Planning Commission Meeting Date: September 3, 2015 Agenda Item

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: **Development Code Amendments – Part 3**
DEPARTMENT: **Planning & Community Development**
PRESENTED BY: **Steven Szafran, AICP, Senior Planner**
Rachael Markle, AICP, Director

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

Introduction

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

The purpose of this study session is to:

- Have a collaborative discussion with the Commission about proposed amendments;
- Review the proposed Development Code Amendments;
- Respond to questions regarding the proposed amendments;
- Receive feedback from the Commission on the merits of the amendments;
- Deliberate and, if necessary, ask further questions of staff; and
- Develop a recommended set of Development Code Amendments for the Public Hearing.

Staff proposed to work with the Commission to develop a set of Development Code amendments over the course of four meetings to forward to Council by the end of November 2015. The amendments being presented tonight are intended to be the final group of amendments going to Council toward the end of the year. If further review of Sound Transit's plans necessitates additional amendments, staff will bring those back to Commission for review and recommendation.

Attachment 1 is the list of amendments in Part 3 of the 2015 Development Code Batch. **Attachment 2** is the list of amendments in Parts 1 and 2 that the Commission discussed at previous meetings.

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

Background

SMC 20.30.350 states, “An amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City”. Development Code amendments may also be necessary to reduce confusion and clarify existing language, respond to regional and local policy changes, update references to other codes, eliminate redundant and inconsistent language, and codify Administrative Orders previously approved by the Director.

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

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

Staff brought Part 1 of the Development Code amendments to the Planning Commission on May 7, 2015. Part 1 consisted of 21 Director initiated amendments that mostly clarified existing sections of the code. Two of the amendments proposed at that time, adding Microhousing to the use table and the parking table, were taken out of the batch to be brought back at a later date.

Part 2 of the Development Code amendments were presented to the Commission on June 4, 2015. Part 2 consisted of eight Director initiated amendments.

Development Code Amendments Part 1 and 2 are included as **Attachment 2.**

Amendments

Part 3 Development Code amendments consists of 17 Director initiated amendments and one privately-initiated amendment. The privately initiated application and amendment is in **Attachment 3**. This proposed amendment would allow a property owner or developer to create lots less than the minimum lot area if the dedication of facilities to the City such as right of way or a stormwater system are required as part of the development and result in a reduction in achievable density and/or lots.

Staff has organized the presentation of each of the amendments in **Attachment 1** by: 1) stating the amendment number; 2) stating the amendment section; 3) providing justification/ analysis for the amendment; and in some cases 4) providing questions to the Commission to aid in the formation of the amendment.

The proposed Development Code amendments are organized under the following topics: Building Permit Fee Waiver, Preparing for Sound Transit, Transitional Encampments, and Development Code Updates.

Development Fee Waiver

The amendments under this topic would allow the Director to waive City required fees, or portions of City fees when an affordable housing project is developed in the City. The City Council discussed a building permit fee waiver at their August 3rd meeting and provided staff direction to implement this requirement. The Council would like the Planning Commission to consider the following during its discussion:

- Is the proposed threshold to be eligible to receive a waiver of development fees (units that are affordable to households making 60% or less of the King County median income) the right threshold? Should the threshold for development fee waiver be higher or lower?
- How does the waiver of development fees work in concert with other incentives offered by the City?
- How is Shoreline's incentive package for affordable housing comparing to other jurisdictions?
- Should development fee waivers apply only to development of new affordable units or should the waiver be available for the remodel of existing affordable units?

The staff report from that meeting is included as **Attachment 4**. Also, staff has included examples of other jurisdictions that include fee waivers as part of their affordable housing provisions in **Attachment 5**.

Applicable code sections:
20.30.100 – Application.
20.40.230 – Affordable housing.
20.40.235 – Affordable housing, light rail station subareas.

Preparing for Sound Transit

The amendments under this topic are in anticipation of Sound Transit's light rail system. Sound Transit will be designing and engineering the stations, garages and associated light rail facilities in 2016 and finalizing construction in 2023. Staff has proposed amendments addressing construction noise, mitigation of parking impacts, and the provision of improvements such as sidewalks and bike lanes. Staff has also proposed applying development regulations to unclassified right-of-way, amending the tree code for: on and offsite clearing activities, tree replacement and mitigations, and tree protection. Lastly, staff has amended the Development Agreement section to include a provision for timing.

Applicable code sections:
20.20.034 – M definitions.
20.30.355 – Development agreement
20.40.060 – Zoning map and zone boundaries
20.40.438 – Light rail transit system/facility.
20.50.240 – Site design.
20.50.320 – Specific activities subject to the provisions of this subchapter
20.50.330 – Project Review and Approval.
20.50.350 – Development standards for clearing activities.

20.50.360 – Tree replacement and site restoration.
20.50.370 – Tree protection standards.

Transitional Encampments

The Development Code currently has a use titled “Tent City”. Tent City is a name for specific camps around the region and not all transitional housing camps are named “Tent City”. The City is changing the term “Tent City” to “Transitional Encampments” in the Use Table.

Also, staff is proposing additional requirements, or indexed criteria, the applicant will have to comply with when applying for a transitional encampment.

Applicable code sections:
20.40.120 – Residential uses.
20.40.535 – Transitional Encampment (Tent city).

Development Code Updates

There are two amendments proposed by staff and one amendment privately initiated under this topic.

There was a privately initiated amendment to allow lots under the minimum lot size if the City requires land be dedicated for City facilities in accordance with SMC 20.70.

Staff is proposing to raise the threshold for short subdivisions from 4 lots to 9 lots in the mixed-use residential zones (MUR). Staff is also proposing to change a minor error in the adequate streets section of the Development Code.

Applicable code sections:
20.30.380 – Subdivision categories.
20.50.020 – Dimensional requirements.
20.60.140 – Adequate streets.

Discussion and Analysis

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

If the Commission agrees that the amendments proposed tonight should go forward, staff will add them to the amendments listed in Parts 1 and 2. Part 1, 2, and 3 will be combined for the public hearing on all of the proposed Development Code amendments noticed for October 1.

SEPA and Public Notice

SEPA review has not been completed for these amendments. Staff will begin SEPA analysis and issue a determination on Parts 1, 2, and 3 before the Commission's October 1 public hearing. Additionally, staff will provide a notice of public hearing on September 16 which will provide the public adequate notice of the hearing.

Schedule

May 7 – Planning Commission Study Session – Part 1
June 4 – Planning Commission Study Session – Part 2
September 3 – Planning Commission Study Session – Part 3
October 1 – Planning Commission Public Hearing
November 16 – City Council Study Session
December 14 –City Council Adoption

Attachments

Attachment 1 – Proposed Part 3 of the 2015 Development Code Amendments
Attachment 2 – Proposed Parts 1 and 2 of the 2015 Development Code Amendments
Attachment 3 – Privately Initiated Application for Development Code Amendment
Attachment 4 – Staff Report to Council on August 3, 2015 for Permit Fee Waiver for Affordable Housing.
Attachment 5 – Examples of Jurisdictions with Building Permit Fee Waivers

TOPICS:

FEE WAIVER

Amendment #1
20.30.100 Application.

Justification for amendments 1, 2, and 3- Both staff and members of the City Council have expressed an interest in developing a provision to waive building and development fees as one element of the City's overall strategy to encourage the development and maintenance of affordably priced housing in Shoreline. Overall, the intent of a fee waiver is to encourage and support the development of affordably priced housing. By enacting a fee waiver program the City can achieve three general objectives:

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

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

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

Council discussed implementing a building permit fee waiver on August 3. The Council was receptive to the idea and directed staff to bring a proposal to Commission. ***Attachment 4*** *of this staff report is the Council staff report from August 3, 2015.*

The Council instructed staff to evaluate what other jurisdictions are doing to incentivize the development of affordable housing. The Housing Development Consortium provided this analysis during the development of the 185th Street Light Rail Station Subarea Plan. ***Attachment 5*** *includes a comparison of other jurisdictions that waive permit fees for*

affordable housing. The attachment shows that Kirkland, Issaquah, and Redmond offer reduced permit fees and/or impact fee waivers for affordable housing.

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

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

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

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

SMC 20.30.100
A. Who may apply:

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

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

At a minimum, each application shall include:

1. An application form with the authorized signature of the applicant.

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

Amendment #2
20.40.230 Affordable housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment #3
20.40.235 Affordable housing, light rail station subareas.

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

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

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

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

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

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

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

	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
	less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 50% or less of the median income for King County adjusted for household size.	County adjusted for household size.		
2+ bedrooms	20% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.	20% of the rental units shall be affordable to households making 80% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size.		

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

3. **Catalyst Program.** The first 300 multifamily units constructed for rent or sale in any MUR zone may be eligible for an eight-year property tax exemption with no affordability requirement in exchange for the purchase of transfer of development right (TDR) credits

at a rate of one TDR credit for every four units constructed upon authorization of this program by City Council.

...

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

1. **Payment in Lieu of Constructing Mandatory Affordable Units.** Payments in lieu of constructing mandatory affordable housing units (when available) is subject to the following requirements:

a. The in-lieu fee is set forth in Chapter 3.01 SMC, Fee Schedules. Fees shall be determined at the time the complete application for a building permit is submitted using the fee then in effect.

b. The fee shall be due and payable prior to issuance of any certificate of occupancy for the project.

c. The City shall establish a housing program trust fund and all collected payments shall be deposited in that fund.

2. Any request for alternative compliance shall demonstrate all of the following:

a. Include a written application specifying:

i. The location, type and amount of affordable housing; and

ii. The schedule for construction and occupancy.

b. If an off-site location is proposed, the application shall document that the proposed location:

i. Is within a one-mile radius of the project or the proposed location is equal to or better than providing the housing on site or in the same neighborhood;

ii. Is in close proximity to commercial uses, transit and/or employment opportunities.

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

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

affordable housing on the housing receiving site. (Ord. 706 § 1 (Exh. A), 2015).

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

PREPARING FOR SOUND TRANSIT

Amendment #4
20.20.034 M definitions.

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

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

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

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

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

Amendment #5

20.30.355 Development agreement (Type L).

Justification – This amendment adds when certain uses must submit a Development Agreement application. The Development Code currently requires that a light rail transit system/facility is required to obtain a Development Agreement permit in the MUR zones. The code does not specify when the permit needs to be applied for.

Sound Transit's approach for permitting includes the City and other agencies with permitting jurisdiction performing reviews of the architectural and engineering designs at the 30%, 60% and 90% completion phases. Ideally there should be no major design or engineering changes after the 90% phase. In fact, development costs need to be accurate soon after the 60% phase to keep the Lynnwood Link Extension Project on schedule. Sound Transit expects to be ready with 30% designs for the stations and garages in early 2016 (note: 30% engineering has been completed for the rail line). In addition to formal review and comment on the 30%, 60% and 90% design & engineering plans, Sound Transit will be submitting permits for demolitions, right-of-way use and site development, lot line adjustments/mergers, site development, building, and clearing and grading. Staff recommends that the Development Agreement be in place early in the design and engineering schedule. This will help ensure that the outcomes of the Development Agreement process are incorporated into the design and engineering of the light rail system/facilities projects without causing delay for the Lynnwood Link Extension.

Staff is recommending that Sound Transit apply for the Development Agreement Permit no sooner than 30 percent design and no later than 60 percent (60%) design. Staff chose these thresholds since the project at 30 percent design is complete enough to evaluate and the project at 60 percent is the mark that the Sound Transit Board moves toward "baselining" the costs for the project. Baselining means that a particular project is approved by the Board to be built.

SMC 20.30.355
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 or authorized agent with any additional related information as determined by the Director. A Development Agreement application must be submitted by a regional transit authority proposing a light rail transit system/ facility no sooner than 30 percent design and no later than 60 percent design completion. After staff review and SEPA compliance, the Planning Commission shall conduct a public hearing on the application. The Planning Commission shall then make a recommendation to the City Council pursuant to the criteria set forth in subsection C of this section and the applicable goals and policies of the Comprehensive Plan. 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 this subsection E, the 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.

Amendment #6
20.40.060 Zoning map and zone boundaries.

Justification – This Development Code amendment will establish the which development standards apply to State and City ROW and property owned or under the control of Sound Transit intended to be developed with light rail transit system/facilities.

The Development Code is unclear as to how a use within the right-of-way is regulated. SMC 20.40.060(C)(1) speaks to non-road-related uses being allowed and shall meet the same zoning requirements regulating the property owners lot. This provision does not work with Sound Transit's project as Sound Transit's project is a road-related use. Also, the adjacent zoning along Sound Transit's entire project throughout the City is a mix of single-family and non-single family zoning. The provision of allowing for a Development Agreement is necessary since undoubtedly there will be development standards that do not apply to the development of the light rail system/facilities or could even preclude the development of light rail system/facilities if applied strictly. These standards were largely written to address typical types of development (apartments, mixed use buildings).

This proposed amendment will allow the City to regulate Sound Transit's project without having to rezone of the right-of-way throughout the City.

SMC 20.40.060
A. The location and boundaries of zones defined by this chapter shall be shown and delineated on the official zoning map(s) of the City, which shall be maintained as such and which are hereby incorporated by reference as a part of this Code.

B. Changes in the boundaries of the zones, shall be made by ordinance adopting or amending a zoning map.

C. Where uncertainty exists as to the boundaries of any zone, the following rules shall apply:

1. Where boundaries are indicated as paralleling the approximate centerline of the street right-of-way, the zone shall extend to each adjacent boundary of the right-of-way. Non-road-related uses by adjacent property owners, if allowed in the right-of-way, shall meet the same zoning requirements regulating the property owners' lots;

2. Where boundaries are indicated as approximately following lot lines, the actual lot lines shall be considered the boundaries;

3. Where boundaries are indicated as following lines of ordinary high water, or government meander line, the lines shall be considered to be the actual boundaries. If these lines should change the boundaries shall be considered to move with them; and

4. If none of the rules of interpretation described in subsections (C)(1) through (3) apply, then the zoning boundary shall be determined by map scaling.

D. Classification of Rights-of-Way.

1. Except when such areas are specifically designated on the zoning map as being classified in one of the zones provided in this title, land contained in rights-of-way for streets or alleys, or railroads, shall be considered unclassified.

2. When a light rail transit system/facility is allowed within the City's, State's, or regional transit provider's Rights-of-Way or property:

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

SMC 20.50.020(2) - Dimensional standards of the MUR-70' Zone;

SMC 20.50.220 through 20.50.250 – Commercial design standards;

SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards;

SMC 20.50.380 through 20.50.440 – Parking, access, and circulation;

SMC 20.50.450 through 20.50.520 - Landscaping;

SMC 20.50.530 through 20.50.610 – Signs for the MUR-70' Zone;

SMC 20.060 Adequacy of Public Facilities;

SMC 20.070 Engineering and Utilities Development Standards; and

SMC 20.080 Critical Areas.

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

SMC 20.50.290 through 20.50.370 – Tree conservation, and clearing and site grading standards; and

SMC 20.50.450 through 20.50.520 – Landscaping;

SMC 20.60 Adequacy of Public Facilities;

SMC 20.70 Engineering and Utilities Development Standards; andSMC 20.80 Critical Areas.

c. An applicant may modify the required development standards in 20.40.060(D)(2)(a) and (b) with a Development Agreement as described in SMC 20.30.355.

3. ~~2.~~ Within railroad rights-of-way, allowed uses shall be limited to tracks, signals or other operating devices, movement of rolling stock, utility lines and equipment, and facilities accessory to and used directly for the delivery and distribution of services to abutting property.

4. ~~3.~~ Where such right-of-way is vacated, the vacated area shall have the zone classification of the adjoining property with which it is merged.

Amendment #6
20.40.438 Light rail transit system/facility.

Justification – Staff is proposing the following five plans and a study be required when developing a light rail transit system/facility to mitigate the long term impacts during and after construction of the system/facilities.

The Construction Management Plan (CMP) will be required when Sound Transit applies for a Development Agreement. The CMP will regulate things such as noise attenuation for tools, machinery, and other things that create noise. Hours of operation, construction haul routes, sanitary facilities, lighting, construction debris, dust, are some of the items the CMP will address.

A Parking Management Plan will be required when Sound Transit applies for a Development Agreement. The PMP should address mitigations for unintended consequences of building a parking garage in a predominately single-family neighborhood. PMP's should address spill-over parking from the parking garage, residential protection zones, parking enforcement, education, commuter incentives, and opportunities for shared parking agreements.

The Multi-Modal Access Improvement Plan (AIP) will show improvements, or mitigations, that Sound Transit will be building on a map. The AIP will include improvements such as sidewalks, bike lanes, and traffic calming measures generally within ¼ mile of the light rail station and garage.

A Neighborhood Traffic Plan is necessary to access and provide mitigation for traffic impacts to neighborhood streets caused by increased traffic to and from the light rail stations.

A Traffic Impact Analysis is required for each light rail station as specified in the City of Shoreline Engineering Development Manual as the new stations are expected to generate more than 20 trips.

SMC 20.40.438
A light rail transit system/facility shall be approved through a Development Agreement as specified in SMC 20.30.355 and shall additionally include the items below:

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

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

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

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

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

Amendment #7
20.50.240 Site design.

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

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

SMC 20.50.240
F. **Public Places.**
1. Public places are required for the commercial portions of development at a rate of four square feet of public place per 20 square feet of net commercial floor area up to a public place maximum of 5,000 square feet. This requirement may be divided into smaller public places with a minimum 400 square feet each.

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

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

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

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

a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;
b. Pedestrian access to abutting buildings;
c. Pedestrian-scaled lighting (subsection H of this section);
d. Seating and landscaping with solar access at least a portion of the day; and
e. Not located adjacent to dumpsters or loading areas;
f. Amenities such as public art, planters, fountains, interactive public amenities, hanging baskets, irrigation, decorative light fixtures, decorative paving and walkway treatments, and other items that provide a pleasant pedestrian experience along arterial streets.

<u>g. Publically accessible water and electrical power supply shall be supplied at high capacity transit centers and stations and associated parking.</u>

Amendment #8
20.50.320 Specific activities subject to the provisions of this subchapter.

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

light rail development's responsibility to protect or replace vegetation on adjoining property especially trees that become hazardous after being exposed due to tree removal and construction on Sound Transit property.

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

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

B. The construction of a regional transportation system/ facility when wholly or partially within the City of Shoreline.

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

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

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

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

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

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

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

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

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

L. ~~K.~~ Any construction involving installation of private storm drainage pipes 12 inches in diameter or larger.
M. ~~L.~~ Any modification of or construction which affects a stormwater quantity or quality control system. (Does not include maintenance or repair to the original condition.)

N. ~~M.~~ Applicants for forest practice permits (Class IV – general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a clearing and grading

permit. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal.

AMENDMENT #9

SMC 20.50.330

Project Review and Approval

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

20.50.330 Project review and approval. SHARE

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

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

2. Providing a hazardous tree assessment;

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

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

Amendment #10
20.50.350 Development standards for clearing activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

10. Remaining trees that are susceptible to windfall should be removed as potentially hazardous.

Figure 20.50.350(D): Example of the application of tree retention site design standards. Appropriate retention of a cluster of trees on a slope and frontage trees are shown above. Inappropriate retention of scattered single trees and trees near structures are shown below.

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

Amendment #11
20.50.360 Tree replacement and site restoration.

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

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

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

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

1. One existing significant tree of eight inches in diameter at breast height for conifers or 12 inches in diameter at breast height for all others equals one new tree.
2. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.

3. Minimum size requirements for trees replaced under this provision: deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.
4. Tree replacement by utility or light rail transit corridors on adjoining properties where tree removal is necessary to meet requirements in 20.50.350(D) or as a part of the anticipated development shall be at the same ratios in C. 1, 2, and 3 above with a minimum tree size of 12 feet in height.

Exception 20.50.360(C):

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

2. The Director may allow a reduction in the minimum replacement trees required or off-site planting of replacement trees if all of the following criteria are satisfied:
There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.
Strict compliance with the provisions of this Code may jeopardize reasonable use of property.
Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.
The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

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

D. The Director may require that a portion of the replacement trees be native species in order to restore or enhance the site to predevelopment character.

E. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.

F. Replacement of removed trees with appropriate native trees at a ratio determined by the Director will be required in critical areas.

G. The Director may consider smaller-sized replacement plants if the applicant can demonstrate that smaller plants are more suited to the species, site conditions, and to the purposes of this subchapter, and are planted in sufficient quantities to meet the intent of this subchapter.

H. All required replacement trees and relocated trees shown on an approved permit shall be maintained in healthy condition by the property owner throughout the life of the project, unless otherwise approved by the Director in a subsequent permit.

I. Where development activity has occurred that does not comply with the requirements of this subchapter, the requirements of any other section of the Shoreline Development Code, or approved permit conditions, the Director may require the site to be restored to as near preproject original condition as possible. Such restoration shall be determined by the Director and may include, but shall not be limited to, the following:

1. Filling, stabilizing and landscaping with vegetation similar to that which was removed, cut or filled;

2. Planting and maintenance of trees of a size and number that will reasonably assure survival and that replace functions and values of removed trees; and

3. Reseeding and landscaping with vegetation similar to that which was removed, in areas without significant trees where bare ground exists.

J. Significant trees which would otherwise be retained, but which were unlawfully removed or damaged or destroyed through some fault of the applicant or their representatives shall be replaced in a manner determined by the Director.

K. Performance Assurance.

1. The Director may require a performance bond for tree replacement and site restoration permits to ensure the installation of replacement trees, and/or compliance with other landscaping requirements as identified on the approved site plans.

2. A maintenance bond shall be required after the installation of required site improvements and prior to the issuance of a certificate of occupancy or finalization of permit and following required landscape installation or tree replacement. The maintenance bond and associated agreement shall be in place to ensure adequate maintenance and protection of retained trees and site improvements. The maintenance bond shall be for an amount not to exceed the estimated cost of maintenance and protection measures for a minimum of 36 months or as determined by the Director.

3. The Director shall exempt individual single-family lots from a maintenance bond.

L. Monitoring. The Director may require submittal of periodic monitoring reports as necessary to ensure survival of replacement trees. The contents of the monitoring report shall be determined by the Director.

M. Discovery of Undocumented Critical Areas. The Director may stop work authorized by a clearing and grading permit if previously undocumented critical areas are discovered on the site. The Director has the authority to require additional studies, plans and mitigations should previously undocumented critical areas be found on a site.

Amendment #12
20.50.370 Tree protection standards.

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

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

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

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

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

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

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

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

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

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

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

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

TRANSITIONAL ENCAMPMENTS

Amendment #13
20.40.120 Residential uses.

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

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
RESIDENTIAL GENERAL									
	Accessory Dwelling Unit	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Affordable Housing	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Apartment		**C**	**P**	**P**	**P**	**P**	**P**	**P**
	Duplex	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**			
	Home Occupation	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Manufactured Home	**P-i**	**P-i**	**P-i**	**P-i**				
	Mobile Home Park	**P-i**	**P-i**	**P-i**	**P-i**				

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Single-Family Attached	**P-i**	**P**	**P**	**P**	**P**			
	Single-Family Detached	**P**	**P**	**P**	**P**				
GROUP RESIDENCES									
	Boarding House	**C-i**	**C-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
	Community Residential Facility-I	**C**	**C**	**P**	**P**	**P**	**P**	**P**	**P**
	Community Residential Facility-II		**C**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
721310	Dormitory		**C-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
TEMPORARY LODGING									
721191	Bed and Breakfasts	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**
72111	Hotel/Motel						**P**	**P**	**P**
	Recreational Vehicle	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
	Transitional Encampment ~~Tent City~~	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**	**P-i**

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

Amendment #14

20.40.535 Transitional Encampment ~~Tent city~~.

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

A. Allowed only by temporary use permit.

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

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

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

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

DEVELOPMENT UPDATES

Amendment #15
20.30.380 Subdivision categories.

Justification – This amendment would raise the thresholds for short plats in the mixed-use residential zones. Currently, the threshold for short plats throughout the entire city is limited to four. Staff is proposing that the limit be raised to nine lots in the MUR zones. Nine lots is the maximum allowed by the State for a short subdivision (RCW 58.17.020(6)).

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

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

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

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

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

Staff is recommending that a nine lot short plat be allowed only in the MUR zones for the following reasons:

- *The Council, through the Comprehensive Plan and 185th Street Station Subarea Plan, has made it clear that growth and density should be focused to areas such as future light rail stations.*
- *The City allows multiple homes to be developed on one lot. The City expects to see a number of properties in the station areas redeveloped with multiple townhomes and rowhomes on one lot. A developer can build six homes on one lot with a building permit through an administrative process. If the developer subdivided those same six homes then that action would involve a public hearing at the Hearing Examiner with final approval by the City Council.*
- *The City will begin to see new multifamily structures being developed in the MUR zones. These developments may be sold as condominiums (many units on one lot) or as fee simple townhomes (one unit per small lot). The City does not regulate how a property is owned.*
- *Most property, outside of the MUR zones, which are likely to be subdivided, does not have enough lot area to subdivide into more than four lots. In the R-4 and R-6 zones, the typical subdivision is two lots. This is because most of the R-4 and R-6 zones are developed and new platting is infill development. Raising the thresholds for a short plat in the single-family zones is not warranted at this time.*

A. Lot Line Adjustment: A minor reorientation of a lot line between existing lots to correct an encroachment by a structure or improvement to more logically follow topography or other natural features, or for other good cause, which results in no more lots than existed before the lot line adjustment.

B. Short Subdivision: A subdivision of four or fewer lots. A short subdivision is defined as 9 or fewer lots in the MUR zones.

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

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

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

Amendment # 16
20.50.020 Dimensional requirements.

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

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

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

20.50.020 Dimensional requirements.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.

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

Residential Zones								
STANDARDS	**R-4**	**R-6**	**R-8**	**R-12**	**R-18**	**R-24**	**R-48**	**TC-4**
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft	30 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft

	(35 ft with pitched roof)	(35 ft with pitched roof)			(40 ft with pitched roof)	(40 ft with pitched roof)	(40 ft with pitched roof) (8)	
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

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

(1) Repealed by Ord. 462.

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

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

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

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

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

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

(8) For development on R-48 lots abutting R-12, R-18, R-24, R-48, NB, CB, MB, CZ and TC-1, 2 and 3 zoned lots the maximum height allowed is 50 feet and may be increased to a maximum of 60 feet with the approval of a conditional use permit.

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

(10) Dimensional standards in the MUR-70' zone may be modified with an approved development agreement.

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

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

(13)The minimum lot area may be reduced if dedication of facilities to the City as defined in SMC 20.70 are required. of . In no case shall the minimum lot area be less than 5,000 square feet in the R-4 and R-6 zones.

SMC 20.50.020

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

Amendment #17
20.60.140 Adequate streets.

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

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

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

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

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

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

DEVELOPMENT CODE AMENDMENT BATCH 2015

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Amendment #
20.20.016 D definitions

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

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

Amendment #
20.30.040 Ministerial decisions – Type A.

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

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

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

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

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

Action Type	**Target Time Limits for Decision (Calendar Days)**	**Section**
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430

11. Deviation from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.30.295 ~~20.40.100~~
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Administrative Design Review	28 days	20.30.297
15. Floodplain Development Permit	30 days	13.12.700
16. Floodplain Variance	30 days	13.12.800

An administrative appeal authority is not provided for Type A actions, except that any Type A action which is not categorically exempt from environmental review under Chapter 43.21C RCW or for which environmental review has not been completed in connection with other project permits shall be appealable. Appeal of these actions together with any appeal of the SEPA threshold determination is set forth in Table 20.30.050(4).

Amendment #
20.30.110 Determination of completeness & requests for additional information.

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

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

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

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

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

Amendment #

20.30.280(C)(4) – Nonconformance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. Amendment Procedures

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

2. Deadline for Submittal.

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

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

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

3. Application Requirements.

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

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

4. Preliminary Docket Review

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

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

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

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

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

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

5. Final Docket Review

a. The Department shall review and assess the items placed on the final docket and prepare a staff report(s) including recommendations for each proposed amendment. The Department shall be responsible for developing an environmental review of the combined impacts of all proposed amendments on the final docket, except, the environmental review of amendments seeking a site-specific amendment shall be the responsibility of the applicant. The Department shall set a date for consideration of the final docket by the Planning Commission and timely transmit the staff report(s) and the Department's recommendation prior to the scheduled date.

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

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

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

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

~~The City of Shoreline's process for accepting and reviewing Comprehensive Plan amendments for the annual docket shall be as follows:~~
~~1. Amendment proposals will be accepted throughout the year. The closing date for the current year's docket is the last business day in December.~~
~~2. Anyone can propose an amendment to the Comprehensive Plan.~~
~~• There is no fee for submitting a general text amendment to the Comprehensive Plan.~~
~~• An amendment to change the land use designation, also referred to as a site specific Comprehensive Plan amendment, requires the applicant to apply for a rezone application to be processed in conjunction with the Comprehensive Plan amendment. There are separate fees for a site specific CPA request and a rezone application.~~
~~3. At least three weeks prior to the closing date, there will be general public dissemination of the deadline for proposals for the current year's docket. Information will include a staff contact, a re-statement~~

~~of the deadline for accepting proposed amendments, and a general description of the amendment process. At a minimum, this information will be available on the City's website and through a press release.~~
~~4. Amendment proposals will be posted on the City's website and available at the Department.~~
~~5. The draft docket will be comprised of all Comprehensive Plan amendment applications received prior to the deadline.~~
~~6. The Planning Commission will review the draft docket and forward recommendations to the City Council.~~
~~7. A summary of the amendment proposals will be made available, at a minimum, on the City website, in Currents, and through a press release.~~
~~8. The City Council will establish the final docket at a public meeting.~~
~~9. The City will be responsible for developing an environmental review of combined impacts of the proposals on the final docket. Applicants for site specific Comprehensive Plan amendments will be responsible for providing current accurate analysis of the impacts from their proposal.~~
~~10. The final docketed amendments will be reviewed by the Planning Commission in publicly noticed meetings.~~
~~11. The Commission's recommendations will be forwarded to the City Council for adoption. (Ord. 695 § 1 (Exh. A), 2014; Ord. 591 § 1 (Exh. A), 2010; Ord. 238 Ch. III § 7(f), 2000).~~

Amendment #
20.30.355 Development Agreement (Type L).

Justification – The planned light rail station and parking garage will generate auto, transit, bicycle, and pedestrian trips. The City's Arterial Streets around the light rail stations may be insufficient to safely move people to and from the stations, specifically pedestrians and bicycles. When Sound Transit submits an application for a Development Agreement to permit the station and garage (which they are required to do), one of the criteria for approval should be sufficient accommodation for pedestrians and bicyclist. This amendment accompanies amendment number 19.

A. **Purpose.** To define the development of property in order to implement framework goals to achieve the City's adopted vision as stated in the Comprehensive Plan. A development agreement is permitted in all zones and may modify development standards contained in Chapter 20.50 SMC. A development agreement in the MUR-70' zone may be approved to allow increased development potential above the zoning requirements in Chapter 20.50 SMC.

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

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

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

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

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

5. Affordable housing units;

6. Parks and open space preservation;

7. Phasing of development;

8. Review procedures and standards for implementing decisions;

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

10. Any other appropriate development requirement or procedure;

11. Preservation of significant trees; and

12. Connecting, establishing, and improving nonmotorized access.

C. **Decision Criteria.** A development agreement (general development agreement and development agreements in order to increase height above 70 feet) may be granted by the City only if the applicant demonstrates that:

1. The project is consistent with goals and policies of the Comprehensive Plan. If the project is located within a subarea plan, then the project shall be consistent with the goals and policies of the subarea plan.

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

3. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes)) that meet the City's adopted Level Of Service standards (as confirmed by the performance of a Transportation Impact Analysis) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed development agreement, then the applicant must identify a plan for funding their proportionate share of the improvements.

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

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

Amendment #
20.40.100 Purpose.

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

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

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

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

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

Amendment #
20.40.120 Residential uses

Justification – The City does not have a specific category for Microhousing even though the City allows and has permitted a microhousing project. The City now considers microhousing a type of apartment.

Analysis – The City adopted a definition for Microhousing as part of the 185th Street Light Rail Station Subarea Plan: Microhousing is defined as a structure that contains single room living spaces with a maximum floor area of 350 square feet. These spaces contain a private bedroom and may have private bathrooms and kitchenettes (microwaves, sink, and small refrigerator). Full scale kitchens are not included in the single room living spaces. These single room living spaces share a common full scale kitchen (stove, oven, full-sized or multiple refrigeration/freezers); and may share other common areas such as bathroom and shower/bath facilities and; recreation/eating space. The 185th Street Light Rail Station Subarea Plan also prohibited Microhousing within the Subarea.

Questions – Staff is recommending adding Microhousing as a use in the Mixed Business Zone only. The Mixed Business Zones are generally located on the Aurora Corridor and Ballinger Way NE where transit and amenities are present. The Mixed Business Zone allows like uses such as apartments, hotels/motels, and boarding homes. Should Microhousing be included in other zones throughout the City? Just in the Mixed Business Zone, Not at all?

Staff has suggested Microhousing be outright permitted in the Mixed Business Zone. The use could include indexed criteria, or conditions, that could accompany the use such as greater design requirements, a parking management plan approved by the Department, the requirement of storage space, and the limitation of people occupying a unit. Should Microhousing be listed as a permitted use ("P") or as a permitted use with criteria ("P-I") in the use table?

Table 20.40.120 Residential Uses

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

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4-R6	R8-R12	R18-R48	TC-4	NB	CB	MB	TC-1, 2 & 3
	Accessory Dwelling Unit	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Apartment		C	P	P	P	P	P	P
	Duplex	P-i	P-i	P-i	P-i	P-i			
	Home Occupation	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
	Manufactured Home	P-i	P-i	P-i	P-i				
	Microhousing							P	
	Mobile Home Park	P-i	P-i	P-i	P-i				
	Single-Family Attached	P-i	P	P	P	P			
	Single-Family Detached	P	P	P	P				
GROUP RESIDENCES									
	Boarding House	C-i	C-i	P-i	P-i	P-i	P-i	P-i	P-i
	Community Residential Facility-I	C	C	P	P	P	P	P	P
	Community Residential Facility-II		C	P-i	P-i	P-i	P-i	P-i	P-i
721310	Dormitory		C-i	P-i	P-i	P-i	P-i	P-i	P-i
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
	Tent City	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
MISCELLANEOUS									
	Animals, Small, Keeping and Raising	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i

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

Amendment #
20.40.140 Other uses.

Justification – Hospitals and medical offices should be excluded as a conditional use in the lower density residential zones. First, Shoreline has available commercial property for such uses to locate. The Commission believes that in order to create a vibrant city, commercial uses should be located together in the commercial center. Second, the City's home occupation rules allows a property owner to do medical

related industry from the home (dental molds, transcription, etc.) without the need for a medical office for clients.

Table 20.40.140 Other Uses

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

Table 20.40.140 Other Uses

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

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

Amendment #

20.40.150 Campus uses.

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

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
513	Broadcasting and Telecommunications	P-m			P-m
	Bus Base	P-m			P-m
	Child and Adult Care Services	P-m	P-m		P-m
	Churches, Synagogue, Temple	P-m	P-m		
6113	College and University				P-m
	Conference Center	P-m			P-m
6111	Elementary School, Middle/Junior, High School	P-m			
	Food Storage, Repackaging, Warehousing and Distribution		P-m		
	Fueling for On-Site Use Only		P-m		P-m
	Home Occupation	P-i	P-i		
	Housing for Disabled Persons	P-m	P-m		

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

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

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

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

Justification – There are two amendments proposed to Table 20.40.160. The first amendment will prevent a facility like the Washington State Health Lab from being constructed in the MUR zones. The Public Health Lab is categorized as a Biosafety Level (BSL) 3 level laboratory by the Centers for Disease

Control (CDC). It was Council's direction to allow research and development within the MUR-70' Zone but not allow some of the uses that happen at the Public Health Lab. By limiting a proposed research, development, and/or testing facility to a BSL 1 or 2, any medical office, health care use as well as testing that does not involve the most noxious of materials could open within the light rail station area.

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

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

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

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

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

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

20.40.160 Station area uses.

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	**P-i**	**P-i**	**P-i**
	Affordable Housing	**P-i**	**P-i**	**P-i**
	Apartment	**P**	**P**	**P**
	Bed and Breakfast	**P-i**	**P-i**	**P-i**

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Boarding House	**P-i**	**P-i**	**P-i**
	Duplex, Townhouse, Rowhouse	**P-i**	**P-i**	**P-i**
	Home Occupation	**P-i**	**P-i**	**P-i**
	Hotel/Motel			**P**
	Live/Work	**P (Adjacent to Arterial Street)**	**P**	**P**
	Microhousing			
	Single-Family Attached	**P-i**	**P-i**	**P-i**
	Single-Family Detached	**P-i**		
	Tent City	**P-i**	**P-i**	**P-i**
COMMERCIAL				
	Book and Video Stores/Rental (excludes Adult Use Facilities)	**P (Adjacent to Arterial Street)**	**P (Adjacent to Arterial Street)**	**P**
	Collective Garden			
	House of Worship	**C**	**C**	**P**
	Daycare I Facilities	**P**	**P**	**P**
	Daycare II Facilities	**P**	**P**	**P**
	Eating and Drinking Establishment (Excluding Gambling Uses)	**P-i (Adjacent to Arterial Street)**	**P-i (Adjacent to Arterial Street)**	**P-i**
	General Retail Trade/Services	**P-i (Adjacent to Arterial Street)**	**P-i (Adjacent to Arterial Street)**	**P-i**
	Individual Transportation and Taxi			**P -A**
	Kennel or Cattery			**C -A**
	Mini-Storage		**C -A**	**C -A**
	Professional Office	**P-i (Adjacent to Arterial Street)**	**P-i (Adjacent to Arterial Street)**	**P**
	Research, Development and Testing			**P-i**
	Veterinary Clinic and Hospital			**P-i**
	Wireless Telecommunication Facility	**P-i**	**P-i**	**P-i**
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION				
	Amusement Arcade		**P -A**	**P -A**
	Bowling Center		**P-i (Adjacent to Arterial Street)**	**P**
	College and University			**P**
	Conference Center		**P-i (Adjacent to Arterial Street)**	**P**

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Elementary School, Middle/Junior High School	**C**	**C**	**P**
	Library		**P-i (Adjacent to Arterial Street)**	**P**
	Museum		**P-i (Adjacent to Arterial Street)**	**P**
-	~~Outdoor Performance Center~~	-	~~**P -A**~~	~~**P -A**~~
	Parks and Trails	**P**	**P**	**P**
	Performing Arts Companies/Theater (excludes Adult Use Facilities)		**P -A**	**P -A**
	School District Support Facility		**C**	**C**
	Secondary or High School	**C**	**C**	**P**
	Specialized Instruction School		**P-i (Adjacent to Arterial Street)**	**P**
	Sports/Social Club		**P-i (Adjacent to Arterial Street)**	**P**
	Vocational School		**P-i (Adjacent to Arterial Street)**	**P**
GOVERNMENT				
	Fire Facility		**C-i**	**C-i**
	Police Facility		**C-i**	**C-i**
	Public Agency Office/Yard or Public Utility Office/Yard	**S**	**S**	**S**
	Utility Facility	**C**	**C**	**C**
HEALTH				
	Hospital	**C**	**C**	**C**
	Medical Lab	**C**	**C**	**C**
	Medical Office/Outpatient Clinic		**P-i (Adjacent to Arterial Street)**	**P**
	Nursing and Personal Care Facilities		**P-i (Adjacent to Arterial Street)**	**P**
OTHER				
	Animals, Small, Keeping and Raising	**P-i**	**P-i**	**P-i**
	Light Rail Transit System/Facility	**P-i**	**P-i**	**P-i**
	Transit Park and Ride Lot		**S**	**P**
	Unlisted Uses	**P-i**	**P-i**	**P-i**

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
P = Permitted Use		C = Conditional Use		
S = Special Use		-i = Indexed Supplemental Criteria		
A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.				

(Ord. 706 § 1 (Exh. A), 2015).

20.40.496 Research, development, and testing

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

Amendment #

20.40.400 Home occupation

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

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

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

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

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

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

1. Automobile, truck and heavy equipment repair;
2. Auto body work or painting;
3. Parking and storage of heavy equipment; and
4. On-site metals and scrap recycling.

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

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

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

F. Sales shall be by appointment or limited to:

1. Mail order sales; and

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

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

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

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

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

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

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

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

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

3. Fluctuations in line voltage off premises; or

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

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

K. All home occupations must obtain a business license, consistent with Chapter 5.05 SMC.
Note: Daycares, community residential facilities, animal keeping, bed and breakfasts, and boarding houses are regulated elsewhere in the Code. (Ord. 631 § 1 (Exh. 1), 2012; Ord. 581 § 1 (Exh. 1), 2010; Ord. 352 § 1, 2004; Ord. 299 § 1, 2002; Ord. 238 Ch. IV § 3(B), 2000).

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

Justification – Hospitals: This amendment deletes the indexed criteria requirement for hospitals and medical offices to be located only as a re-use of a surplus nonresidential facility. Regarding Hospitals: The index criteria are very unusual. The City does not have a definition for a "surplus" nonresidential facility? Staff recommends that the reference to allowing hospitals only as a reuse of a surplus

nonresidential facility, 20.40.410(A) be deleted. SMC 20.40.410(A) applies to R-4 through R-48 zones; Town Center -4 and Neighborhood Business.

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

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

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

20.40.410 Hospital.

~~A. When located in residential, office and neighborhood business zones, allowed only as a re-use of a surplus nonresidential facility; and~~

B. No burning of refuse or hazardous waste; and

C. No outdoor storage when located in a residential zone. (Ord. 238 Ch. IV § 3(B), 2000).

20.40.450 Medical office/outpatient clinic.

A. ~~Only allowed in residential zones as a re-use of a public school facility or a surplus nonresidential facility; and~~

B. No outdoor storage when located in a residential zone. (Ord. 238 Ch. IV § 3(B), 2000).

Amendment #

20.50.020 Dimensional requirements.

Justification – Staff is aware of a few instances where property owners/developers have made financial decisions based on the number of lots/units achieved using the base density calculation. However, the site area can be reduced if property dedications are required. Property dedicated to the City as required in SMC 20.70.120 are deducted from the site area. Adding this language is intended to help alert property owners and developers of this possibility. Staff also explored the idea of allowing the "pre – dedication" site area to be used to determine base density. The issue with this concept is it would allow for the creation of substandard sized lots or exceeding maximum densities in some zones.

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

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

2. Fractions below 0.50 shall be rounded down.

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

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

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

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

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

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

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

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

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

Exceptions to Table 20.50.020(3):
(1) Front yards may be used for outdoor display of vehicles to be sold or leased.

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

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

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

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

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

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

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

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

- areas of the site or roof covered by *solar photovoltaic* arrays or *solar thermal* collectors
- intensive vegetative roofing systems.

Amendment #
20.50.240 Site design.

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

C. Site Frontage.

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

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

Amendment #
20.50.360 Tree replacement and site restoration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Table 20.50.390C – General Nonresidential Parking Standards

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

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

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Bowling center:	2 per lane
Houses of worship	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
Conference center:	1 per 3 fixed seats, plus 1 per 50 square feet used for assembly purposes without fixed seats, or 1 per bedroom, whichever results in the greater number of spaces
Construction and trade:	1 per 300 square feet of office, plus 1 per 3,000 square feet of storage area
Courts:	3 per courtroom, plus 1 per 50 square feet of fixed-seat or assembly area

Table 20.50.390D – Special Nonresidential Standards

NONRESIDENTIAL USE	MINIMUM SPACES REQUIRED
Daycare I:	2 per facility, above those required for the baseline of that residential area
Daycare II:	2 per facility, plus 1 for each 20 clients
Elementary schools:	1.5 per classroom
Fire facility:	(Director)
Food stores less than 15,000 square feet:	1 per 350 square feet
Funeral home/crematory:	1 per 50 square feet of chapel area
Fuel service stations with grocery, no service bays:	1 per facility, plus 1 per 300 square feet of store
Fuel service stations without grocery:	3 per facility, plus 1 per service bay
Golf course:	3 per hole, plus 1 per 300 square feet of clubhouse facilities
Golf driving range:	1 per tee
Heavy equipment repair:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of indoor repair area
High schools with stadium:	Greater of 1 per classroom plus 1 per 10 students, or 1 per 3 fixed seats in stadium
High schools without stadium:	1 per classroom, plus 1 per 10 students
Home occupation:	In addition to required parking for the dwelling unit, 1 for any nonresident employed by the home occupation and 1 for patrons when services are rendered on site.
Hospital:	1 per bed
Middle/junior high schools:	1 per classroom, plus 1 per 50 students
Nursing and personal care facilities:	1 per 4 beds
Outdoor advertising services:	1 per 300 square feet of office, plus 0.9 per 1,000 square feet of storage

Table 20.50.390D – Special Nonresidential Standards

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

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

Justification – Parking requirements for microhousing units are not listed in the Development Code. Staff evaluated the parking requirements for other types of residential uses in the city and determined that .5 stalls per bed is a good place to start. The City currently requires .75 stalls for studio apartments and .5 stalls per unit for dorm rooms. Other cities in the region such as Redmond and Kirkland require .5 stalls per bed and Seattle requires 0 to 1 stall per unit (which could be up to 8-beds). The City currently has an

Administrative Order that establishes that parking for microhousing units at .5 parking stalls per bedroom. Please refer to Attachment 2 of the staff report.

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. 1.0 per dwelling unit in the MUR zones for single-family attached/townhouse dwellings.
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
Microhousing	.5 per bedroom
Mobile home park:	2.0 per dwelling unit

[1] Electric vehicle infrastructure requires that the site design must provide conduit for wiring and data, and associated ventilation to support the additional potential future electric vehicle charging stations pursuant to the most current edition of the National Electrical Code Article 625.

If the formula for determining the number of electric vehicle parking spaces results in a fraction, the number of required electric vehicle parking spaces shall be rounded to the nearest whole number, with fractions of 0.50 or greater rounding up and fractions below 0.50 rounding down.

Amendment #
20.50.400 Reductions to minimum parking requirements.

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

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

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

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

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

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

5. A h~~H~~igh-capacity transit service stop ~~available~~ within ¼ mile of the development property line with complete city approved curbs, sidewalks, and street crossings ~~a one-half mile walk shed~~.

6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.

7. City approved traffic calming or traffic diverting facilities to protect the surrounding single family neighborhoods within ¼ mile of the development. ~~Concurrence with King County Right Size Parking data, census tract data, and other parking demand study results.~~

~~8. The applicant uses permeable pavement on at least 20 percent of the area of the parking lot.~~
B. In the event that the Director approves reductions in the parking requirement, the basis for the determination shall be articulated in writing.

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

D. Reductions of up to 50 percent may be approved by Director for the portion of housing providing low-income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development.

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

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

Amendment #
20.50.410 Parking design standards.

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

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

Table 20.50.410F – Minimum Parking Stall and Aisle Dimensions

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

Notes:
* For compact stalls only
** Variable, with compact and standard combinations

Amendment #
20.50.410 Parking design standards.

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

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

B. All vehicle parking and storage for multifamily and commercial uses must be on a paved surface, pervious concrete or pavers. All vehicle parking shall be located on the same parcel or same

development area that parking is required to serve. Parking for residential units shall be assigned a specific stall until a parking management plan is submitted and approved by the Director.

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

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

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

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

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

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

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

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

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

Table 20.50.410F – Minimum Parking Stall and Aisle Dimensions

A	**B**	**C**	**D**	**E**		**F**	
Parking Angle	**Stall Width *(feet)***	**Curb Length *(feet)***	**Stall Depth *(feet)***	**Aisle Width *(feet)***		**Unit Depth *(feet)***	
				1-Way	**2-Way**	**1-Way**	**2-Way**
0	8.0* Min. 8.5 Desired 9.0	20.0* 22.5 22.5	8.0 8.5 9.0	12.0 12.0 12.0	20.0 20.0 20.0	** 29.0 30.0	** 37.0 38.0
30	8.0* Min. 8.5 Desired 9.0	16.0* 17.0 18.0	15.0 16.5 17.0	10.0 10.0 10.0	20.0 20.0 20.0	** 42.0 44.0	** 53.0 54.0

A	B	C	D	E		F	
45	8.0* Min. 8.5 Desired 9.0	11.5* 12.0 12.5	17.0*	12.0 12.0 12.0	20.0 20.0 20.0	** 50.0 51.0	** 58.0 59.0
60	8.0* Min. 8.5 Desired 9.0	9.6* 10.0 10.5	18.0 20.0 21.0	18.0 18.0 18.0	20.0 20.0 20.0	** 58.0 60.0	** 60.0 62.0
90	8.0* Min. 8.5 Desired 9.0	8.0* 8.5 9.0	16.0* 20.0 20.0	23.0 23.0 23.0	23.0 23.0 23.0	** 63.0 63.0	** 63.0 63.0

Notes:
* For compact stalls only. No more than 50 percent of the required minimum number of parking stalls may be compact spaces.
** Variable, with compact and standard combinations

Amendment #
SMC 20.50.430 Nonmotorized access and circulation

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

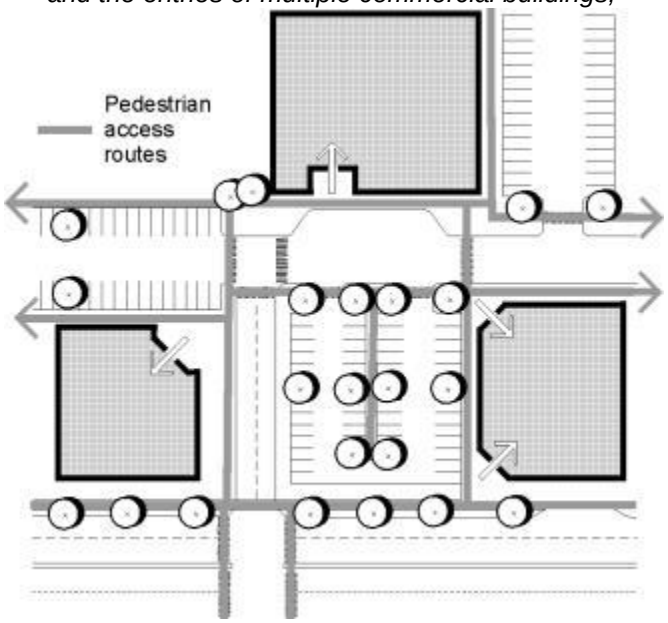
Delete SMC 20.50.430(A), SMC 20.50.430(B), SMC 20.50.430(C), and SMC 20.50.430(D) because SMC 20.50.180(B) and SMC 20.50.240(E) cover that requirement:

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

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

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

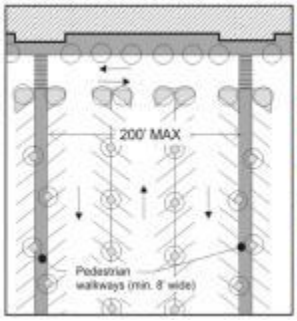
b. Continuous pedestrian walkways shall be provided along the front of all businesses and the entries of multiple commercial buildings;



Well-connected Walkways

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

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

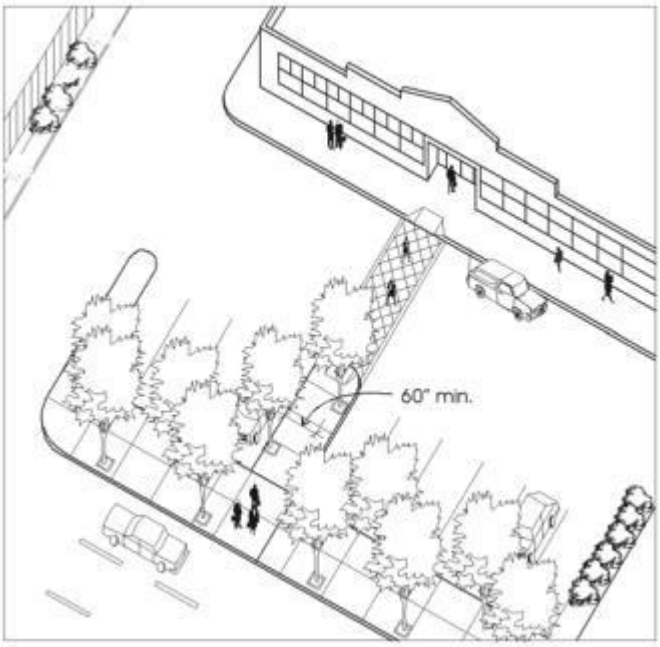


Parking Lot Walkway

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

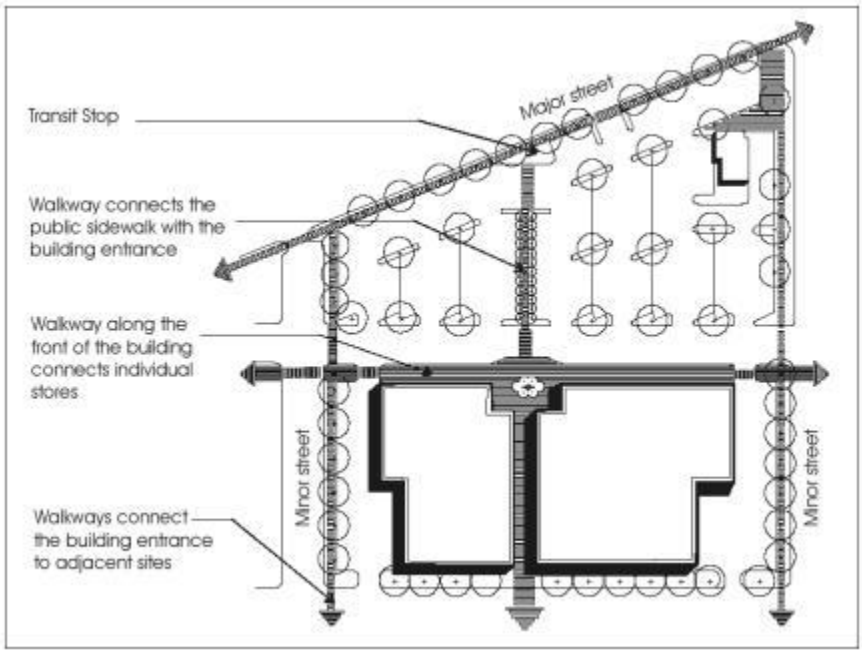
~~20.50.430 Nonmotorized access and circulation – Pedestrian access and circulation – Standards.~~
~~A. Commercial or residential structures with entries not fronting on the sidewalk should have a clear and obvious pedestrian path from the street front sidewalk to the building entry.~~
~~B. Pedestrian paths should be separate from vehicular traffic where possible, or paved, raised and well marked to clearly distinguish it as a pedestrian priority zone.~~

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



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

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



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

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

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

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

C. Street trees and landscaping must meet the standards for the specific street classification abutting the property as depicted in the Engineering Development Manual ~~Guide~~ including but not limited to size, spacing, and site distance. All street trees must be selected from the City-approved street tree list. (Ord. 581 § 1 (Exh. 1), 2010; Ord. 406 § 1, 2006; Ord. 238 Ch. V § 7(B-3), 2000).

Amendment #
20.60.140 Adequate streets.

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

Questions – Should Ped and Bike LOS be a requirement? If so, should it only apply in limited circumstances at first such as at the light rail station? Or should it apply to all projects over a certain threshold?

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

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

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

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

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

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

B. **Development Proposal Requirements.** All new proposals for development that would generate 20 or more new trips during the p.m. peak hour must submit a transportation impact analysis prepared by the applicant in accordance with the standards established in the City's Engineering Development Manual at the time of application. The estimate of the number of trips for a development shall be consistent with the most recent edition of the Trip Generation Manual, published by the Institute of Traffic Engineers.

1. The traffic impact analysis shall include, at a minimum, an analysis of the following:
a. An analysis of origin/destination trip distribution proposed;
b. The identification of any intersection that would receive the addition of 20 or more trips during the p.m. peak hour; and
c. An analysis demonstrating how impacted intersections could accommodate the additional trips and maintain the LOS standard.

2. If the traffic impact analysis identifies one or more intersections at which the adopted LOS standards are exceeded, the applicant shall mitigate the impacts in order to achieve and maintain the adopted LOS standard.

C. **Concurrency Requirement.** The City shall not issue a building permit until:
1. A concurrency test has been conducted and passed; or

2. The building permit has been determined to be one of the following that are exempt from the concurrency test:
a. Alteration or replacement of an existing residential structure that does not create an additional dwelling unit or change the type of dwelling unit.
b. Alteration or replacement of an existing nonresidential structure that does not expand the usable space or change the existing land use as defined in the land use categories as set forth in the impact fee analysis land use tables.
c. Miscellaneous improvements that do not generate increased need for public facilities, including, but not limited to, fences, walls, residential swimming pools, and signs.
d. Demolition or moving of a structure.
e. Any building permit for development that creates no additional impacts, insignificant and/or temporary additional impacts on any transportation facility, including, but not limited to:
i. Home occupations that do not generate any additional demand for transportation facilities;
ii. Special events permits;
iii. Temporary structures not exceeding a total of 30 days.
f. Any building permit issued to development that is vested to receive a building permit pursuant to RCW 19.27.095.

D. **Available Capacity for Concurrency.**
1. The City shall determine the available capacity for concurrency as of the effective date of the ordinance codified in this section and record it in the concurrency trip capacity balance sheet.

2. The City shall update the available capacity in the concurrency trip capacity balance sheet within 12 months of any of the events listed below:
a. Update or amendment of the City's transportation element as it relates to concurrency management.
b. Total traffic volume increases by 30 percent compared to traffic volume at the time the concurrency trip capacity balance sheet was created, or was updated with new data from the traffic model.
c. More than 50 percent of the available capacity in the most recent calculation of available capacity has been reserved as a result of concurrency tests conducted by the City.

3. If none of the events listed in subsection (D)(2) of this section occurs within seven years of the most recent calculation of the available capacity, the City will update the available capacity recorded in the concurrency trip capacity balance sheet.

4. Each update of available capacity in the concurrency trip capacity balance sheet shall carry forward the reservations of capacity for any building permits for development that has not been completed prior to the update of available capacity.

5. In order to monitor the cumulative effect of exemptions from the concurrency test on the available capacity, the City shall adjust the available capacity in the concurrency trip capacity balance sheet to record the number of p.m. peak hour trips generated by exempt building permits in the same manner as though a concurrency test had been performed for the exempt building permits.

E. **Concurrency Test.**

1. Each applicant for a building permit that is not exempt from the concurrency test as provided in subsection (C)(2) of this section shall submit the type of development to be constructed pursuant to the building permit, the number of square feet of each type of development, and the number of dwelling units.

2. The City shall perform a concurrency test for each application for a building permit that is not exempt from the concurrency test.

3. The concurrency test is passed if the number of trips from an applicant's proposed development is equal to or less than available capacity in the concurrency trip capacity balance sheet that has been adjusted to subtract reserved trips. If the concurrency test is passed the City shall record the concurrency test results in the concurrency trip capacity balance sheet in order to reduce the available capacity by the number of trips that will be generated by the applicant's development. The reservation of capacity shall be valid for the same time as the building permit for which it was reserved.

4. The concurrency test is not passed if the number of trips from an applicant's proposed development is greater than available capacity after it has been adjusted to subtract reserved trips. If the concurrency test is not passed, the applicant may select one of the following options:

a. Amend the application to reduce the number of trips generated by the proposed development; or

b. Provide system improvements or strategies that increase the City-wide available capacity by enough trips so that the application will pass the concurrency test; or

c. Appeal the denial of the application for a concurrency test, pursuant to the provisions of subsection H of this section.

5. The City shall conduct concurrency tests for multiple applications impacting the same portions of the transportation network/intersection chronologically in accord with the date each application was deemed complete pursuant to SMC 20.30.110.

6. A concurrency test, and any results, shall be administrative actions of the City that are categorically exempt from the State Environmental Policy Act.

F. **Reservation of Availability Capacity Results of Concurrency Test.**

1. Upon passage of a concurrency test, the City shall reserve capacity on behalf of the applicant in the concurrency trip capacity balance sheet.

2. A reservation of available capacity shall be valid for the same period as the approved building permit for which it was made, and may be extended according to the same terms and conditions as the underlying building permit.

3. A reservation of available capacity is valid only for the uses and intensities authorized for the building permit for which it is issued. Any change in use or intensity is subject to an additional concurrency test of the incremental increase in impact on transportation facilities.

4. A reservation of available capacity is nontransferable to another parcel of land or development proposal. A reservation of available capacity may be transferred to a subsequent purchaser of the land for the same uses and intensities.

5. A reservation of available capacity shall expire if the underlying building permit expires, the application or permit is withdrawn by the applicant, the permit is revoked by the City, application approval is denied by the City, or the determination of completeness expires.

G. **Fees.**
1. The City shall charge each applicant for a building permit that is not exempt from this section a concurrency test fee in an amount to be established by resolution by the City Council.

2. The City shall charge a processing fee to any individual that requests an informal analysis of capacity if the requested analysis requires substantially the same research as a concurrency test. The amount of the processing fee shall be the same as the concurrency test fee authorized by subsection (G)(1) of this section.

3. The fees authorized in subsection (G)(1) or (G)(2) of this section shall not be refundable, shall not be waived, and shall not be credited against any other fee.

H. **Appeals.** Determinations and decisions by the Director that are appealed by an applicant shall follow the procedures of Chapter 20.30 SMC for an Administrative Decision – Type B.

I. **Authority.** The Director of Public Works, or his/her designee, shall be responsible for implementing and enforcing the concurrency requirements of this chapter. The Director of the Department of Public Works is authorized to adopt guidelines for the administration of concurrency, which may include the adoption of procedural rules to clarify or implement the provisions of this section. (Ord. 689 § 1 (Exh. A), 2014; Ord. 615 § 3, 2011; Ord. 581 § 1 (Exh. 1), 2010; Ord. 559 § 1, 2009; Ord. 238 Ch. VI § 4(A), 2000).

Amendment #
20.70.320 Frontage improvements.

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

Comprehensive Plan policy T35 provides that development regulations "require all commercial, multi-family and residential short plat and long plat developments to provide for sidewalks or separated all weather trails, or payment in-lieu of sidewalks." This policy provides clear direction relative to the types of projects that must install sidewalks aka frontage improvements. The authority for mitigation of the impacts on infrastructure for this level of development is provided in the Revised Code of Washington (RCW) and through the use of the City's substantive authority under SEPA. This policy was developed after the adoption of the Development Code and does not extend to individual single family dwellings.

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

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

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels; or
2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit.

3. For subdivisions;

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

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

Amendment #
20.80.060 Permanent field marking

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

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

This area has been identified as a <<INSERT TYPE OF CRITICAL AREA>> by the City of Shoreline. Activities, including clearing and grading, removal of vegetation, pruning, cutting of trees or shrubs, planting of nonnative species, and other alterations may be prohibited. Please contact the City of Shoreline Department of Planning & Community Development (206) 546-~~1811~~ 2500 for further information.

Amendment #
20.100.020 Aurora Square Community Renewal Area.

Justification – The CRA will amend specific standards of the Development Code. Those standards will include signage, transition, and frontage improvements. At this time, staff is only proposing to change the transition standards. The CRA is adjacent to three streets that are wider than the typical Shoreline street. Aurora Avenue, Westminster Way, and N 155th Street are all wider than 100 feet wide. The City's consultant on the CRA Planned Action studied three transition options and applied those options to four sites in the CRA. The results of that study are included as ***Attachment 3.*** *Staff believes that the regulations that apply specifically to the CRA should be all in one place of the code to make it less confusing.*

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

20.100.010 First Northeast Shoreline Recycling and Transfer Station Special District.
A. This chapter establishes the long-range development plans for the Shoreline Recycling and Transfer Station formerly referred to as the First Northeast Transfer Station Special District.

B. The development standards that apply to this special district were adopted by Ordinance No. 338 on September 9, 2003. A copy of the standards is filed in the City Clerk's office under Receiving Number 2346. (Ord. 507 § 4, 2008; Ord. 338 § 2, 2003).

20.100.020 Aurora Square Community Renewal Area

A. This chapter establishes the development regulations specific to the CRA.

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

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

Applicant for Amendment 20.50.020(1) Rick Crosby

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

Phone 206 914 1992 Email rick@carefreehomesinc.com

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

AMENDMENT PROPOSAL: Please describe your amendment proposal.

See attached

REASON FOR AMENDMENT: Please describe your amendment proposal.

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

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

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

Reason for Code Amendment

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

Decision Criteria Explanation

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

Amendment Will not adversely affect the public welfare.

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

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

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

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

PROBLEM/ISSUE STATEMENT:

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

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

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

RESOURCE/FINANCIAL IMPACT:

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

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

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

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

RECOMMENDATION

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

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

INTRODUCTION

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

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

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

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

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

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

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

BACKGROUND

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

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

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

DISCUSSION

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

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

Income Limits for the Waiver

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

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

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

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

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

Waiver Eligibility – All Developers or Not-for-Profits Only

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

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

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

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

Stand Alone or In Addition to Other Incentives

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

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

Table 1 – Affordable Housing Incentives

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

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

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

New Construction Only or Remodel/Renovation?

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

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

RESOURCE/FINANCIAL IMPACT

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

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

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

SUMMARY

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

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

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

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

RECOMMENDATION

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

ATTACHMENTS

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

HOUSING DEVELOPMENT consortium

East King County Cities: Incentive Zoning Programs

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

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

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

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

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