that regulates the transition standards in the CRA. Staff believes this provision*

should be moved from this section and placed in SMC 20.50.021 where all the other transition standards are located. This will ensure that the transition standards in the CRA will not be overlooked since all of the transition area requirements will be in one place in the code.

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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.

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

C. All vehicular access to proposed development in nonresidential zones shall be from arterial classified streets, unless determined by the Director to be technically not feasible or in conflict with state law addressing access to state highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use nonarterial streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer.

<u>D. For development within the Aurora Square Community Renewal Area; maximum building height of 35 feet within the first 10 feet horizontally from the front yard setback line. No additional upper-story setback required.</u>

<u>Amendment #27</u>
20.50.040.I 4, 5,and 6 – Setbacks – Designation and measurements

This amendment proposes clarity to existing confusing and contradictory language for decks, porches and stairs and ramps in required yard setbacks.

Justification - *The amendment to section #4 will allow the projection of decks, under 18 inches in height, into the front yard in addition to side and rear yards. A patio is permitted in front yard setbacks as well as side and rear yards then the impacts or uses of these amenities are mostly the same.*

The amendment to section, #5, cleans-up confusing language about how far an uncovered porch or deck more than 18 inches above the finished grade may project into the front, side, and rear setbacks. Currently, the language allows decks above 18 inches in height to extend 18 inches into the sideyard which is greater than 6 feet 6 inches. This language is obtuse and it is more direct to say that these cannot be built within 5 feet of the property line. The amendment also clarifies the contradiction of why a deck above 18 inches is allowed in the front yard but not a deck under 18 inches in height in section #4.

The amendment to section #6 clears up confusion about the size of porches in setbacks. Currently, #6 allows covered entries to extend 5 feet into the setback if they are 60 square feet or greater. Staff thinks the intention is not to allow decks without a maximum size but to allow covered entries less than 60 feet to extend 5 feet into the setback.

The amendment to section #7 will allow building stairs or ramps to project to the property line, subject to conditions, for the purpose of retrofitting an existing residence. Some houses have a short, steep grade to the front sidewalk. If the intent is to allow residents to retrofit their access then limiting the height of stairs or ramps for the purpose of entry limiting their height seems prohibitive. This becomes especially relevant if residents have limited mobility.

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

4. Uncovered porches and decks not exceeding 18 inches above the finished grade may project to the front, rear, and side property lines.

5. Uncovered porches and decks, which exceed 18 inches above the finished grade, may project 5 feet into the required front, rear and side yard setbacks but not within 5 feet of a property line:

~~a. Eighteen inches into a side yard setback which is greater than six feet, six inches; and~~

~~b. Five feet into the required front and rear yard setback.~~

6. Entrances with covered but unenclosed porches may project up to 60 square feet into the front and rear yard setback. ~~that are at least 60 square feet in footprint area may project up to five feet into the front yard setback.~~

7. For the purpose of retrofitting an existing residence, uncovered building stairs or ramps no more than ~~than 30 inches from grade to stair tread and~~ 44 inches wide may project to the property line subject to right-of-way sight distance requirements.

Amendment #28
20.50.070 – Site planning – Front yard setback – Standards.

The proposed amendment will move the requirement for a 20-foot driveway from the exceptions section and move it into the regulation.

***Justification** – The requirement for a 20-foot driveway should not be in the exception section but should be a stand-alone requirement.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

20.50.070 – Site planning – Front yard setback – Standards.

The front yard setback requirements are specified in Subchapter 1 of this chapter, Dimensional and Density Standards for Residential Development, except as provided for below.

<u>For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.</u>

Exception 20.50.070(1): The front yard setback may be reduced to the average front setback of the two adjacent lots; provided the applicant demonstrates by survey that the average setback of adjacent houses is less than 20 feet. However, in no case shall an averaged setback of less than 15 feet be allowed. If the subject lot is a corner lot, the setback may be reduced to the average setback of the lot abutting the proposed house on the same street and the 20 feet required setback. (This provision shall not be construed as requiring a greater front yard setback than 20 feet.)

~~For individual garage or carport units, at least 20 linear feet of driveway shall be provided between any garage, carport entrance and the property line abutting the street, measured along the centerline of the driveway.~~

<u>Amendment #29</u>
20.50.090 – Additions to existing single-family house - Standards

The proposed amendment is related to amendment #24 and deletes the provisions that allow a homeowner to add on and expand a home that is nonconforming to setbacks.

***Justification** – Additions to existing single-family house are allowed, within limits, to expand a non-conforming structure within a yard setback. The allowance is based on an existing, nonconforming façade that is more than 60% of the entire façade to be able to expand the nonconformance. The intent is to allow flexibility when retrofitting an existing structure but its standards are not logical or statistically based and are confusing to administer.*

1) Why would we allow a nonconformance to expand?
2) Why is nonconformance greater than 60% needed to allow the expansion?

3) Therefore, why would a percentage less than 60% not be more qualified to expand since it would be less of a nonconformance, and
4) Why is there no limit to how much the nonconforming façade can expand?

There is no other nonconformance allowance for decks, hardscape, height, or lot coverage in the Development Code. SMC 20.30.280 – Nonconformance addresses this issue which limits structure expansion to the "degree of an existing nonconformity" and "limited to 50% of the use area (building coverage"). The Development Code will provide greater flexibility, through amendment #24, by allowing only two, 5-foot side yard setbacks. By approving amendment #24, Table 20.50.020(1) regarding setbacks, property owners will have greater flexibility with other alternatives to expand their homes without expanding a nonconformance that is difficult to administer and is not logical.

Staff Recommendation *– Repeal the entire code section. The Development Code will provide greater flexibility, through amendment #24, by allowing only two, 5-foot side yard setbacks.*

~~SMC 20.50.090 Additions to existing single-family house—Standards.~~

~~A. Additions to existing single-family house and related accessory structures may extend into a required yard when the house is already nonconforming with respect to that yard. The length of the existing nonconforming facade must be at least 60 percent of the total length of the respective facade of the existing house (prior to the addition). The line formed by the nonconforming facade of the house shall be the limit to which any additions may be built as described below, except that roof elements, i.e., eaves and beams, may be extended to the limits of existing roof elements. The additions may include basement additions. New additions to the nonconforming wall or walls shall comply with the following yard requirements:~~

~~1. Side Yard. When the addition is to the side of the existing house, the existing side facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the side yard line;~~
~~2. Rear Yard. When the addition is to the rear facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than three feet to the rear yard line;~~
~~3. Front Yard. When the addition is to the front facade of the existing house, the existing facade line may be continued by the addition, except that in no case shall the addition be closer than 10 feet to the front lot line;~~
~~4. Height. Any part of the addition going above the height of the existing roof must meet standard yard setbacks; and~~
~~5. This provision applies only to additions, not to rebuilds. When the nonconforming facade of the house is not parallel or is otherwise irregular relative to the lot line, then the Director shall determine the limit of the facade extensions on case-by-case basis.~~

Amendment #30
20.50.110 – Fences and walls - Standards

The proposed amendment will delete the suggestion that fences in the front yard be limited to 3.5 feet in height.

***Justification** – This provision is a design standard for appearance or defensible space. It is inconsistent with the allowance for 6-foot fences in all other yards of a residential property. It is also written as a recommendation and not as a requirement. The intent of the existing code can be met with the requirement for sight clearance standards and the preference of the property owner. Staff believes that the fence lower height limit is more a design standard for the purpose of street appeal. It also contradicts the code allowance for arbors in any setback up to 6 feet in height.*

***Staff recommendation** – Staff recommends that this amendment be approved in the 2016 Development Code amendment batch.*

20.50.110 Fences and walls – Standards.

A. The maximum height of fences located along a property line shall be six feet, subject to the sight clearance provisions in the Engineering Development Manual. ~~(Note: The recommended maximum height of fences and walls located between the front yard building setback line and the front property line is three feet, six inches high.)~~

B. All electric, razor wire, and barbed wire fences are prohibited.

C. The height of a fence located on a retaining wall shall be measured from the finished grade at the top of the wall to the top of the fence. The overall height of the fence located on the wall shall be a maximum of six feet.

Amendment #31
20.50.240 – Site Design

***Justification** – The phrase "on private property" is redundant and confusing. Buildings and parking structures are only developed on private property.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

C. Site Frontage.

1. Development in 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;

Amendment #32
20.50.330 – Project review and approval

This proposed Development Code amendment is recommended to be updated based on the Department of Ecology's review of the code. All of the amendments are minor in nature and will help Shoreline comply with the City's NPDES Permit.

***Justification** – The Washington State Department of Ecology (DOE) NPDES Permit requires that we review, revise and make effective codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMP) by December 31st 2016. The intent of the revisions is to make LID principles and green stormwater infrastructures the preferred and commonly-used approach to site development.*

***Staff recommendation** – Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Review Criteria. The Director shall review the application and approve the permit, or approve the permit with conditions; provided that the application demonstrates compliance with the criteria below.

1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a deviation from the Engineering Development Manual.

2. The proposal complies with all standards and requirements for the underlying permit.

3. If the project is located in a critical area or buffer, or has the potential to impact a critical area, the project must comply with the critical areas standards.

4. The project complies with all requirements of the City's Stormwater Management Manual as set for the in SMC 13.10.200 and applicable provisions of SMC 13.10, Engineering Development Manual and SMC 13.10, Surface Water Management Code and adopted standards.

5. All required financial guarantees or other assurance devices are posted with the City.

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

This proposed amendment will match up the parking requirement for self-service storage facilities with the ITE trip generation calculator for mini-warehouse uses, which do not generate as much parking as the City has been requiring.

Justification *– The City uses the trip generation calculator to assess Transportation Impact Fees. This figure also matches more closely traffic impact analyses that have been prepared for such uses. The proposed minimum spaces required may look strange but that is the number cited by multiple parking demand studies submitted by various self-service storage providers. For example, an 80,000 square foot self-service storage facility would be required to provide 11 parking spaces.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

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)
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

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
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)
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

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Self-service storage facility:	1 per .000130 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
20.50.540(G) – Sign design

Justification *– The Aurora Square Community Renewal Area is a special district and has a unique set of signage requirement. Staff recommends inserting a reference into this section to point the reader to the specific sign regulations of the CRA because the sign code uses zones and the CRA is in the MB zone.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

G. Table 20.50.540(G) – Sign Dimensions.

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

Refer to SMC 20.50.620 for the Aurora Square Community Renewal Area sign regulations.

Amendment #35
20.70.020 – Engineering Development Manual.

Justification *– The proposed Development Code amendment will strike the reference to SMC 12.10.100, which does not exist, and replace the reference with 12.10.015 which is the chapter that includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to the development of all streets and utilities and/or improved within the City. The remainder of the section will be deleted since the requirements for development are located in the Engineering Development Manual.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

The Engineering Development Manual adopted pursuant to SMC 12.10.~~100~~.015 includes processes, design and construction criteria, inspection requirements, standard plans, and technical standards for engineering design related to the development of all streets and utilities and/or improved within the City. ~~The specifications shall include, but are not limited to:~~

~~A. Street widths, curve radii, alignments, street layout, street grades;~~

~~B. Intersection design, sight distance and clearance, driveway location;~~

~~C. Block size, sidewalk placement and standards, length of cul-de-sacs, usage of hammerhead turnarounds;~~

~~D. Streetscape specifications (trees, landscaping, benches, other amenities);~~

~~E. Surface water and stormwater specifications;~~

~~F. Traffic control and safety markings, signs, signals, street lights, turn lanes and other devices be installed or funded; and~~

~~G. Other improvements within rights-of-way.~~

Amendment #36
20.70.430 – Undergrounding of electric and communication service connections.

Justification *– The proposed Development Code amendment to Section 20.70.430 will delete the language regarding the undergrounding of utilities from the Development Code. SMC 20.70.430 is in conflict with the Shoreline Municipal Code Title 13 when undergrounding is required for certain development activities. The proposed amendment will direct the reader to Title 13 for specific undergrounding requirements.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

A. Undergrounding required under this subchapter shall be limited to the service connection and new facilities located within and directly serving the development from the public right-of-way, excluding existing or relocated street crossings.

B. Undergrounding of service connections and new electrical and telecommunication facilities shall be required as defined in Chapter 13.20.050 SMC. ~~shall be required with new development as follows:~~

~~1. All new nonresidential construction, including remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of service.~~
~~2. All new residential construction and new accessory structures or the creation of new residential lots.~~

~~3. Residential remodels and additions where the total value of the project exceeds 50 percent of the assessed valuation of the property and improvements and involves the relocation of the service connection to the structure.~~

~~C. Conversion of a service connection from aboveground to underground shall not be required under this subchapter for:~~

~~1. The upgrade or change of location of electrical panel, service, or meter for existing structures not associated with a development application; and~~

~~2. New or replacement phone lines, cable lines, or any communication lines for existing structures not associated with a development application.~~

Amendment #37
20.100.020 – Aurora Square Community Renewal Area (CRA).

Justification *– Council adopted the Aurora Square Community Renewal Area Planned Action in August 2015. The planned action contains development regulations, design standards, signage standards, residential unit thresholds, commercial building thresholds and other goals and policies to shape future development in that area. The proposed Development Code amendment will alert the reader to the planned action so specific development standards can be met.*

The second amendment to this section will move "A" to SMC 20.50.021. There is only one regulation in this section that regulates the transition standards in the CRA. Staff believes this provision should be moved from this section and placed in SMC 20.50.021 where all the other transition standards are located. This will ensure that the transition standards in the CRA will not be overlooked since all of the transition area requirements will be in one place in the code.

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

All development proposed within the Aurora Square Community Renewal Area shall comply with provisions of Ordinance 705 – Aurora Square Community Renewal Area Planned Action.
~~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.~~

Municipal Code Amendments

Amendment #1
SMC 16.10 – Shoreline Management Plan

This proposed amendment will repeal SMC Chapter 16.10 in its entirety.

Justification *– SMC 16.10 was the chapter that regulated the City's Shoreline Master Program which referred to King County's regulations as Shoreline did not have its own program. The Council adopted the City's own Shoreline Master Program in 2013, making Chapter 16.10 unnecessary.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~Sections:~~

~~**16.10.010 Authority to adopt.**~~

~~**16.10.020 Adoption of administrative rules.**~~

~~**16.10.030 Adoption of certain other laws.**~~

~~**16.10.040 Reference to hearing bodies.**~~

~~**16.10.010 Authority to adopt.**~~

~~Pursuant to RCW 35.21.180, 35A.11.020, 35A.21.160 and 90.58.280, the city adopts by reference Title 25 of the King County Code (Exhibit A, attached to the ordinance codified in this chapter) as presently constituted, as the interim shoreline management code. Exhibit A is hereby incorporated by reference as if fully set forth herein. [Ord. 93 § 1, 1996; Ord. 23 § 1, 1995]~~

~~**16.10.020 Adoption of administrative rules.**~~

~~Pursuant to Chapter 25.32 KCC of the shoreline management plan, there are hereby adopted by reference any and all implementing administrative rules now in effect regarding shoreline management that have been adopted either pursuant to King County Code Chapter 2.98, Rules of county agencies, or Title 23, Enforcement, or elsewhere in the King County Code except that, unless the context requires otherwise, any reference to the "county" or to "King County" shall~~

~~refer to the city of Shoreline, and any reference to county staff shall refer to the city manager or designee. [Ord. 23 § 2, 1995]~~

~~16.10.030 Adoption of certain other laws.~~

~~To the extent that any provision of the King County Code, or any other law, rule or regulation referenced in the shoreline management code is necessary or convenient to establish the validity, enforceability or interpretation of the shoreline management code, then such provision of the King County Code, or other law, rule or regulation, is hereby adopted by reference. [Ord. 23 § 3, 1995]~~

~~16.10.040 Reference to hearing bodies.~~

~~To the extent that the shoreline management code refers to planning commissions, board of appeals, hearing examiner, or any other similar body, the city council shall serve in all such roles, but retains the right to establish any one or more of such bodies, at any time and without regard to whether any quasi-judicial or other matter is then pending. [Ord. 23 § 4, 1995]~~

Amendment #2
SMC 16.20 – Fee Schedule

This proposed amendment will delete SMC Chapter 16.20 in its entirety.

Justification *- On August 12, 1996, the Shoreline City Council adopted Ordinance No. 101, revising fees for land use and building permit development applications which were codified as Shoreline Municipal Code Chapter 16.20. On February 28, 2000, the Shoreline City Council adopted Ordinance No. 230 establishing Title 20 Unified Development Code of the Shoreline Municipal Code. Given the enactment of Title 20, the provisions of Shoreline Municipal Code Chapter 16.20 Fee Schedule are no longer necessary as all of the City's fees are codified in SMC Chapter 3.01.*

Staff recommendation *– Staff recommends that this amendment be included in the 2016 Development Code amendment batch.*

~~Sections:~~

~~16.20.010 Land use and development fee schedule.~~

~~16.20.020 Fee collection – King County authority.~~

~~16.20.030 Administration.~~

~~16.20.040 Refund of application fees.~~

~~16.20.010 Land use and development fee schedule.~~

~~A. The city manager or designee is authorized to charge applicants for development and land use permits received by the city's permit center, in the amounts set forth in the development services fee schedule.~~

~~B. Fee Schedule. See SMC 3.01.010, 3.01.015 and 3.01.020. [Ord. 256 § 1, 2000; Ord. 101 § 1, 1996]~~

~~**16.20.020 Fee collection – King County authority.**~~

~~Pursuant to the August 1995 "Interlocal Agreement Relating to the Use of City-Owned Real Property", King County is authorized to collect fees pursuant to the county's adopted fee schedule, as presently constituted or hereafter amended, for those applications to be processed by the county pursuant to the interlocal agreement. [Ord. 101 § 2, 1996]~~

~~**16.20.030 Administration.**~~

~~The director of development services is authorized to interpret the provisions of this chapter and may issue rules for its administration. [Ord. 101 § 3, 1996]~~

~~**16.20.040 Refund of application fees.**~~

~~Any fee established in this chapter which was erroneously paid or collected will be refunded. Refunds for applications, permits, or approvals which are withdrawn or canceled shall be determined by the director of development services. [Ord. 101 § 4, 1996]~~

Shoreline Fire Dept Residential Sprinkler Requirements:

Size:

- All homes over 4800 sq ft need NFPA 13D Sprinkler System. Square footage includes garage space and covered decks, porches and patios.

- Homes under 4800 sq ft. may require sprinkler system based on the following:

Fire Flow: (per IFC Appendix B)

- Fire flow less than 1000 gpm: all homes need sprinklers
- Fire Flow between 1000 and 1750gpm: all homes over 3600 sq ft. need sprinklers.

Hydrant Distance:

- If Nearest Hydrant is more than 500 ft (measured as a logical hose lay) from farthest corner of proposed home, home will need sprinklers. **Note:** Cannot use hydrants on opposite side of street where car volume is over 20,000 per day.

Access:

Width

- If home is accessed by a shared access road, minimum width is 20 feet wide or homes need sprinklers.
- If road serves more than 2 homes, road can reduce to 14' wide after 2nd home.

Length

- If Access Road is over 150 ft. long, a fire engine turnaround or fire sprinklers in homes are required.

Additions:

- Any addition over 500 sq ft will trigger the above requirements.

For additional information or questions please call the Shoreline Fire Marshall Office at: 206-533-6565