



PLANNING COMMISSION

REGULAR MEETING

AGENDA

Thursday, October 16, 2014
7:00 p.m.

Council Chamber • Shoreline City Hall
17500 Midvale Ave North

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00
2. ROLL CALL	7:01
3. APPROVAL OF AGENDA	7:02
4. APPROVAL OF MINUTES	7:03
a. Draft Minutes from October 2, 2014 Regular Meeting	
Public Comment and Testimony at Planning Commission	
<i>During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. In all cases, speakers are asked to come to the podium to have their comments recorded, state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.</i>	
5. GENERAL PUBLIC COMMENT	7:05
6. STUDY ITEM	7:10
a. Development Regulations for 185th Street Station Area Planning	
• Staff Presentation	
• Public Comment	
7. DIRECTOR'S REPORT	8:45
8. UNFINISHED BUSINESS	8:55
9. NEW BUSINESS	8:56
10. REPORTS OF COMMITTEES & COMMISSONERS/ANNOUNCEMENTS	8:57
11. AGENDA FOR NOVEMBER 6, 2014	
a. Development Regulations for 185th Street Station Area Planning	8:58
12. ADJOURNMENT	9:00

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

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CITY OF SHORELINE

**SHORELINE PLANNING COMMISSION
MINUTES OF REGULAR MEETING**

October 2, 2014
7:00 P.M.

Shoreline City Hall
Council Chamber

Commissioners Present

Chair Scully
Vice Chair Craft (arrived at 7:02)
Commissioner Malek
Commissioner Maul
Commissioner Montero
Commissioner Mork
Commissioner Moss

Staff Present

Rachael Markle, Director, Planning and Community Development
Steve Szafran, Senior Planner, Planning and Community Development
Paul Cohen, Senior Planner, Planning and Community Development
Miranda Redinger, Planner, Planning and Community Development
Dan Eernisse, Economic Development Director
Lisa Basher, Planning Commission Clerk

CALL TO ORDER

Planning Commission Chair, Keith Scully, called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

ROLL CALL

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Scully and Commissioners Malek, Maul, Montero, Mork and Moss. Vice Chair Craft arrived at 7:02 p.m.

APPROVAL OF AGENDA

The agenda was accepted as presented.

APPROVAL OF MINUTES

The minutes of September 18, 2014 were adopted as submitted.

GENERAL PUBLIC COMMENT

Marissa Reed, Shoreline, said she was unable to stay for the Commission's study session, but she wanted to make a comment related to zoning in the 185th Street Station Subarea Plan. In particular, she said she and her neighbors would prefer that micro housing, which tends to be more of a boarding house use, not be allowed in the subarea.

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

Chair Scully recommended that the public be invited to comment after the staff presentation and Commission discussion for each topic. The Commission agreed that would be appropriate.

Phased Zoning and Phase II Thresholds

Mr. Cohen recalled that the City Council and Commission discussed the concept of phased zoning at a dinner meeting on September 29th. He referred to Land Use Policy LU-31, which calls for creating a strategy in partnership with the adjoining neighborhoods for phasing redevelopment of current land uses to those suited for transit-oriented communities, taking into account when the City's development needs and market demands are ready for change. He reviewed that, as currently proposed, the phasing concept would:

- Adopt the entire Comprehensive Plan Designation Map.
- Adopt consistent Phase I zoning.
- Adopt threshold policy and code for subsequent phases.
- Adopt Phase II zoning (automatic rezoning consistent with the land use map).
- Allow private rezones

Mr. Cohen reviewed that, in the Commission's discussion with the City Council, there were comments about consolidating Phase I toward the station, and they agreed that individual rezones would be allowed. There was also some discussion about whether phasing would help or hinder reinvestment in existing single-family properties. A Council Member suggested that Shoreline Park and the properties in the northeast corner of the subarea be added to Phase I. The City Council directed the Planning Commission to discuss the pros and cons of phased zoning, as well as potential thresholds and boundaries, and make a recommendation.

Mr. Cohen explained that a non-phased rezone approach would be less complex and provide longer-term predictability of zoning and development potential. It would also increase the development choices and offer more opportunities for housing that is affordable. In addition, it would not require reopening the public process and its associated community stress. He pointed out that more incentives (i.e. capital improvement projects, property tax exemptions, etc.) could be used to focus on the core areas of the subarea. Lastly, a non-phased approach could save individual property owners the cost of having to rezone their properties.

Next, Mr. Cohen explained that a phased rezone approach would provide more predictability for citizens, and it could be tailored to the current development market. It would emphasize growth near the station and along 185th Street, which would create cohesiveness and a sense of place. A phased approach would reduce interim disinvestment outside of Phase I, and allow the City to shape Phase II to accommodate changes in the development market. It is anticipated that a phased approach would improve property values and encourage reinvestment, as well as reduce property overvalue in Phase II. As analyzed in the Environmental Impact Statement (EIS), Phase I would implement 30 to 50 years of

growth; however, the code could always be amended as circumstances change and individual rezones could be proposed.

Mr. Cohen provided a map of the proposed Phase 1 boundaries and invited the Commissioners to comment on whether or not the map should be adjusted. He also reviewed potential Phase II threshold options, which include: a date certain; when the station opens; when a percentage of land area is developed in Phase I; when a certain number of units have been developed in Phase I; after catalyst projects, such as the Shoreline Center site or 185th Street improvements, have been completed; and as the Council amends policy and code. He specifically invited the Commissioners to provide feedback on the following questions:

- Do they want to recommend phased zoning as a station subarea tool?
- Should the Phase I boundary be adjusted?
- What threshold should be used to implement subsequent phased zoning?

Dan Dale, Shoreline, voiced support for a phased approach. From an economic standpoint, corridor connections between the North City Business District, Aurora Avenue and the 185th Street station are important. Using a phased approach will allow for initial success immediately surrounding the station, creating a domino effect for good, quality building and design within the core and along the corridor. He noted that the market analysis that was done for the 145th Street Station Subarea was very revealing, and some of it can be applied to the 185th Street Station Subarea, as well. It talks about how early success right at the station can breed successful future redevelopment in the areas extending out from the station.

Stacey Clarson, Shoreline, questioned why the City is proposing such a large area for zoning. If they move forward with a phased approach, she requested that the Phase I area be reduced in size. This would allow the City to concentrate on the station area and see how the zoning actually works before the surrounding neighborhoods are disrupted.

Commissioner Moss requested clarification of staff's earlier comment that a non-phased approach would offer more affordable options for housing, as opposed to more affordable housing. Mr. Cohen explained that a non-phased approach would allow the entire area to be rezoned, providing more opportunities for residential development. The thought is that the more housing that is built, the more affordable it will be. Commissioner Moss asked if there is empirical evidence to support this idea. Mr. Cohen said no, it was a comment offered by a City Council Member.

Commissioner Mork referred to staff's earlier comment that a non-phased approach would eliminate the need to reopen the public process. She asked how long it would take to reopen the public process if the City chooses a phased approach. Mr. Cohen said the idea is that the Council would initiate Phase II through a Comprehensive Plan amendment and zoning change, which would require a standard public process. Director Markle added that Phase II could be approached in a number of different ways, and the process could take anywhere from a small amount of time to a lengthy process similar to the current process, which has been moving forward for more than two years. The original concept was that Phase II would be an automatic rezone that would not require further process. For example, it could be determined that the balance of the zoning would become effective on a particular date.

Commissioner Moss suggested the Commission consider a phased approach. She said she lived in a transit-oriented community in Washington D.C. where a few very large parcels near the station did not redevelop until 33 years after the station opened. These large developments created significant disruption in the central area, which upset the balance for a while. Had the zoning been more phased and the properties near the station encouraged to redevelop earlier, there would have been a more orderly progression. In addition, the buildings further out from the station became somewhat obsolete because they did not match the rest of the intensity. The goal should be to provide some predictability for residents and developers and to avoid scattered redevelopment throughout the entire subarea. She suggested that if the plan is done right, the City could avoid the need to open Phase II up to another long, public process.

Chair Scully said he generally supports the phased approach. Given the small size of the lots in the subarea, development will only happen where lots can be aggregated. Regardless of the incentives offered by the City, developers will be uninterested if they cannot put together enough land to build a decent project. He expressed concern that if a developer is able to aggregate property in the far corners of the MUR-85 zone before the City has an opportunity to complete the roadway improvements and before the station is developed, it will cause bitterness and create hardship on the residents. This will make it difficult for future development to move forward. However, he also supports Deputy Mayor Eggen's concern about creating an endless process, where owners have no incentive to maintain their existing properties because they will all eventually be redeveloped.

Commissioner Maul referred to Councilmember Hall's recommendation that anything within a ½ mile walk shed of the station should be up-zoned. He said he applied this concept by drawing a circle around the station and found that it included most properties within the subarea. He pointed out that the 185th Street Station Subarea is just a small pocket of the City, but the 185th Street Corridor provides a significant connection. He questioned what real benefit would result from a phased approach. The goal is to encourage growth at the station and along the 185th Street Corridor, and excluding the properties a few blocks north and south from Phase I would not have much effect on the final outcome. He also expressed concern that identifying thresholds would be complicated and further reduce predictability.

Vice Chair Craft commented that if the goal is to create a station area that acts as a hub, incentivizing development will be an important component of the plan. Phasing can be effective if it is implemented along with incentives. If the City adopts a phased plan, he asked what the process would be for a development located outside of the Phase I area to move forward. Mr. Cohen said an owner of one property or aggregated properties could initiate a rezone, even if it is outside of Phase I. A public process would be required and the rezone request would have to be consistent with the Comprehensive Plan and other criteria outlined in the Development Code.

Chair Scully asked Mr. Cohen to describe the thought process behind the boundaries currently proposed for Phase I. Mr. Cohen said the intent was to encourage growth along the 185th Street Corridor from Aurora Avenue, down 10th, and to North City include enough land area to encourage multi-family housing of different scales to reinforce the corridor and support the proposed land uses. The corridor extends through the MUR-85 zone, which centers around the light rail station, including the Shoreline Center. Ms. Redinger added that the boundaries somewhat resemble the Sound Growth Map, which

analyzed the area and identified needed capital projects and potential mitigation to accommodate anticipated growth over the next 20 to 30 years.

Chair Scully cautioned against tying the threshold to when a percentage of land area is developed in Phase I. This type of threshold would be unpredictable and require that citizens keep up with the density in the neighborhood. He recommended that the threshold be as simple as a date certain or upon completion of the light rail station. If a future Council and Commission finds that the neighborhood looks dramatically different than what was anticipated, the plan could be altered via another public process. Vice Chair Craft agreed that the threshold should be a date certain. Any other criteria would be too subjective and cause a great deal of consternation amongst the neighbors. Again, he stressed the importance of incentives to encourage development in certain areas.

Commissioner Maul suggested the boundary from 1st to 10th should move one more block south, and the boundary on the north side should be moved north of Shoreline Park. Chair Scully pointed out that the property immediately south of North City Park is owned by the school district and is not likely a realistic development site.

Commissioner Moss recommended that the northern boundary for Phase I be moved to North 192nd Street (and around Shoreline Park) all the way to the freeway. This area includes a large parcel of land that is currently developed as a church, and there appears to be a distinct break in the character of the neighborhood beyond North 192nd Street. She also recommended that the southern boundary be moved to Northeast 180th Street to provide more continuity between Aurora Avenue and North City.

Commissioner Malek requested more information about the condition of the existing housing stock in the areas proposed for MUR-85 and MUR-45 zoning. Ms. Redinger answered that most of the housing stock is post World War II ramblers. However, the City has not completed a detailed analysis of their existing condition and/or house values versus lot values. Commissioner Malek commented that if these homes are exhausted, they would be at the low end of purchase. He suggested that Phase I could be concentrated on a smaller area, particularly focusing on the existing housing stock. Some of these properties could lend themselves to public projects of some kind that would benefit the community. Chair Scully noted that the condition of the existing homes is highly variable. Some properties are very well maintained and have a lot of life in them, while others are ready for redevelopment. There are few undeveloped parcels. Other than the existing park areas, he does not know of any opportunity sites for public projects. That means these opportunities will be limited to when property owners are ready and willing to sell, which is a point in favor of having a larger area to broaden the future potential.

Commissioner Montero expressed concern about traffic access to the proposed station from 5th and 10th Avenues Northeast. He noted that studies have identified a high traffic volume on these two streets. Not allowing development along these corridors could further irritate the residents. He agreed with Commissioner Maul that the northern boundary of Phase I should be extended, perhaps all the way to North 195th Street.

Mr. Cohen summarized that the Commission generally supports the phased approach, as long as the thresholds are tied to a date certain. However, they cautioned against creating a situation where another lengthy public process is necessary. While there was some discussion about condensing the boundary,

most Commissioners agreed that the north and south boundaries should be expanded. For study purposes, they agreed to extend the northern boundary to North 193rd Street and the southern boundary (between 1st and 9th Avenues Northeast) to Northeast 180th Street.

Again, Commissioner Maul said he does not think a phased approach, based on the boundaries being discussed, would make a significant difference, since most of the properties would be included in Phase I. He reminded the Commission that they worked hard to create the subarea map. He recognized that it is desirable to want development to start on Northeast 185th Street and close to the station and build naturally outward, but it cannot be forced. Having a phased approach might actually discourage growth if developers are unable to put together parcels because the market is too limited. Chair Scully agreed that there are a lot of counter considerations related to the phasing concept, and he is interested in hearing more from the public.

Transition Areas

Mr. Cohen reviewed that Land Use Policy LU29 talks about using methods and tools to address land use transitions in order to manage impacts on residents and businesses in a way that respects individual property rights. It also talks about developing a mechanism to provide timely information so residents can plan and respond to changes. He explained that, currently, transition area standards are mandatory when commercial development abuts or is directly across the street from parcels zoned R-4, R-6 and R-8. The Commission has the option of adopting the current transition area standards for development in the MUR-35, MUR-45 and MUR-85 zones, or they may choose not to recommend applying transition area standards for development in the MUR zones. Another option would be to include certain components of the existing transition area standards, but not others. The current draft code language proposes that transition standards apply in MUR-85 zones adjacent to R-6 zones, but not MUR-35 and MUR-45 zones. Questions for the Commission to consider include:

- Should there be transitions between Phase 1 and the remaining R-6 zoned properties within the subarea?
- Should there be transitions between MUR zones and current land uses?
- Should there be transitions between MUR-85 and MUR-45 zones and/or MUR-85 and MUR-35 zones?

For the benefit of the public, Mr. Cohen briefly reviewed the current transition area standards. Again, he reiterated that the standards only apply when commercial development abuts or is directly across the street from single-family residential zones. The standards require a greater setback (20 feet), and building height is limited to 35 feet with step backs.

Dan Dale, Shoreline, suggested that aggressive setbacks are needed on the west side of 10th Avenue Northeast where MUR-85 zoning would be located directly across the street from MUR-35 zoning. This is particularly true given the topography of the street. Regardless of whether or not a phasing approach is used, the Commission should pay careful attention to the location of the proposed zoning to ensure there are appropriate transitions.

Chair Scully cautioned against tinkering with the existing transition area standards for application in the subarea. He voiced concern about how staff's recommendations would be applied both long and short term. For instance, requiring a transition between a building and a remaining parcel within one zone would address impacts on existing single-family residents, but it may not be desirable from a long-term perspective.

Chair Scully referred to Mr. Dale's comment and agreed that it would be appropriate to consider transition requirements between MUR-35, MUR-45 and MUR-85 zoning. He emphasized that the City's current transition area standards would apply when MUR-85 abuts R-6 zoning.

Commissioner Maul said he would not support applying transition area standards between the various MUR zones in Phase I. However, the Commission worked hard on the transition area standards, and they are appropriate wherever a commercial zone abuts any single-family residential zone. Chair Scully concurred and noted that, in most cases, a street separates the different MUR zones so there would not be a significant impact and having some stepback requirement would ease the transition.

Commissioner Moss questioned the need for transition area standards related to height between R-6 and MUR-35 zones, as long as there are adequate and consistent front setback requirements. She noted that both zones allow a height of 35 feet and both are intended for residential uses. Ms. Redinger clarified that predominant thinking thus far has been to do transition through zoning. She referred to the map, noting that there is only one parcel where MUR-85 zoning is across the street from an R-6 zone. There are no other places in the entire subarea where the transition standards would apply. She summarized that the City's current transition standards could apply between MUR-85 and single-family residential zones, but transition in the remainder of the subarea could be accomplished through zoning. Mr. Cohen added that the MUR-35 and MUR-45 zones are nothing like commercial zoning in terms of intensity and development but MUR-85 is much closer to commercial. The proposed zoning has tapered down the intensity of development so there are no extreme breaks.

Chair Scully said he is not ready to abandon transition area standards between R-6 zones and MUR-35 and MUR-45 zones. While he recognizes that the height limits are the same or slightly more, the MUR zones allow for zero lot line development, and the R-6 zone has a front setback requirement. Mr. Cohen pointed out that, as currently proposed, a greater setback would be required where MUR-35 and MUR-45 zoning is located adjacent to single-family residential zoning.

Detached Single-Family Residential in the MUR-45 and MUR-85 Zones

Ms. Redinger pointed out that, as currently proposed, the use tables for the MUR-45 and MUR-85 zones does not include single-family detached as a permitted use. However, it is important to emphasize that "nonconforming" does not mean "not allowed." The proposed zoning does not pose a threat to existing single-family development, which would be allowed to continue with a nonconforming status. She explained that the City's nonconforming laws are very liberal in terms of maintenance, expansion, and rebuilding.

Ms. Redinger reminded the Commission that the intent of rezoning areas near the station is to encourage development that supports the area as a transit-oriented community, and allowing new single-family

residential development in the MUR-45 and MUR-85 zones may delay denser housing from being developed in close proximity to the light rail stations. She requested feedback from the Commission about whether or not single-family detached houses should be allowed in these two zones.

David Higgins, Shoreline, said he owns a home located in a proposed MUR-45 zone. While he recognizes what the planners have said regarding nonconforming uses and the fact that he won't be kicked out of his home, he is concerned that having a "nonconforming" status will significantly limit his future options for the property. His home is a fixer upper valued at 25% below the median, but he is hesitant to invest money on significant improvements at this time. He contacted his bank and was informed that, if the property is designated as "nonconforming," future buyers must be developers rather than single-family homeowners. He explained that in order to sell his property, he needs to build equity. He understands that the City needs this land for development that is transit oriented, but he asked that the City hold off on establishing minimum densities for the MUR-45 zone, as well as the idea of designating existing single-family residential homes as nonconforming. He needs time to figure out what his best options are.

Dan Dale, Shoreline, said he has heard from a lot of people who are in a similar situation as Mr. Higgins, and it is good for the Commission to put a face and actual home to the process. They must provide better information to the citizens, particularly related to nonconformance. They must explain what it really means in terms of timeline and what they might do with their properties in the future.

Marya Goracke, Shoreline, said she lives just north of Northeast 185th Street, halfway between the station and Aurora Avenue North. Her beautiful, quiet, single-family residential neighborhood that was built in 1950 is now proposed to become zero-lot-line, multi-family townhomes. She said she moved to Shoreline because she could afford a large lot, a single-family residents, tree-lined streets, great schools, great open spaces, and parks. If the proposed change happens, she would no longer be able to afford to live in Shoreline unless she wants to live in one of the multi-family residential properties that are created. This grand vision for change is forcing the people who are in affordable housing now to leave the City. She noted that the Commission has discussed various incentives for developers, but she questioned what incentives the City would offer the current property owners. She noted that she has recently made significant improvements to her property. None of this will matter because the goal is for her house to be redeveloped to accommodate a different demographic of people. She questioned where she would find an affordable, single-family residence and maintain her children's' experience at school and in their community.

Stacey Clarson, Shoreline, echoed Ms. Goracke's comments. The draw of Shoreline is for families who want to live in single-family homes. They have a great school district, which could be impacted by large multi-family developments. They just moved into their home and spent \$15,000 making improvements last year alone. A lot more improvements are needed, but she questioned whether it would be wise to move forward. She and many of her neighbors purchased their homes from the original owners. These young families are revitalizing the area, and both existing and new construction sells quickly. She emphasized that Shoreline is for families, and the proposed plan is out of character. At this time, they do not know what the impact will be from all of the stations proposed throughout the region, and perhaps the City of Shoreline is getting a little ahead of itself by pushing families out of the area.

Yoshiko Saheki, Shoreline, said she lives in the Parkwood Neighborhood and was present because she feels that what the Commission discusses for the 185th Street Station Subarea will also apply to the 145th Street Station Subarea. She highly recommended keeping single-family, detached housing in the higher MUR zones. She commented that the word “nonconforming” has very negative undertones, and creates concern amongst the property owners in the current R-6 zones. She suggested that allowing single-family, detached homes in the MUR zones would provide more flexibility for housing types and actually simplify what the new MUR zones will be. She said she doesn’t see the point of having new MUR zones that are difficult for the average homeowner to understanding. She said she would prefer not to have the complicated MUR zones. If the City moves that direction, she asked that they make it as simple as possible.

Liz Poitras, Shoreline, asked if it is true that a property owner in the MUR-45 zone would not be allowed to sell his/her home as a single-family residence. Chair Scully clarified that a property with nonconforming status could be sold as a single-family home. However, it was suggested that a nonconforming status could limit the range of buyers in terms of financing. Ms. Redinger suggested that “grandfathered” is a better term than “nonconforming.” It is a common term that people understand to mean protected as long as it is not abandoned for more than 12 months. When a property owner wants to sell a property that is deemed nonconforming, the bank will usually require a letter to certify that it is nonconforming, but it does not impact the property’s salability. She said it is anticipated that a lot of people will be attracted to the amenity of light rail, and some of them will want to live in single-family homes. The property values will probably increase for single-family houses because of the amenity of light rail and not just based on the zoning.

Ms. Redinger requested more information from citizens about why they don’t feel they will be able to stay in the neighborhood after the plan is approved. Again, she emphasized that the proposed plan would not require people to move and sell their single-family homes to developers.

Ms. Redinger said another item related to this topic is accessory structures. If an existing single-family property owner wants to add an accessory structure, would the new MUR requirements for lot coverage, setbacks, etc. apply, or would the R-6 requirements apply as long as the primary use remains a single-family home. If property owners are allowed to use the standards of the new zones, the result could be a bunch of mega homes, which are not popular, either. Again, she reiterated that those who have single-family homes will be welcome to stay, and she hopes they take advantage of the sidewalk improvements, new businesses, and other amenities that are provided as a result of redevelopment. The intent is to provide a variety of housing choices, including single-family homes.

David Higgins, Shoreline, advised that at the September 15th City Council meeting, Councilmember Roberts commented that single-family homes deprived the residents of Shoreline of access to transit. This sends a clear message that single-family homes are supposed to leave so that other people in Shoreline can enjoy transit-oriented development.

Tom Poitras, Shoreline, reminded the Commission that one of the traditional functions of zoning has been to protect homeowners. He expressed concern that maybe some of that protection will be eliminated for those who decide to stay in their single-family homes.

Chair Scully emphasized that the plan anticipates a 100-year build out, and he does not see the downside to a small amount of new single-family construction. They do not have a lot of vacant lots, and there are a number of houses that are unlikely to turn over soon. Whether their reasons are correct or based on a misunderstanding of what is going to happen, they are hearing that people who live there now want the protection of being able to retain the ability to sell or redevelop their property with a new single-family home.

Commissioner Malek said he hopes it does not take 100 years for the plan to build out. He hopes it happens a lot faster and in a way that is amicable to as many people as possible. He recalled a discussion he had with Ms. Redinger about “good versus right,” or the “greater good of the community versus the right of the individual.” As a realtor and developer, individual property rights are tantamount to what he does for a living, and home ownership is something he feels is uniquely American. Protecting individual property rights is a federal requirement, and people would not continue to purchase homes if they felt they could simply be tossed out by the heavy hand of legislation. He is glad there are individuals who want to live out the rest of their lives in the neighborhood. While it may not be the highest and best use of the property, no one is trying to drive people out. However, he senses a concern amongst property owners that they might be priced out of the market.

Commissioner Maul agreed that the City should not take choices away from people. The subarea plan is intended to be long-range, and it should be worded properly so that the existing properties are grandfathered and can stay a long time into the future. He noted there are numerous good examples of this throughout Puget Sound. The plan needs to be done right so it works for everyone.

Mr. Cohen explained that, currently, the City uses a passive approach in the way it handles grandfathered uses. Even though the zoning might change, property owners can continue to use the buildings. A more active approach would be appropriate if the City is interested in accelerating the transition of the MUR zones. Chair Scully said he does not believe a more active approach is necessary, and there are benefits associated with homeowners’ feelings of security and upkeep of existing properties. While he understands that the proposed plan would not push out existing single-family homes, they need to do a better job of helping property owners understand that it is okay to have a single-family house in the subarea.

Commissioner Moss expressed her belief that single-family housing would be quite compatible with the MUR-35 and MUR-45 zones. However, prohibiting the use in the MUR-85 zone merits further discussion given the heights and uses allowed and its proximity to the light rail station. She agreed that change will happen over a period of time, and it is important to provide safeguards for the existing property owners. She noted that property values near the stations south of Seattle actually increased more than expected because people were willing to purchase single-family homes in the vicinity in order to be close to light rail. While she does not discount the concerns, there are different buyers, markets and situations that can keep things in balance.

Ms. Redinger summarized that the Commission generally supports allowing single-family, detached homes as a by-right use in the MUR-35 and MUR-45 zones, but not in the MUR-85 zone.

Minimum Densities

Ms. Redinger explained that in an effort to reserve land near the future station for transit-oriented development, staff is proposing minimum density standards for the MUR-85 zone. Minimum density standards have also been proposed for the MUR-35 and MUR-45 zones to support transit and neighborhood-serving businesses along the 185th Street Corridor. She noted that at the September 15th City Council Meeting, Councilmember Hall suggested that a minimum of 12 units per acre would be more appropriate in the MUR-35 zone.

Mr. Eernisse explained that as the projections for growth in the Puget Sound Region have grown over the past 10 years, jurisdictions have had to make adjustments to accommodate the growth. Unfortunately, many developers are seeing the situation from a different perspective. Most developers of single-family detached homes are running out of land and have had to move further and further from the urban areas. They are running up against the growth boundaries and are crying out to the legislature to open more land for development. This is not likely to happen, and more building types will be needed to satisfy the demand. With the light rail station area planning, the City has an opportunity to approach the development community about the concept of attached single-family housing, such as row houses and duplexes

Mr. Eernisse shared some potential concerns related to minimum densities, particularly in the MUR-35 and MUR-45 zones. He provided a map of the proposed MUR-35 and MUR-45 zones, noting that the MUR-45 properties on the north side of North 185th Street are only 300 feet deep. However, the MUR-45 properties on the south side of North 185th Street are about 650 feet deep, which is much deeper than shown on Mr. Clark's illustration. Mr. Clark's illustration shows 45-foot tall buildings along North 185th Street that provide about 40 to 50 units per acre, which would exceed the proposed minimum density of 18 units per acre. However, it shows attached, single-family development (duplexes, row houses, etc.) on the MUR-45 properties further north from North 185th Street that would only result in between 9 and 18 units per acre. When blended together, this variety of uses would well exceed the minimum density of 18 units per acre, but a minimum density of 18 units per acre for all properties in the MUR-45 zone might preclude attached, single-family homes such as row houses and duplexes, which are very desirable building types.

Mr. Eernisse explained that there will likely be two types of developers in the MUR-35 and MUR-45 zones. Developers of tall apartment buildings are typically single-asset LLC's that are managed by one person. Rather than having employees, they subcontract with every trade. Developers who construct for-sale, attached, single-family units typically have a group of employees who build as the units are sold. They might start off building three to eight units. If those units sell, they will continue to acquire lots or open new phases. Because these two types of developers will not necessarily build at the same time, implementing a blended development approach might not be appropriate.

Mr. Eernisse explained that for-sale, stacked flats are not attractive projects for developers because liability for condo building is extremely high. He said there are two types of condo builders in the market now. Those who build large towers of condominiums can self finance and self insure their projects. Most of these units will be small and serve as rentals for singles and couples. Other developers prefer to build town home structures that sit on the ground so the liability is much lower.

These single-family, attached houses will compliment the neighborhood and attract families with children. While the units will be denser, they will be compatible with the existing single-family neighborhoods.

Again, Mr. Eernisse cautioned against implementing a minimum density requirement in the MUR-45 zone, particularly where the depth is greater than 300 feet. A requirement of this type could result in too many tall buildings that are less compatible with the surrounding residential neighborhoods. He recommended the City define the product type and location rather than densities, and then harness the fact that developers will maximize density within each product type. He explained that it will be in a developer's best interest to maximize not minimize the product type and build as many units as possible. While he recognized that establishing a minimum density is one way to define the product type, there might be better ways that are not quite so numerically specifically.

Mr. Eernisse invited the Commissioners to provide feedback about whether or not they support minimum densities. If so, where should the densities be set?

Commissioner Maul agreed with Mr. Eernisse that the City should not establish a minimum density requirement. The proposed plan uses a form-based approach that is less about density and more about design than traditional zoning. He agreed that developers will likely maximize the density allowed in each zone.

Commissioner Moss pointed out that some developers may decide to focus on high-end buyers who want larger homes close to the light rail station. Requiring a minimum density would really narrow the footprint of the floor plans of future development. Developers will want to maximize their dollar, depending on their target market. Therefore, she is not convinced that a minimum density requirement in the MUR-35 and MUR-45 would be an advantage to encouraging a broad mix of development. The issue is entirely different in the MUR-85 zone.

Chair Scully cautioned against catering to short-term demand, which will hurt the City long-term. Right now, there is a demand for attached, single-family housing, but the situation may change at some point in the future. If row houses are constructed in the short term, it is not likely they will be redeveloped even if the market changes to support development that utilizes the entire 45-foot height limit. However, he agreed with Commissioner Moss that there would not likely be a lot of benefit to having a minimum density requirement in the MUR-35 and MUR-45 zones.

Chair Scully asked if there is a better way, other than a minimum density requirement, to discourage four-pack development, which he views as an anti-community type of housing product. Mr. Eernisse explained that the MUR-35 zone was modeled after Seattle's L3 zone, and the MUR-45 zone after Seattle's NC-45 zone. Staff has discussed trying to avoid this housing type via the form-base that is defined in the code. He invited them to discuss this issue further with staff.

Mr. Eernisse agreed with the Commission that minimum density is a totally different issue in the MUR-85 zone. The MUR-35 and MUR-45 zones represent properties that can redevelop now to support positive things happening in the MUR-85 zone later. He sees it as birthing the transition in a very

respectful way for single-family neighborhoods, giving the commercial amenities a place to go in early on North 185th Street.

Ms. Redinger summarized that the Commission supports allowing detached single-family uses in the MUR-35 and MUR-45 zones. They also support no minimum densities in these two zones. Minimum densities will be retained in the MUR-85 zone, and detached, single-family residential uses will continue to be prohibited in the draft development regulations. The Commission can continue their discussion of these topics at a future meeting.

Ms. Redinger announced that the Commission's October 16th agenda will include discussions about alleys, frontage amenities, underground utilities, components required in the MUR zones without a Development Agreement, and permitted uses and standards for the station, including rail facilities.

Commissioner Montero asked if the Commission would discuss micro housing at some point in the future. Ms. Redinger said this complex topic continues to come up, and the sentiment seems to be not to hold up the development regulation discussions by getting mired in this controversial topic. They may include a policy to study it after the light rail station subareas have been adopted citywide. Director Markle added that micro housing is already allowed in the City. The issue is about whether or not there should be additional controls and/or standards applicable to the use in the MUR zones. Chair Scully said he would prefer the Commission address potential impacts associated with micro housing in the MUR zones now rather than later. Commissioner Montero suggested that perhaps micro housing could be controlled via simple changes to the current definitions. Director Markle announced that the City just received a proposal for a micro housing project on Aurora Avenue North. Commissioner Moss pointed out that micro housing is a hot topic that applies to more than just the light rail station subareas. Given that it is a permitted use in many zones and the City has already received an application, she agreed with Chair Scully that they should discuss the issue soon.

Ms. Redinger advised that the November 6th meeting is scheduled as a rap-up meeting where the Commission will review the draft Development Code page-by-page to make sure staff captured all of the issues and amendments recommended by the Commission. Staff will bring back the final EIS for the Commission's review and discussion on November 20th. The Commission will discuss the draft subarea plan and planned action coordinates on December 4th, and any unresolved topics will be covered at their December 18th meeting. She emphasized the importance of the Commission having ample opportunity to review each of the components that will be adopted as part of the full package. While they may not receive the draft elements two weeks in advance of their work meetings, they will have ample opportunity to review them prior to the public hearing in January.

Commissioner Moss suggested that the Commission consider having a special meeting on October 30th to discuss micro housing.

DIRECTOR'S REPORT

Director Markle announced that Part II of the Design Workshop for the 145th Street Station Subarea is scheduled for Thursday, October 9th, from 6:00 to 8:00 p.m. in the Council Chambers at City Hall. She invited Commissioners to attend.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS

There were no reports or announcements from Commissioners.

AGENDA FOR NEXT MEETING

There was no additional discussion about the next meeting agenda.

ADJOURNMENT

The meeting was adjourned at 9:16 p.m.

Keith Scully
Chair, Planning Commission

Lisa Basher
Clerk, Planning Commission

Planning Commission Meeting Date: October 16, 2014

Agenda Item 6a

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

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

DEPARTMENT: Planning & Community Development

PRESENTED BY: Steve Szafran, AICP, Senior Planner, P&CD

Miranda Redinger, Senior Planner, P&CD

Paul Cohen, Planning Manager, P&CD

Rachael Markle, AICP, Director, P&CD

Public Hearing

Study Session

Recommendation Only

Discussion

Update

Other

BACKGROUND

This staff report is a continuation of the Development Code regulation discussions from August 7, September 4, September 18, and October 2, 2014. This staff report also serves as the last group of topics before the Planning Commission evaluates the entire group of Development Code amendments at the November 6, 2014 meeting. The current draft of the Development Code is included as **Attachment A**. Topics for this meeting will be development requirements in all or some of the Mixed-Use Residential Zones (MUR), Development Agreements for light rail transit systems/facilities, alleys, pedestrian/street front amenities, Microhousing, undergrounding utilities, and design standards for townhome development.

DEVELOPMENT REQUIREMENTS IN THE MUR 35, 45, AND 85 ZONES

The Planning Commission has spent the majority of two meetings discussing the requirements and components of a Development Agreement. Specifically, what should be required when a developer is asking for heights above 85 feet and what should be choices for those developments?

The Planning Commission expressed interest in discussing requirements and options for development in the MUR-85 zone without a Development Agreement. Also, the Commission should weigh in on potential requirements in the MUR-45 and MUR-35 zones.

The Commission identified affordable housing as component that should be discussed as a potential requirement in the MUR-35, -45, and -85 zones. Affordable housing is currently required in the MUR-85 if the property owner would like to develop over 85 feet. The provision reads as follows:

Approved By: Project Manager _____

Planning Director _____

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

1. 10 percent of the housing units constructed onsite shall be affordable to those earning less than 60 percent of King County area median income for a period of no less than ~~30~~ 50 years*. The number of affordable housing units may be decreased to 5 percent if the level of affordability is increased to ~~30~~ 50%** AMI. An in lieu of fee may be paid into the City's affordable housing program instead of constructing affordable housing units onsite. The fee-in-lieu shall be agreed upon through the Development Agreement and shall be no less than the total cost of construction for the unit as part of the entire development.

* Note: This change is based on RCW 36.70A.540

** Note: This change is in response to feedback from the Housing Development Consortium

The City can potentially require affordable housing in the MUR 35, 45 and 85 zones. However, this idea is complex and requires additional legal confirmation. The City could adopt a policy in the Subarea Plan that declares the rezoning of the R-6 property in the 185th Street Station Subarea to MUR-35, -45 and -85 as an incentive provided by the City to facilitate redevelopment in return for the provision of affordable housing at a specified rate and level. In order to achieve an incentive/inclusionary housing program in the MUR -35, -45, and -85 zones, Shoreline could provide one or more of the following cost off-sets for either a required affordability program or an optional program driven by incentives. Staff offers the following incentives for the Commission to consider for use in the MUR -35, -45 and/or -85 zones to support affordable housing goals in the 185th Street Station Subarea:

Option 1: Adoption of a 12 Year Property Tax Exemption could be recommended to the Council and available to developments of four (4) or more units where 20% of rental units or 100% of the owner-occupied units are affordable to families making 60% or less of AMI in King County (a different percentage of affordability could be specified).

Option 2: Units that are "affordable" (meaning they are spending less than 30% of their income on housing) to families making 60% of King County AMI, adjusted for family size, and provided by a not-for-profit entity may be exempt from Transportation Impact Fees per SMC 12.40.070(G) . This already exists and would be applicable in the MUR-35, -45 and -85 zones. The Commission may want to consider a recommendation to expand this exemption for units meeting the same eligibility requirement that are constructed by for-profit developers as well.

Option 3: Fees could be waived for building permits on projects that include a specified amount of affordable housing.

In meeting with the Housing Development Consortium, staff also learned about an alternative to calculating the fee in lieu based on a percentage of the net square footage

of a development versus a per unit average cost. Should the Commission direct staff to pursue the development of a fee in lieu as an option for creating affordable housing, Commission may want to also direct staff to pursue development of a per square foot fee based on actual not-for-profit affordable housing developer's costs.

Please review **Attachment B** to compare additional costs to development from proposed new Development Agreement fees.

Please review **Attachment C** in the current draft language for a Development Agreement to see if there are any additional provisions that the Commission would like to see required in the MUR-35, -45, and -85 zones.

What, if any, of the requirements or components of a Development Agreement should be mandatory for development in the MUR zones?

DEVELOPMENT AND TRANSIT WAY AGREEMENT

Sound Transit will begin construction on a variety of projects that constitute a light rail system through the City of Shoreline. The light rail system includes track, stations, parking structures, operation equipment, power substations, surface water drainage facilities, landscaping, and other facilities and associated mitigations that go along with this project.

The proposed Development Code must include a mechanism for approving Sound Transit's construction activities in and adjacent to the City of Shoreline. In addition to the process additions, draft Development Code language includes new definitions for Light Rail Transit Facility, Light Rail Transit System, and Light Rail Transit Way.

Other entities have approved these activities and other interjurisdictional details with a combination of Transit Way Agreements and Development Agreements with Sound Transit. A Development Agreement may be the appropriate mechanism for the following reasons:

- There is one approval process for the entire system through Shoreline instead of permitting each new use or structure individually.
- The Development Agreement will identify all projects at one time and the public will get an opportunity to attend meetings and provide input for the entire project as a whole.

The required contents of a Development Agreement are found in SMC 20.30.338 (B), which is included with this staff report as **Attachment C**. The contents of a Development Agreement are stated in State Law (RCW 36.70.B.170) and mirrored in SMC 20.30.338. There are certain items in the contents of a Development Agreement that will not apply to a Development Agreement with Sound Transit. For example, Sound Transit is unlikely to construct residential units, thus making affordable housing an element that would not apply.

The most recent Transit Way Agreement completed was between Sound Transit and the City of SeaTac. The City of SeaTac's Transit Way Agreement includes definitions,

cooperation and good faith efforts, development standards, project mitigations, provisions for minor revisions to the project, financial reimbursement by Sound Transit, plan review and permitting, dispute resolution, and enforcement. The City of SeaTac included design recommendations from an ad hoc committee for traffic mitigations, budget summary for extra help to review building plans, stormwater management, emergency access, and security access (police).

Sound Transit will be meeting with City Staff the week of October 20th to discuss the lessons learned from other jurisdictions.

Are Development Agreements the appropriate mechanism to approve Sound Transit's construction activities? Another option would be to develop a Transit Overlay Zone, which would include development standards and processes developed by the City as part of the Development Code.

ALLEYS

Access to new development in the station subarea, especially development along arterials, is an important transportation and design element. The City has required alley access in the past when new development occurs. The North City Business District (NCBD) code established an "alley zone" where all of the properties fronting 15th Avenue NE were required to provide a 20-foot easement for the creation of a future alley.

The alley concept of the NCBD is similar to that for 185th Street in that the alley system was/is envisioned to be a secondary circulation system that helps reduce congestion on the primary arterial by reducing the number of curb cuts, thereby enhancing pedestrian and bike safety and promoting the "main street" character.

The alley plan in the NCBD was abandoned when the City consolidated the commercial zones through the commercial consolidation project. The design standards of the NCBD were melded into the design standards for North City, and the alley requirement was not carried through to the consolidated code. In addition, the system was never fully built as redevelopment in North City was too slow for alleys to actually "punch through", creating incomplete dedication pathways.

The physical circumstances of the 185th Street corridor may provide advantages over the restraints of North City. The lengths of some blocks along 185th Street are shorter than those in North City, thus requiring a smaller number of property owners to provide the necessary alley easement.

The first proposed development requirement for access is located in SMC 20.50.240 (C)(1)(h). The requirement reads, "New structures on N. 185th Street shall access parking areas from a side street or alley. If new development is unable to gain access from a side street or alley, an applicant may provide alternative access through an Administrative Design Review."

The intent of this proposed requirement is to provide an alternative access point from a Local Street or alley, and not from the Arterial Street such as 185th Street. As traffic

increases on N 185th Street, reducing the number of driveways directly accessing N 185th Street will provide added safety for pedestrians, bicyclists, and transit.

The second proposed development requirement for access is located in SMC 20.50.240 (C)(1)(i). The requirement reads, “Garages and/or parking areas for new structures on N185th Street shall be rear-loaded.

The intent of this requirement is to reduce curb-cuts along N 185th Street when parcels redevelop, provide the necessary through access when adjacent parcels redevelop, discourage “4-pack” townhomes that convey a “parking-canyon” effect, and foster development that puts “eyes on the street” instead of parking lots and garages.

Does the Commission support the concept of limiting curb-cuts along 185th Street? If yes, are the staff recommended standards to achieve this outcome adequate?

PEDESTRIAN/STREET FRONT AMENITIES

The community, through the public meetings and comment, has identified 185th Street, 10th Avenue NE, and NE 180th Street as the main street connectors between Town Center, the station, and North City. In an effort to further the community’s vision, the proposed regulations in SMC 20.50.240 (F)(6)(f) seek to require those pedestrian scaled, street-front amenities that foster an aesthetically pleasing pedestrian environment. In support of these amenities, staff has proposed language for MUR-85 building facades along Arterial Streets to have step-backs at 45 feet to lessen the “canyon” effect of entire facades abutting sidewalks in SMC 20.50.240.C.b. These are primary tools staff envisions to create a sense of place and a signature boulevard in the station subarea.

Are the items in the proposed SMC 20.50.240 (C)(b) and(F)(6)(f) appropriate for new development along the Arterial Streets in the Subarea?

MICROHOUSING

Microhousing is a relatively new form of housing that can have various configurations where individual bedrooms in a suite share some combination of common space, kitchen or bathroom facilities, so that no bedroom is a complete unit. The City has allowed and refined this type of housing per Administrative Order, but has not explicitly defined it in the Development Code. Because Microhousing relies mainly on small unit size to control price, rather than subsidy or incentive, there would be no monitoring requirement to ensure continued affordability. Microhousing, also called “Apodments” or residential suites, is still an emerging and controversial concept in the Puget Sound area.

Microhousing has not been identified as a type of housing to be promoted in the Station Subarea. Microhousing is a development style that can be constructed throughout the city in zones that allow multi-family development. This is an emerging housing style and represents an area that is not yet well defined in Shoreline’s Development Code. Therefore, staff is recommending that this topic be discussed in 2015 for possible amendments to the Development Code to address this issue citywide.

The Commission can address Microhousing in the following ways:

- Include Microhousing as a use in 20.40 and permit within the MUR zones.
- Include Microhousing as a use in 20.40 and restrict within the MUR zones.
- Do not include Microhousing as a use in 20.40, allow them as apartments and rely on the City's existing development regulations to regulate microhousing
- Add index criteria in 20.40 to "Apartment" in the use table. Apartments are proposed to be allowed in MUR-45 and -85. The index criteria could state that Microhousing is not allowed in MUR-45 and/or -85 under the "Apartment" use.
- Include Microhousing as a use in 20.40 and restrict in all zoning districts.

How should Microhousing be regulated within the city? If the Commission would like to consider allowing Microhousing with more detailed standards, then staff recommends the use be prohibited for now in the 185th Street Station Subarea until additional work can be done to develop specific design controls for this use in 2015.

UNDERGROUNDING UTILITIES

The topic of undergrounding utilities was discussed by the Commission at the September 18 meeting as part of the Development Agreement component list. Seattle City Light maintains regional power lines behind the North City Mower Shop on NE 185th Street and down 8th Ave NE. The community considers these "eyesores"; however, undergrounding these transmission lines would be extremely expensive, and therefore unlikely to open up these corridors to development or public improvements other than what is currently allowed, such as trails like the Interurban. Seattle City Light, as a policy, has not allowed any development that may impede their access or use of their Right-of-Way.

In addition to the large regional power lines in the Subarea, there are smaller, local overhead utility lines along the streets.

Currently, the City does not require individual developments to underground the power lines along frontage. However, when the City improved Aurora Avenue N and North City, power lines were buried in order to enhance the streetscape. SMC 13.20 of the Shoreline Municipal Code regulates undergrounding of overhead facilities, requiring that undergrounding take place upon the following events:

1. The City engages in a capital improvement or public works project that will disturb existing facilities or will facilitate the installation of a trench for undergrounding facilities; or
2. An entity engages in a joint trenching project that could reasonably serve to replace existing overhead facilities.

Staff believes that the current policy of undergrounding overhead utilities is reasonable and should apply to facilities in the Subarea. Staff will include a policy in the 185th Street Light Rail Station Subarea Plan that will encourage undergrounding of overhead utilities when a corridor wide project is identified in the City's Capital Improvement Plan.

DESIGN SOLUTIONS FOR ACHIEVING ATTRACTIVE TOWNHOME, ROW HOUSE DEVELOPMENT

The existing multifamily design standards apply to the MUR-35 zone and the commercial design standards apply to the MUR-45 and MUR-85 zones. Most of the multifamily design standards address issues of driveways, parking, fences, and entries; however, existing and proposed regulations will lead to the development of more attractive townhomes and row houses:

1. Require better drive access and parking areas to soften the “canyon” effect of “4-Pack” developments with walkways and landscaping next to these areas in SMC 20.50.140.D of Attachment B.

RECAP OF OCTOBER 2 MEETING

The Planning Commission discussed a number of topics at the October 2 meeting. Those topics included phased zoning, transitions, minimum densities, and allowing detached single family homes as a permitted use in the MUR zones. Each topic is discussed in more detail below:

PHASED ZONING

The Planning Commission generally agreed that a phased zoning approach should be considered. Some Commissioners believed that the boundaries of the proposed Phase 1 should expand slightly, while some Commissioners believed that phasing should not be considered at all. Also, the Commission as a whole believed that the only trigger for unlocking Phase 2 should be a date certain. For example, 10 or 20 years after the station opens.

The proposed Phase 1 zoning map is included as **Attachment D**.

TRANSITION AREA STANDARDS

Staff proposed different transition scenarios to the Commission. The options included transitions between Phase 1 and the rest of the Subarea, transitions between the different MUR zones, and transitions between the MUR zones and the current single family use on the property.

The Commission agreed that transitions in the form of zoning designations are appropriate and requiring additional transition standards between MUR zones and single family could lead to very strange and unnecessary building form in the long-term.

DETACHED SFR IN THE MUR-35, MUR-45 AND MUR-85

This topic generated most of the public comment at the meeting. Should detached single family homes be permitted outright in the MUR zones? The Commission agreed that detached single family homes should be allowed by right in the MUR-35 and MUR-45 zones. It was unclear if this standard should be applied to MUR-85.

Since the Commission's preference is to allow detached SFR in the MUR-35 and MUR-45, staff requests further clarification with regard to what development regulations should be applied to detached SFR in the MUR-35 and MUR-45 zones.

Staff is proposing to add detached single family residential as a permitted use in the MUR-35 and MUR-45 zones with supplemental criteria. The proposed criteria will allow new construction, rebuilding, or remodeling of existing single family homes and accessory structures using the R-6 development standards in SMC 20.50.020. The added criteria will also require that no additional single family homes be added to a parcel. For example, a property owner has a single family home on a 15,000 square foot lot. That property owner may demolish the old home and build a brand-new home using the development regulations for an R-6 parcel. That home owner may not demolish the old home and build two new homes.

MINIMUM DENSITIES

The Commission did not support the use of minimum densities in the MUR-35 and MUR-45 zones. The reasoning for this decision was based on the presentation by the City's Economic Development Manager, which encouraged quality townhouse and rowhouse design over an arbitrary density minimum.

NEXT STEPS

November 6- Will be reserved as a wrap-up meeting where the Commission will go through the proposed Development Code page-by-page to make sure staff captured all the issues and amendments the Commission has recommended.

November 20- Review Final Environmental Impact Statement (EIS) and discuss how this could impact potential zoning to be adopted as part of 185SSSP. Potentially discuss policies to be included in Subarea Plan or other components.

December 4- Discuss Subarea Plan and Planned Action Ordinance.

December 18- Any unresolved topics or possible study session leading up to public hearing.

January 1- This meeting will be cancelled because of the New Year holiday.

January 15- Public Hearing on full 185SSSP package, which will consist of Subarea Plan (including policies, prioritized capital projects, Comprehensive Plan Land Use and zoning designations), Development Code regulations, Final EIS, and Planned Action Ordinance.

If the Commission is able to make a final recommendation to Council following the public hearing, the full 185SSSP package will be forwarded for final revisions and adoption. If not, the public hearing will be continued to the next regular meeting (February 5) or possibly the 5th Thursday in January (29).

ATTACHMENTS

- Attachment A: Draft Development Regulations
- Attachment B: Additional Costs of Development Agreement Fees
- Attachment C: Development Agreement Language
- Attachment D: Phase 1 Zoning Map

185th Street Light Rail Station Development Regulations

Chapter 20.10 General Provisions

20.10.020 Purpose.

It is the purpose of this Code to:

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

Chapter 20.20 Definitions

20.20.016 D definitions.

Development Agreement

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

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

Dwelling, Live/Work

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

Light Rail Transit Facility

"Light Rail Transit Facility" means a structure, rail track, equipment, maintenance base or other improvement of a Light Rail Transit System, including but not limited to ventilation structures, traction power substations, Light Rail Transit Stations and related passenger amenities, bus layover and inter-modal passenger transfer facilities, park-and-ride lots, and transit station access facilities.

Light Rail Transit System

"Light Rail Transit System" means a public rail transit line that operates at grade level, below grade level or above grade level, and that provides high-capacity, regional transit service owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A Light Rail Transit System may be designated to share a street right-of-way although it may also use a separate right-of-way.

Light Rail Transit Way

"Light Rail Transit Way" means the areas of the Public Right-of-way occupied by Sound Transit for its Light Rail Transit System after construction pursuant to a Development Agreement for the Transitway, as shown on the record drawings of the final right-of-way plans approved by the City and on file with the City. Light Rail Transit Way includes Light Rail Transit Facilities and Light Rail Transit System.

Comment [r1]: Added for 10/16/14

**Chapter 20.30
Procedures and Administration**

20.30.060 Quasi-judicial decisions – Type C.

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

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

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

There is no administrative appeal of Type C actions.

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

Action	Notice Requirements for Application and Decision ^{(3), (4)}	Review Authority, Open Record Public Hearing	Decision Making Authority (Public Meeting)	Target Time Limits for Decisions	Section
Type C:					
1. Preliminary Formal Subdivision	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.410
2. Rezone of Property and Zoning Map Change	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	20.30.320
3. Special Use Permit (SUP)	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.330
4. Critical Areas Special Use	Mail, Post Site,	HE ^{(1), (2)}		120 days	20.30.333

Permit	Newspaper				
5. Critical Areas Reasonable Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.336
6. Final Formal Plat	None	Review by Director	City Council	30 days	20.30.450
7. SCTF – Special Use Permit	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.40.505
8. Street Vacation	Mail, Post Site, Newspaper	HE ^{(1), (2)}	City Council	120 days	See Chapter 12.17 SMC
9. Master Development Plan	Mail, Post Site, Newspaper	HE ^{(1), (2)}		120 days	20.30.353
<u>10. Development Agreement</u>	<u>Mail, Post Site, Newspaper</u>	<u>HE ^{(1), (2)}</u>	<u>City Council</u>	<u>120 days</u>	<u>20.30.338</u>

⁽¹⁾ Including consolidated SEPA threshold determination appeal.

⁽²⁾ HE = Hearing Examiner.

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

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

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

20.30.338 Development Agreement (Type C).

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

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

1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
2. The amount of payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
3. Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW;
4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
5. Parks and open space preservation;
6. Phasing of development;
7. Review procedures and standards for implementing decisions;
8. A build-out or vesting period for applicable standards;
9. Any other appropriate development requirement or procedure; and
10. Affordable Housing Units.

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

1. 10 percent of the housing units constructed onsite shall be affordable to those earning less than 70 percent of King County area median income for a period of no less than 50 years. The number of affordable housing units may be decreased to 5 percent if the level of affordability is increased to 50 AMI. An in lieu of fee may be paid into the City's affordable housing program instead of constructing affordable housing units onsite. The fee-in-lieu shall be agreed upon

Comment [r2]: The affordability levels are being suggested for increases based on feedback from HDC. HDC's feedback was provided in an effort to ensure our program is in-line with other jurisdictions in our region.

Comment [r3]: See RCW 36.70A0561

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through the Development Agreement and shall be no less than the total cost of construction for the unit as part of the entire development.

2. Entire development is built to LEED Gold standards.

3. Structured parking for at least 90 percent of the required parking spaces for a development. Structured parking includes underground parking, under-building parking and above-ground parking garage. Unstructured parking shall be located interior to the site.

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

a. Entire site uses combined heat and power infrastructure or district energy.

b. Commercial space of at least 40,000 square feet.

c. Ground floor neighborhood amenities that may include: areas open and accessible for the community, office space for non-profit organizations, an eating or drinking establishment, or other space that may be used for community functions.

d. Two (2) percent of the building construction valuation shall be used for public parks, open space, art, or other recreational opportunities open and accessible to the public within the station subarea.

e. Provide frontage improvements that connect a proposed development to amenities near the subject project. Amenities may include transit stops, block to block frontage improvements, light rail station, commercial uses, etc.

f. Providing street-to-street dedicated public access.

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

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

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

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

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

5. The development agreement proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and property zoned R-4, R-6, R-8 or MUR 35.

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

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

2. Recorded Development Agreement: Upon City Council approval of a Development Agreement under the procedure set forth in subsection C of this section, the City and property

owner shall execute and record the Development Agreement with the King County Recorder's Office to run with the land and bind and govern development of the property.

**Chapter 20.40
Zoning and Use Provisions**

20.40.010 Purpose.

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

A. To provide for the geographic distribution of land uses into zones those reflect the goals and policies of the Comprehensive Plan.

B. To maintain a stability in land use designation with similar characteristics and level of activity through the provisions of harmonious groupings of zones together.

C. To provide an efficient and compatible relationship of land uses and zones. (Ord. 238 Ch. IV § 1(A), 2000).

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

20.40.020 Zones and map designations.

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

ZONING	MAP SYMBOL
RESIDENTIAL	
(Low, Medium, and High Density)	R-4 through 48, (Numerical designator relating to base density in dwelling units per acre)
	<u>Mixed-Use Residential 35, 45, and 85 (MUR-35, MUR-45, and MUR-85)</u>
NONRESIDENTIAL	
Neighborhood Business	NB
Community Business	CB

Mixed Business	MB
Campus	CCZ, FCZ, PHZ, SCZ ¹
Town Center District	TC-1, TC-2, TC-3, TC-4
Planned Area	PA

20.40.046 Mixed-use residential zones.

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

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

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

Table 20.40.160 Station Area Uses

<u>NAICS #</u>	<u>SPECIFIC LAND USE</u>	<u>MUR35</u>	<u>MUR45</u>	<u>MUR 85</u>
<u>Residential</u>				
	<u>Accessory Dwelling Unit</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	<u>Affordable Housing</u>	<u>P</u>	<u>P</u>	<u>P</u>

	<u>Apartment</u>		<u>P-i</u>	<u>P-i</u>
	<u>Bed and Breakfasts</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	<u>Boarding House</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	<u>Duplex, Townhouse, Rowhouse</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	<u>Home Occupation</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	<u>Hotel/Motel</u>			<u>P</u>
	<u>Live/Work</u>	<u>P-i</u>	<u>P</u>	<u>P</u>
	<u>Single-Family Attached</u>	<u>P-i</u>	<u>P-i</u>	
	<u>Single-Family Detached</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	<u>Tent City</u>		<u>P-i</u>	<u>P-i</u>
<u>Commercial</u>				
<u>NAICS #</u>	<u>SPECIFIC LAND USE</u>	<u>MUR35</u>	<u>MUR45</u>	<u>MUR 85</u>
	<u>Book and Video Stores/Rental (excludes Adult Use Facilities)</u>	<u>P-i (Adjacent to Collector or Arterial Street)</u>	<u>P-i (Adjacent to Collector or Arterial Street)</u>	<u>P</u>

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

	<u>Research, Development and Testing</u>			
	<u>Veterinary Clinics and Hospitals</u>			<u>P-i</u>
	<u>Wireless Telecommunication Facility</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
<u>Education, Entertainment, Culture, and Recreation</u>				
	<u>Amusement Arcade</u>		<u>P -A</u>	<u>P -A</u>
	<u>Bowling Center</u>		<u>P (Adjacent to Collector or Arterial Street)</u>	<u>P</u>
	<u>College and University</u>			<u>P</u>
	<u>Conference Center</u>		<u>P (Adjacent to Collector or Arterial Street)</u>	<u>P</u>
	<u>Elementary School, Middle/Junior High School</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Library</u>		<u>P (Adjacent to Collector or Arterial Street)</u>	<u>P</u>

	<u>Museum</u>		<u>P (Adjacent to Collector or Arterial Street)</u>	<u>P</u>
	<u>Outdoor Performance Center</u>		<u>P -A</u>	<u>P -A</u>
	<u>Parks and Trails</u>	<u>P</u>	<u>P</u>	<u>P</u>
	<u>Performing Arts Companies/Theater (excludes Adult Use Facilities)</u>		<u>P -A</u>	<u>P -A</u>
	<u>School District Support Facility</u>		<u>C</u>	<u>C</u>
	<u>Secondary or High School</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Specialized Instruction School</u>		<u>P (Adjacent to Collector or Arterial Street)</u>	<u>P</u>
	<u>Sports/Social Club</u>		<u>P (Adjacent to Collector or Arterial Street)</u>	<u>P</u>
	<u>Vocational School</u>		<u>P (Adjacent to Collector or Arterial Street)</u>	<u>P</u>

<u>Government</u>				
	<u>Fire Facility</u>		<u>C-i</u>	<u>C-i</u>
	<u>Police Facility</u>		<u>C-i</u>	<u>C-i</u>
	<u>Public Agency Office/Yard or Public Utility Office/Yard</u>	<u>S</u>	<u>S</u>	<u>S</u>
	<u>Utility Facility</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Health</u>				
	<u>Hospital</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Medical Lab</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Medical Office/Outpatient Clinic</u>		<u>P (Adjacent to Collector or Arterial Street)</u>	<u>P</u>
	<u>Nursing and Personal Care Facilities</u>		<u>P (Adjacent to Collector or Arterial Street)</u>	<u>P</u>
<u>Other</u>				
	<u>Animals, Small, Keeping and Raising</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>

	<u>Light Rail Transit Way</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>
	<u>Transit Park and Ride Lot</u>		<u>S</u>	<u>S</u>
	<u>Unlisted Uses</u>	<u>P-i</u>	<u>P-i</u>	<u>P-i</u>

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

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20.40.436 Live/Work

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

20.40.506 Single-family detached dwellings.

A. Single-family detached dwellings are permitted in the MUR-35 and MUR45 subject to the R-6 development standards in SMC 20.50.020.

B. Additional detached single family homes in the MUR-35 and MUR-45 Zones will not be allowed. For example, a 15,000 square foot parcel zoned MUR-35 with an existing single family home cannot be subdivided or allowed to construct a second home on the lot.

Comment [s4]: The indexed criteria for detached single-family homes has been updated based on Commissions direction provided at the October 2 meeting.

Deleted: and MUR85 zones up until the light rail station begins operation or until the year 2023, whichever occurs first

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Deleted: After light rail service begins, single-family detached dwellings will be considered legal nonconforming and must comply with the provisions of SMC 20.30.280 Nonconformance

20.40.440 Light Rail Transitway

A Light Rail Transit way shall be approved through a Development Agreement as specified in SMC 20.30.338(B) General, (D) and (E).

Comment [s5]: Updated for October 16

20.40.570 Unlisted use.

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

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

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

Chapter 20.50
General Development Standards

Subchapter 1.
Dimensions and Density for Development

20.50.010 Purpose.

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

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

20.50.020 Dimensional requirements.

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

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

<u>STANDARDS</u>	<u>MUR35</u>	<u>MUR45</u>	<u>MUR85(10)</u>
<u>Base Density:</u> <u>Dwelling</u> <u>Units/Acre</u>	<u>Based on bldg.</u> <u>bulk limits</u>	<u>Based on bldg.</u> <u>bulk limits</u>	<u>Based on bldg.</u> <u>bulk limits</u>
<u>Min. Density</u>			<u>48 du/ac</u>

Comment [s6]: Minimum Densities have been removed in the MUR-35 and MUR-45 Zones. This is based on direction provided by the Commission to allow detached single-family homes within the station subarea.

Deleted: 8 du/ac

Deleted: 18 du/ac

<u>Min. Lot Width</u> (2)	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Min. Lot Area</u> (2)	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Min. Front Yard Setback (2) (3)</u> <u>See 20.50.021</u>	<u>0 if located on an Arterial Street</u> <u>10ft</u>	<u>10ft min</u> <u>15ft max</u>	<u>0</u> <u>10ft min if adjacent to 185th</u>
<u>Min. Rear Yard Setback (2) (4)</u> (5) <u>See 20.50.021</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>
<u>Min. Side Yard Setback (2) (4)</u> (5) <u>See 20.50.021</u>	<u>5 ft</u>	<u>5 ft</u>	<u>5 ft</u>
<u>Base Height (9)</u>	<u>35ft</u>	<u>45ft</u>	<u>85ft</u>
<u>Max. Building Coverage (2) (6)</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
<u>Max. Hardscape</u> (2) (6)	<u>85%</u>	<u>90%</u>	<u>95%</u>

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

(1) Repealed by Ord. 462.

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

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

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

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

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

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

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

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

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

20.50.021 Transition areas.

Development in commercial zones: NB, CB, MB and TC-1, 2 and 3, [and MUR-85](#) 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 commercial zones shall be from arterial classified streets, unless determined by the Director to be technically not feasible or in conflict with state law addressing access to state highways. All developments in commercial zones shall conduct a transportation impact analysis per the Engineering Development Manual. Developments that create additional traffic that is projected to use local streets may be required to install appropriate traffic-calming measures. These additional measures will be identified and approved by the City's Traffic Engineer. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 609 § 10, 2011; Ord. 560 § 1 (Exh. A), 2009).

Subchapter 3.
Multifamily and Single-Family Attached Residential Design

20.50.120 Purpose.

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

- A. To encourage development of attractive residential areas that is compatible when considered within the context of the surrounding area.
- B. To enhance the aesthetic appeal of new multifamily residential buildings by encouraging high quality, creative and innovative site and building design.
- C. To meet the recreation needs of project residents by providing open spaces within the project site.

D. To establish a well-defined streetscape by setting back structures for a depth that allows landscaped front yards, thus creating more privacy (separation from the street) for residents.

E. To minimize the visual and surface water runoff impacts by encouraging parking to be located under the building.

F. To promote pedestrian accessibility within and to the buildings. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 3(A), 2000).

20.50.125 Thresholds – Required site improvements.

The purpose of this section is to determine how and when the provisions for full site improvement standards apply to a development application in TC-4, PA3, and R-8 through R-48 zones and the MUR35 zone when located on a Local Street. Site improvement standards of signs, parking, lighting and landscaping shall be required:

A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or

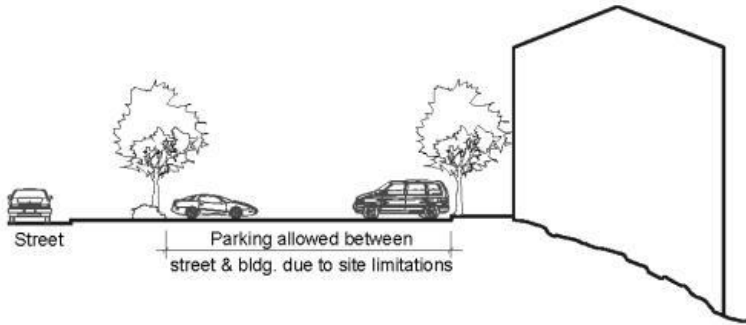
B. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit. (Ord. 654 § 1 (Exh. 1), 2013; Ord. 581 § 1 (Exh. 1), 2010; Ord. 515 § 1, 2008; Ord. 299 § 1, 2002).

20.50.140 Parking – Access and location – Standards.

A. Provide access to parking areas from alleys where possible.

B. 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.

C. Above ground parking shall be located behind or to the side of buildings. Parking between the street property line and the building shall be allowed only when authorized by the Director due to physical limitations



of the site.

Figure 20.50.140(C): Example of parking location between the building and the street, which is necessary due to the steep slope.

D. Avoid parking layouts that dominate a development. Coordinate siting of parking areas, pedestrian connections and open space to promote easily accessible, centrally located open space. [Parking lots and access drives shall be lined on both sides with either 5-foot wide walks and/or landscaping.](#)

Comment [p7]: Proposed October 16, 2014

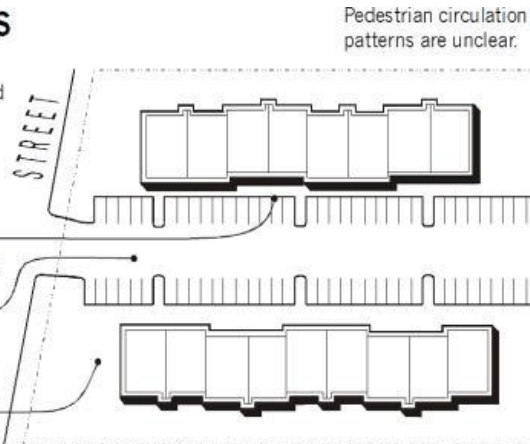
DON'T DO THIS

Building is disconnected from parking, public sidewalk and adjacent sites.

No buffer zone for pedestrians between front doors and parking.

Parking is the dominant feature.

No pedestrian entrance to the building.



Pedestrian circulation patterns are unclear.

DO THIS

Building is integrated and connected with parking, public sidewalk and adjacent sites.

An attractive pedestrian courtyard is the dominant feature.

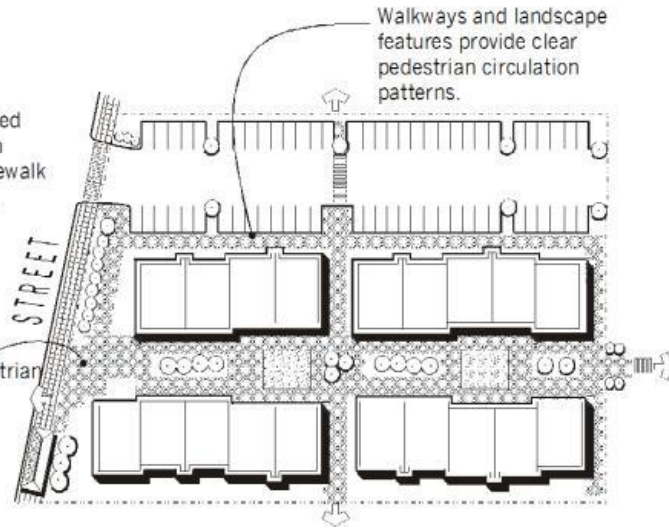


Figure 20.50.140(D): Avoid parking that dominates the site. Encourage parking located behind or on the side of buildings and common open space between buildings.

E. Break large parking areas into smaller ones to reduce their visual impact and provide easier access for pedestrians. Limit individual parking areas to no more than 30 parking spaces.

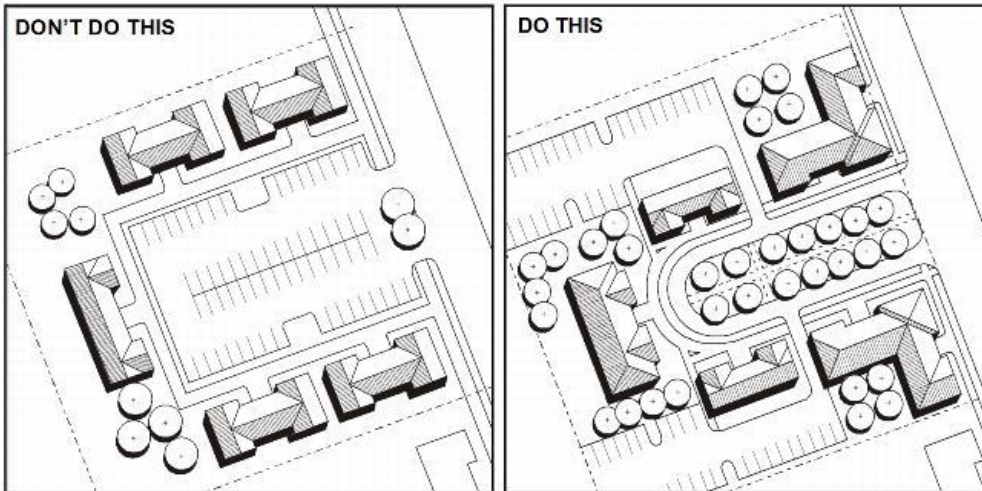


Figure 20.50.140(E): Examples of breaking up parking and siting it behind buildings. Such development creates an attractive open space and avoids the impact of a large central parking lot.

Exception to 20.50.140(E): Surface parking areas larger than 30 parking stalls may be allowed if they are separated from the street by a minimum 30 foot wide landscaped buffer, and the applicant can demonstrate that a consolidated parking area produces a superior site plan.

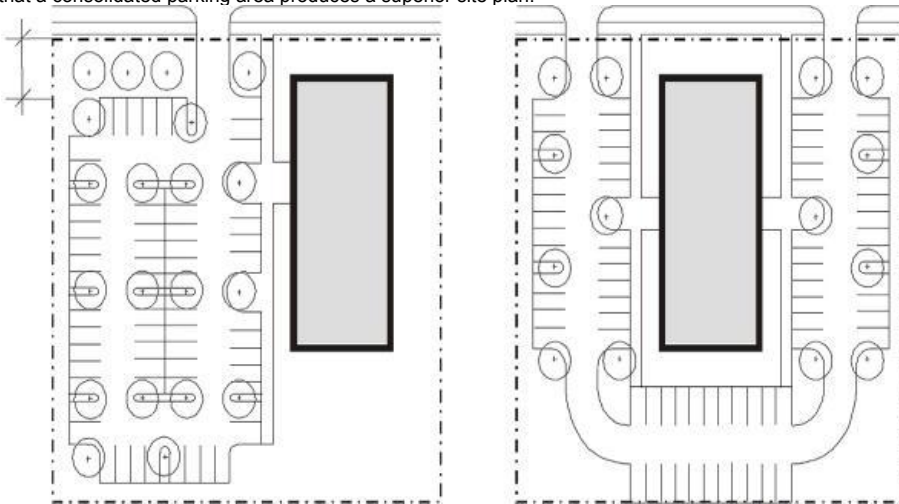


Figure Exception to 20.50.140(E): A consolidated parking scheme (left) with more than 30 spaces may be permitted if it is buffered from the street and produces improvements from a separated parking scheme (right), such as a better open space layout, fewer curb cuts, etc.

F. Minimize the impact of individual garage entrances where they face the street by limiting the curb cut width and visually separating the garage entrance from the street with landscaped areas. Emphasize pedestrian entrances in order to minimize the garage entrances.

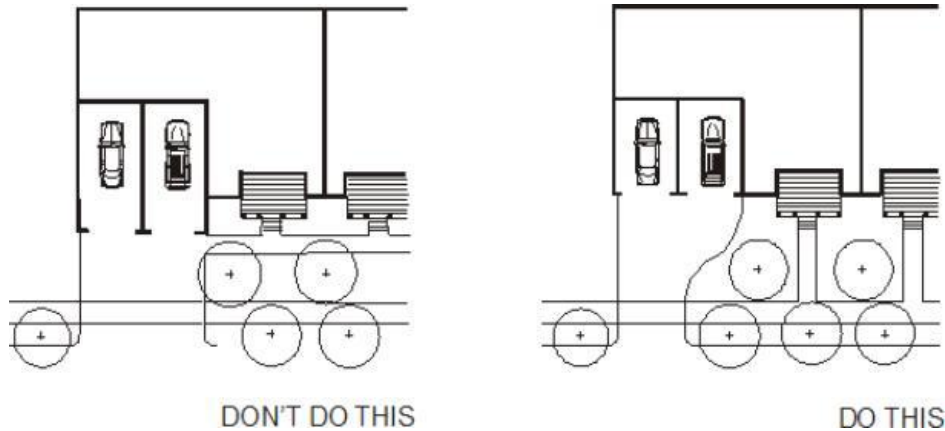


Figure 20.50.140(F), (G): Example of limiting the impact of garage entrances by building them flush with the facade, reducing their width, providing landscaping, and pedestrian access.

G. Garages or carports either detached from or attached to the main structure shall not protrude beyond the front building facade. (Ord. 299 § 1, 2002; Ord. 238 Ch. V § 3(B-2), 2000).

Subchapter 4.
Commercial Zone Design

20.50.220 Purpose.

The purpose of this subchapter is to establish design standards for the MUR35 zone when not on a Local Street, MUR45, and MUR85 and all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB) and town center (TC-1, 2 and 3). Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of Chapter 20.50 SMC. In the event of a conflict, the standards of this subchapter will prevail. (Ord. 654 § 1 (Exh. 1), 2013).

20.50.230 Threshold – Required site improvements.

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3 and the MUR35 zone when not located on a Local Street, MUR45, and MUR85. Site improvements standards of signs, parking, lighting, and landscaping shall be required:

A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or

B. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit. (Ord. 654 § 1 (Exh. 1), 2013).

20.50.240 Site design.

A. Purpose.

1. Promote and enhance public walking and gathering with attractive and connected development.
2. Promote distinctive design features at high visibility street corners.
3. Provide safe routes for pedestrians and people with disabilities across parking lots, to building entries, and between buildings.
4. Promote economic development that is consistent with the function and purpose of permitted uses and reflects the vision for the town center subarea as expressed in the Comprehensive Plan.

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

C. Site Frontage.

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

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

b. All building facades in MUR85 fronting on Arterial classified streets and directly across the street from MUR45 zoning shall be set backed a minimum of 10 feet where above 45 feet in height.

Comment [p8]: Proposed October 16, 2014.

c. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code. These spaces may be used for any permitted land use. This requirement does not apply when developing a residential only building in the MUR-35 and MUR-45 zones;

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d. Minimum window area shall be 50 percent of the ground floor façade for each front façade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35 and MUR-45 zones;

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e. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;

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f. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;

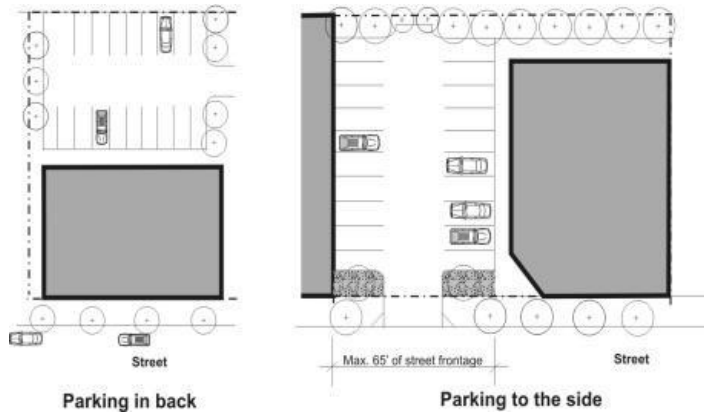
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g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and

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h. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC [20.50.470](#) for parking lot landscape standards.

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Parking Lot Locations Along Streets

h. New structures on N. 185th Street shall access parking areas from a side street or alley. If new development is unable to gain access from a side street or alley, an applicant may provide alternative access through an Administrative Design Review.

i. Garages and/or parking areas for new structures on N.185th Street shall be rear-loaded.

2. Rights-of-Way Lighting.

a. Pedestrian lighting standards shall meet the standards for Aurora Avenue pedestrian lighting standards and must be positioned 15 feet above sidewalks.

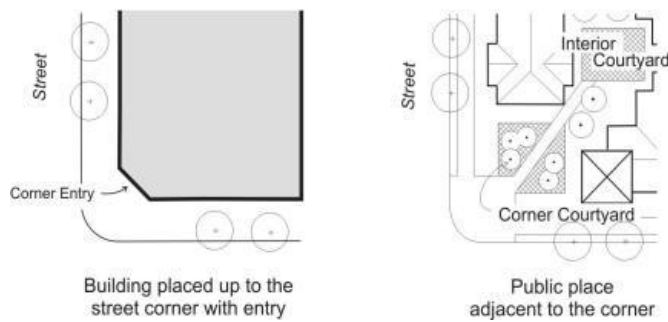
b. Street light standards shall be a maximum 25-foot height and spaced to meet City illumination requirements.

D. Corner Sites.

1. All development proposals located on street corners (except in MUR35) shall include at least one of the following design treatments on both sides of the corner:

a. Locate a building within 15 feet of the street corner. All such buildings shall comply with building corner standards in subsection (D)(2) of this section;

- b. Provide a public place at the corner leading directly to building entries;
- c. Install 20 feet of depth of Type II landscaping for the entire length of the required building frontage;
- d. Include a separate, pedestrian structure on the corner that provides weather protection or site entry. The structure may be used for signage.



Street Corner Sites

2. Corner buildings using the option in subsection (D)(1)(a) of this section shall provide at least one of the elements listed below to 40 lineal feet of both sides from the corner:

- a. Twenty-foot beveled building corner with entry and 60 percent of the first floor in non-reflective glass (included within the 80 lineal feet of corner treatment).
- b. Distinctive facade (i.e., awnings, materials, offsets) and roofline designs beyond the minimum standards identified in SMC [20.50.250](#).
- c. Balconies for residential units on all floors above the ground floor.



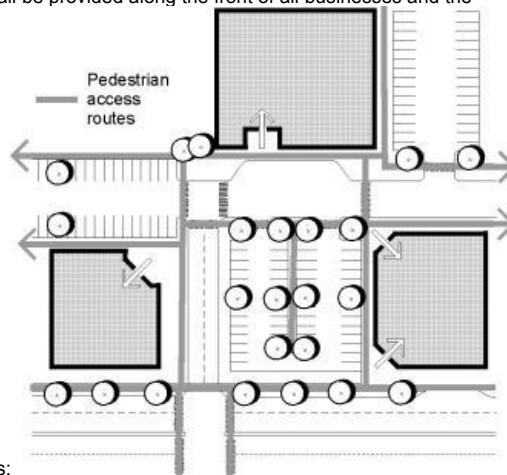
Building Corners

E. Site Walkways.

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

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

b. Continuous pedestrian walkways shall be provided along the front of all businesses and the



entries of multiple commercial buildings;

Well-connected Walkways

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

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



Parking Lot Walkway

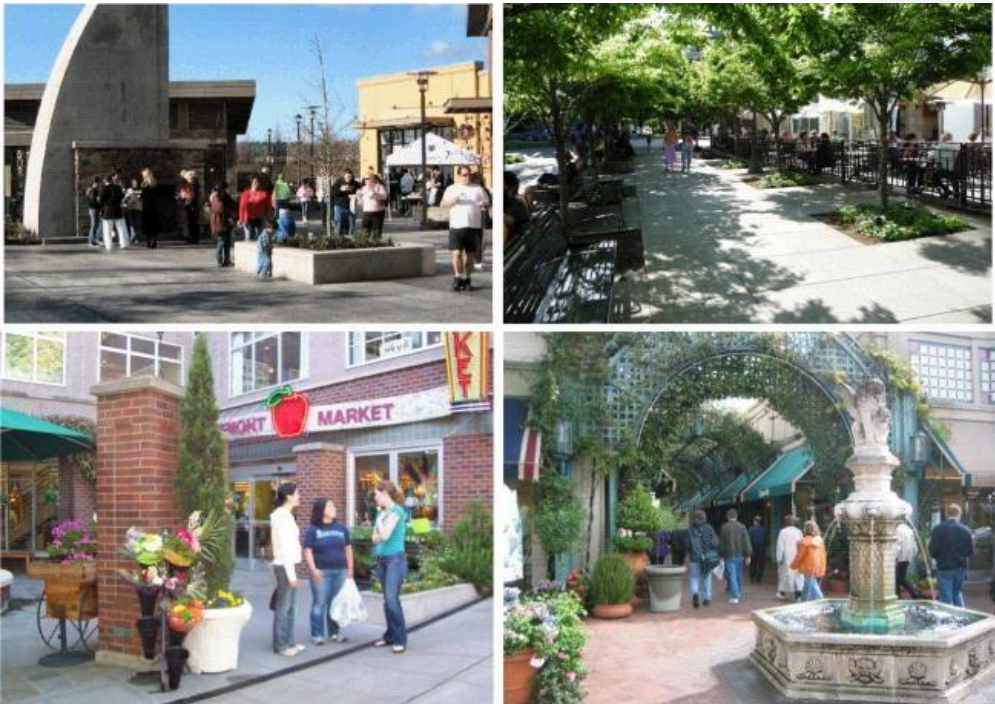
e. Deciduous, street-rated trees, as required by the Shoreline Engineering Development Manual, shall be provided every 30 feet on average in grated tree pits if the walkway is eight feet wide or in planting beds if walkway is greater than eight feet wide. Pedestrian-scaled lighting shall be provided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

F. Public Places.

1. Public places are required for the commercial portions of development at a rate of 4 square feet of public space per 20 square feet of net commercial floor area up to a maximum of 5,000 square feet. This requirement may be divided into public places with a minimum 400 square feet each.
2. Public places may be covered but not enclosed unless by subsection (F)(3) of this section.
3. Buildings shall border at least one side of the public place.
4. Eighty percent of the area shall provide surfaces for people to stand or sit.
5. No lineal dimension is less than six feet.
6. The following design elements are also required for public places:
 - a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;
 - b. Pedestrian access to abutting buildings;
 - c. Pedestrian-scaled lighting (subsection (H) of this section);
 - d. Seating and landscaping with solar access at least a portion of the day; and

e. Not located adjacent to dumpsters or loading areas.

f. Public art, planters, fountains, interactive public amenities, hanging baskets, irrigation, decorative light fixtures, decorative paving and walkway treatments, and other items that provide a pleasant pedestrian experience along Arterial Streets.



Public Places

G. Multifamily Open Space.

1. All multifamily development shall provide open space;

a. Provide 800 square feet per development or 50 square feet of open space per dwelling unit, whichever is greater;

b. Other than private balconies or patios, open space shall be accessible to all residents and include a minimum lineal dimension of six feet. This standard applies to all open spaces including parks, playgrounds, rooftop decks and ground-floor courtyards; and may also be used to meet walkway standards as long as the function and minimum dimensions of the open space are met;

c. Required landscaping can be used for open space if it does not obstruct access or reduce the overall landscape standard. Open spaces shall not be placed adjacent to service areas without full screening; and

d. Open space shall provide seating that has solar access at least a portion of the day.



Multifamily Open Spaces

H. Outdoor Lighting.

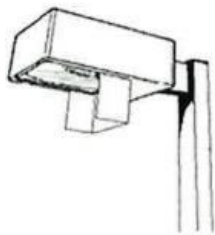
1. All publicly accessible areas on private property shall be illuminated as follows:
 - a. Minimum of one-half footcandle and maximum 25-foot pole height for vehicle areas;
 - b. One to two footcandles and maximum 15-foot pole height for pedestrian areas; and
 - c. Maximum of four footcandles for building entries with the fixtures placed below second floor.
2. All private fixtures shall be shielded to prevent direct light from entering neighboring property.
3. **Prohibited Lighting.** The following types of lighting are prohibited:

- a. Mercury vapor luminaries.
- b. Outdoor floodlighting by floodlight projection above the horizontal plane.
- c. Search lights, laser source lights, or any similar high intensity light.
- d. Any flashing, blinking, rotating or strobe light illumination device located on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel.

Exemptions:

- 1. Lighting required for emergency response by police, fire, or medical personnel (vehicle lights and accident/crime scene lighting).
- 2. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
- 3. Signs and sign lighting regulated by Chapter [20.50](#) SMC, Subchapter 8.
- 4. Holiday and event lighting (except for outdoor searchlights or strobes).
- 5. Sports and field lighting.
- 6. Lighting triggered by an automatic emergency or security alarm system.

DO THIS



External Shield

DON'T DO THIS



Unshielded
PAR Floodlights



Unshielded Wallpacks
& Unshielded or
Poorly-shielded Wall
Mount Fixtures

I. Service Areas.

1. All developments shall provide a designated location for trash, composting, recycling storage and collection, and shipping containers. Such elements shall meet the following standards:

- a. Located to minimize visual, noise, odor, and physical impacts to pedestrians and residents;
- b. Paved with concrete and screened with materials or colors that match the building; and
- c. Located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle traffic, nor require a hauling truck to project into public rights-of-way.

d. Refuse bins shall not be visible from the street;



Trash/Recycling Closure with Consistent Use of Materials and Landscape Screening

J. Utility and Mechanical Equipment.

1. Equipment shall be located and designed to minimize its visibility to the public. Preferred locations are off alleys; service drives; within, atop, or under buildings; or other locations away from the street. Equipment shall not intrude into required pedestrian areas.



Utilities Consolidated and Separated by Landscaping Elements

2. All exterior mechanical equipment, with the exception of solar collectors or wind power generating equipment shall be screened from view by integration with the building's architecture through such elements as parapet walls, false roofs, roof wells, clerestories, equipment rooms, materials and colors. Painting mechanical equipment strictly as a means of screening is not permitted. (Ord. 663 § 1 (Exh. 1), 2013; Ord. 654 § 1 (Exh. 1), 2013).

20.50.250 Building design.

A. Purpose.

1. Emphasize quality building articulation, detailing, and durable materials.
2. Reduce the apparent scale of buildings and add visual interest for the pedestrian experience.
3. Facilitate design that is responsive to the commercial and retail attributes of existing and permitted uses.

B. Building Articulation.

1. Commercial buildings fronting streets other than state routes shall include one of the two articulation features set forth in subsections (B)(2)(a) and (b) of this section no more than every 40 lineal feet facing

a street, parking lot, or public place. Building facades less than 60 feet wide are exempt from this



standard.

Building Facade Articulation

2. Commercial buildings fronting streets that are state routes shall include one of the two articulation features below no more than every 80 lineal feet facing a street, parking lot, or public place. Building facades less than 100 feet wide are exempt from this standard.

a. For the height of the building, each facade shall be offset at least two feet in depth and four feet in width, if combined with a change in siding materials. Otherwise, the facade offset shall be at least 10 feet deep and 15 feet wide.

b. Vertical piers at the ends of each facade section that project at least two inches from the facade and extend from the ground to the roofline.

3. Multifamily buildings or residential portions of a commercial building shall provide the following articulation features at least every 35 feet of facade facing a street, park, public place, or open space:

a. Vertical building modulation 18 inches deep and four feet wide, if combined with a change in color or building material. Otherwise, the minimum depth of modulation is 10 feet and the minimum width for each modulation is 15 feet. Balconies may be used to meet modulation; and

b. Distinctive ground or first floor facade, consistent articulation of middle floors, and a distinctive roofline or articulate on 35-foot intervals.



Multifamily Building Articulation

Multifamily Building Articulation

4. Rooflines shall be modulated at least every 120 feet by emphasizing dormers, chimneys, stepped roofs, gables, or prominent cornices or walls. Rooftop appurtenances may be considered a modulation. Modulation shall consist of a roofline elevation change of at least four feet every 50 feet of roofline.
5. Every 150 feet in building length along the street front shall have a minimum 30-foot-wide section that is offset by at least 20 feet through all floors.



Facade Widths Using a Combination of Facade Modulation, Articulation, and Window Design

6. Buildings shall recess or project individual windows above the ground floor at least two inches from the facade or use window trim at least four inches in width.



Window Trim Design

7. Weather protection of at least three feet deep by four feet wide is required over each secondary entry.



Covered Secondary Public Access

8. Materials.

a. Metal siding shall have visible corner moldings or trim and shall not extend lower than four feet above grade. Masonry, concrete, or other durable material shall be incorporated between the siding and the grade. Metal siding shall be factory finished with a matte, nonreflective surface.



Masonry or Concrete Near the Ground and Proper Trimming Around Windows and Corners

b. Concrete blocks of a singular style, texture, or color shall not comprise more than 50 percent of a facade facing a street or public space.



c. Stucco must be trimmed and sheltered from weather by roof overhangs or other methods and shall be limited to no more than 50 percent of facades containing an entry. Stucco shall not extend below two feet above the grade.



d. The following exterior materials are prohibited:

- i. Chain-link fencing that is not screened from public view. No razor or barbed material shall be allowed;
- ii. Corrugated, fiberglass sheet products; and
- iii. Plywood siding. (Ord. 654 § 1 (Exh. 1), 2013).

Subchapter 6.
Parking, Access and Circulation

20.50.390 Minimum off-street parking requirements – Standards.

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

Table 20.50.390A – General Residential Parking Standards

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

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 adjoining parcels and land uses that do not have conflicting parking demands.
3. High-occupancy vehicle (HOV) and hybrid or electric vehicle (EV) parking.
4. Conduit for future electric vehicle charging spaces, per National Electrical Code, equivalent to the number of required disabled parking spaces.

5. High-capacity transit service available within a one-half mile radius.
6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
7. Concurrence with King County Right Size Parking data, census tract data, and other parking demand study results.
8. The applicant uses permeable pavement on at least 20 percent of the area of the parking lot.

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

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

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

E. A parking reduction of 25 percent will be approved by the Director for multi-family development within ¼ mile of the light rail station.

F. Parking reductions for affordable housing may not be combined with parking reductions identified in Subsection A above.

20.50.540 Sign design.

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

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

C. Sign Copy Area. Calculation of sign area shall use rectangular areas that enclose each portion of the signage such as words, logos, graphics, and symbols other than nonilluminated background. Sign area for

signs that project out from a building or are perpendicular to street frontage are measured on one side even though both sides can have copy.

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

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

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

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



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

G. Table 20.50.540(G) – Sign Dimensions.

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

	All Residential (R) Zones, MUR35 , Campus, PA3 and TC-4	MUR45, MUR 85 , NB, CB and TC-3 (1)	MB, TC-1 and TC-2
MONUMENT Signs:			
Maximum Area Per Sign Face	4 sq. ft. (home occupation, day care, adult family home, bed and breakfast) 25 sq. ft. (nonresidential use, residential subdivision or multifamily development) 32 sq. ft. (schools and parks)	50 sq. ft.	100 sq. ft.
Maximum Height	42 inches	6 feet	12 feet
Maximum Number Permitted	1 per street frontage	1 per street frontage Two per street frontage if the frontage is greater than 250 ft. and each sign is minimally 150 ft. apart from other signs on same property.	1 per street frontage
Illumination	Permitted	Permitted	
BUILDING-MOUNTED SIGNS:			
Maximum Sign Area	Same as for monument signs	25 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25	50 sq. ft. (each tenant) Building Directory 10 sq. ft. Building Name Sign 25 sq. ft.

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

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

Exceptions to Table 20.50.540(G):

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

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

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

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

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

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

20.50.550 Prohibited signs.

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

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

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

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

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

D. Signs mounted on the roof.

E. Pole signs.

F. Backlit awnings used as signs.

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

20.50.560 Monument signs.

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

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

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

20.50.570 Building-mounted signs.

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

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

20.50.580 Under-awning signs.

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

20.50.590 Nonconforming signs.

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

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

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

20.50.600 Temporary signs.

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

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

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

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

construction or tenant improvement permit and shall be removed within seven days of final inspection or expiration of the building permit.

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

Attachment B Additional Costs of Development Agreement Fees

ATTACHMENT B

Additional Development Costs with 2% for Arts and Affordable Housing in MUR 85+

Examples if impact fees were assessed, or PTE incentives, or affordable housing rates were applied on specific sites.

Current Development Examples			
Project Name	Address	Construction Valuation	Permit Fees Paid
The Artiste (148 Units)	20221 Aurora Ave N	\$18,296,807	\$234,511
Echo Lake T.H. (18 Units)	1180-90 N 198th St	\$2,376,347	\$22,425
Ballinger G-Way (36 Units)	19500 Ballinger Way NE	\$3,933,981	\$39,331

Current Fees	New Fees Costs/ (Savings)			
	- 2% Arts Fee	- PTE with AH @8 Years	- TIF Exemption	+ AH Fee-in-Lieu 5% or 10%
\$764,420	\$365,936	(\$2,480,192)	(\$79,364)	\$865,389 or \$1,854,405
\$122,637	\$47,527	(\$485,280)	(\$16,702)	\$132,019 or \$264,038
\$169,201	\$78,680	(\$464,808)	(\$21,645)	\$218,554 or \$437,108

Additional Development Costs Totals	Rent Loss as Cost		Long-Term Totals	
	30% AMI for 50 Yrs.	60% AMI for 50 Yrs.	30% AMI	60% AMI
(\$1,328,231) or (\$339,215)	\$3,032,400	\$1,503,000	\$1,704,169	\$1,163,785
(\$322,436) or (\$190,417)	\$433,200	\$200,400	\$110,764	\$9,983
(\$191,219) or \$29,335	\$866,400	\$400,200	\$675,181	\$429,535

20.30.338 Development Agreement (Type C).

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

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

1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
2. The amount of payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
3. Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW;
4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;
5. Parks and open space preservation;
6. Phasing of development;
7. Review procedures and standards for implementing decisions;
8. A build-out or vesting period for applicable standards;
9. Any other appropriate development requirement or procedure; and
10. Affordable Housing Units.

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

1. 10 percent of the housing units constructed onsite shall be affordable to those earning less than 70 percent of King County area median income for a period of no less than 50 years. The number of affordable housing units may be decreased to 5 percent if the level of affordability is increased to 50 AMI. An in lieu of fee may be paid into the City's affordable housing program instead of constructing affordable housing units onsite. The fee-in-lieu shall be agreed upon through the Development Agreement and shall be no less than the total cost of construction for the unit as part of the entire development.

Comment [r1]: The affordability levels are being suggested for increases based on feedback from HDC. HDC's feedback was provided in an effort to ensure our program is in-line with other jurisdictions in our region.

Comment [r2]: See RCW 36.70A0561

2. Entire development is built to LEED Gold standards.

3. Structured parking for at least 90 percent of the required parking spaces for a development. Structured parking includes underground parking, under-building parking and above-ground parking garage. Unstructured parking shall be located interior to the site.

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

a. Entire site uses combined heat and power infrastructure or district energy.

b. Commercial space of at least 40,000 square feet.

c. Ground floor neighborhood amenities that may include; areas open and accessible for the community, office space for non-profit organizations, an eating or drinking establishment, or other space that may be used for community functions.

d. Two (2) percent of the building construction valuation shall be used for public parks, open space, art, or other recreational opportunities open and accessible to the public within the station subarea.

e. Provide frontage improvements that connect a proposed development to amenities near the subject project. Amenities may include transit stops,

block to block frontage improvements, light rail station, commercial uses, etc.

f. Providing street-to-street dedicated public access.

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

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

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

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

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

5. The development agreement proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation standards that minimize conflicts and create transitions between the proposal site and property zoned R-4, R-6, R-8 or MUR 35.

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

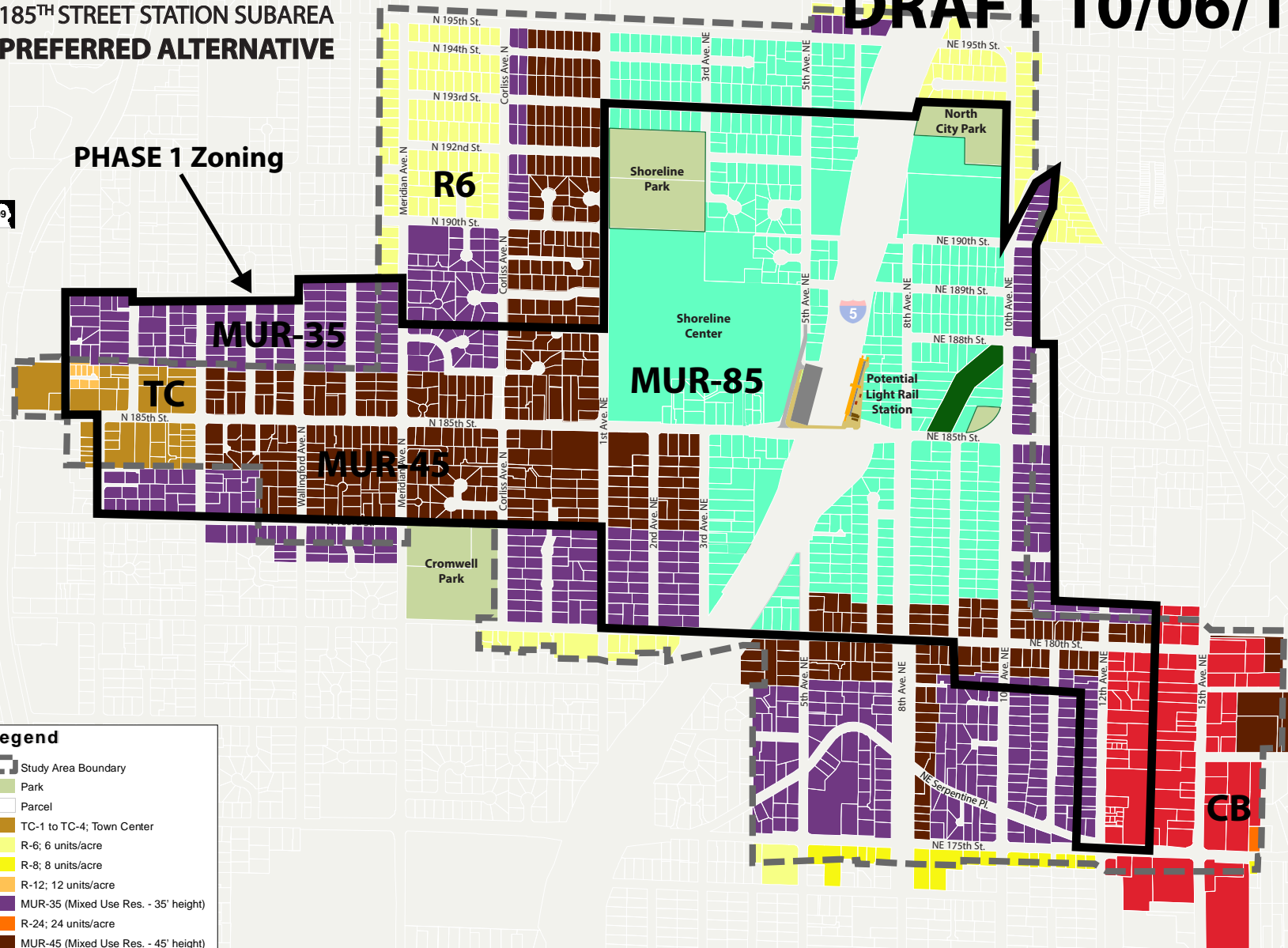
1. A Development Agreement application incorporating the elements stated in subsection B of this section may be submitted by a property owner with any additional related information as determined by the Director. After staff review and SEPA compliance, the Hearing Examiner shall conduct a public hearing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

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

DRAFT 10/06/14

**185TH STREET STATION SUBAREA
PREFERRED ALTERNATIVE**

PHASE 1 Zoning



Legend

- Study Area Boundary
- Park
- Parcel
- TC-1 to TC-4; Town Center
- R-6; 6 units/acre
- R-8; 8 units/acre
- R-12; 12 units/acre
- MUR-35 (Mixed Use Res. - 35' height)
- R-24; 24 units/acre
- MUR-45 (Mixed Use Res. - 45' height)
- CB; Community Business
- MUR-85 (Mixed Use Res. - 85' height)
- Utility Corridor
- Potential Sound Transit Parking Garage

