
Planning Commission Meeting Date: April 7, 2016

Agenda Item 7a

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Development Code Amendments – Light Rail System and Facilities Permitting Process and Applicable Regulations

DEPARTMENT: Planning & Community Development

PRESENTED BY: Rachael Markle, AICP, Director

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

INTRODUCTION

Light rail is on its way to Shoreline beginning service in 2023. Based on Sound Transit's latest schedule, permit review will begin as early as 2016.

The purpose of tonight's study session is to:

- Have a collaborative discussion with the Commission about proposed amendments;
- Respond to questions regarding the proposed amendments;
- Determine what amendments need more research/analysis;
- Identify if there is a need for additional amendments; and
- Develop a recommended set of Development Code amendments.

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

BACKGROUND

The Planning Commission spent multiple meetings discussing draft amendments regarding the land use entitlement process that will allow Sound Transit's development activities. The Planning Commission studied these amendments on September 3, 2015.

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On October 1, the Commission held a public hearing on the draft amendments and it was at this meeting staff recommended removing Sound Transit related amendments to be brought back at a later date.

Staff returned to the Planning Commission with the Sound Transit related amendments for study sessions on December 17, 2015 and January 7, 2016. Following the Public Hearing on January 21, the Commission recommended approval of the first group of Sound Transit related Development Code amendments that identified the procedure for land use approval for light rail transit system/facilities. The Commission recommended to Council that the Special Use Permit is used to:

- Locate the light rail system/facilities as an essential public facility in zones where this use would be prohibited;
- Through the application of criteria, condition the light rail system/facilities to be more compatible with adjacent land uses; and
- Approve deviations from the regulations as appropriate to accommodate the light rail transit system/facilities as essential public facilities.

The Planning Commission also recommended to the City Council amendments to the Development Code that establish which development regulations apply to light rail transit system/facilities, especially when located on land that is not zoned, which is primarily various types of right of way.

The January 21 Planning Commission staff report can be found here:

<http://www.shorelinewa.gov/Home/Components/Calendar/Event/9476/182?toggle=allpast>

The City Council adopted Ordinance No. 739 on March 21st.

On February 4th, the Planning Commission held a study session on additional amendments to the Development Code related to light rail system/facilities. Since that study session, the City received detailed feedback on several of the proposed amendments from Sound Transit staff. For background, the February 4th Planning Commission staff report can be found here:

<http://www.shorelinewa.gov/Home/Components/Calendar/Event/9477/182?toggle=allpast>

DISCUSSION

Staff is recommending changes to some of the amendments discussed at the February 4th Planning Commission meeting. Those changes, additions and deletions are noted in this report. This group of amendments also includes several proposed standards related to trees. These amendments have not yet been discussed with the Commission and include Sound Transit's feedback.

These amendments include:

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- Delete proposed definition for “Multi Modal Access Improvements”;
- Amend definitions for “Light Rail Transit Facility” and “Light Rail Transit System”;
- Add a definition for “Regional Transit Authority”;
- Add specific criteria defining when a Regional Transit Authority may apply for permits;
- Add a reference to Essential Public Facilities in the purpose section for the Special Use Permit;
- Amend the proposed decision criteria for approval of a Special Use Permit specific to light rail transit system/facilities;
- Amend the proposed supplemental application submittal requirements;
- Add new regulations to address off-site tree impacts; and
- Amend the proposed requirement for water and power at high capacity transit centers.

Deleted, Revised and New Definitions

Multi Modal Access

Sound Transit suggested that the proposed definition for “Multi Modal Access Improvements” be amended and the requirement for a “Multi Modal Access Plan” previously reviewed by the Commission be deleted. Multi-Modal Access improvements were defined as offsite improvements that improve travel options to make safe connections to public facilities. These offsite improvements may include sidewalks, bicycle lanes and/or paths, and traffic calming measures. This definition was intended to work with amendments to SMC 20.40.438 which proposed to require a “Multi Modal Access Plan” as part of permitting for light rail transit system/facilities. Sound Transit’s proposed edits removed references to offsite improvements.

Sound Transit cited the following reasons for suggesting amendments to the definition for “Multi Modal Access Improvements” and deletion of the Multi Modal Access Plan:

- The definition is unlimited in scope regarding offsite improvements.
- Requiring the “Multi Modal Access Plan” as part of the Special Use Permit will not be possible related to timing. This type of information and the contractors to develop the information will not be available until later in the process;
- The multi modal access improvements should be addressed through an interlocal agreement, not required as part of the permitting process; and
- Requirements stemming from the completion of a Multi Modal Access Plan may over reach the City’s authority in regards to the Growth Management Act (GMA). The GMA basically states that a city’s concurrency requirements including level of service standards do not apply to transportation facilities and services of statewide significance. The Sound Transit light rail system/facilities are considered transportation facilities and services of statewide significance. See RCW 36.70A.365(6)(a)(iii)(C).

If the Multi Modal Access Plan is deleted as a requirement, then there is no need for a definition of “Multi Modal Access Improvements” as this term is not used anywhere else in the Code.

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Amend Light Rail Transit Facility/System definitions

Sound Transit suggested the City's adopted definitions for Light Rail Transit Facility and Light Rail Transit System both be amended. The proposed amendment suggested by Sound Transit and recommended by Shoreline staff is to add a reference in each definition to the fact that a Light Rail Transit Facility and a Light Rail Transit System both meet the State's definition of an Essential Public Facility.

Add Definition for Regional Transit Authority

Sound Transit requested that the City add a definition for a Regional Transit Authority. Sound Transit is a Regional Transit Authority. Shoreline staff agrees with this addition as this term is referred to in another amendment proposed by Sound Transit.

Amend SMC 20.30.100 Application

Sound Transit requested the City add the ability for a Regional Transit Authority (RTA) to apply for permits related to property that is not yet owned or controlled by the RTA. This would allow for a project that is authorized by the RTA to progress through planning, design, engineering and permitting while property acquisition, easements and agreements are negotiated. Actual development would not be allowed to occur until property is owned by the RTA or authority is legally provided by the property owner to the RTA.

Staff recommends this amendment in order to support the timely completion of the Lynnwood Link Project with the understanding that ultimately all legal rights must be obtained prior to commencing development on any property.

Amendments to SMC 20.30.330 Special use permit

Sound Transit requested that a reference to Essential Public Facilities be added in SMC 20.30.330(A), the purpose section for the Special Use Permit. The reason for this addition is to articulate that a Special Use Permit cannot be used to preclude the siting of an Essential Public Facility. This amendment is supported by the Growth Management Act more specifically RCW 36.70A.200 Siting of essential public facilities – Limitation on liability. Staff agrees that Sound Transit's proposed amendment is factual and makes it clear that the Special Use permit will not be used to deny the siting of an essential public facility in Shoreline. The SUP will instead be used to reasonably condition the project to meet the adopted criteria.

Amend proposed SMC 20.30.330(C) Decision Criteria for Special Use Permits

In addition to the existing criteria used to review a Special Use Permit, staff is proposing additional decision criteria specific to light rail transit system/facilities. Staff wants to ensure that the proposed light rail stations, garages and other associated facilities: 1) use energy efficient and environmentally sustainable architecture and design; 2) demonstrate the availability of sufficient capacity and infrastructure to safely support light rail system/facilities; and 3) reflect the City's Guiding Principles for Light Rail Facility design.

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The City anticipates that the future light rail stations, parking garages, rail line and associated facilities may impact the City's streets, neighborhoods, and infrastructure. The proposed decision criteria will add more certainty that Sound Transit will fully evaluate the local impacts and provide the necessary mitigation to address impacts that arise from their project. The local impacts will largely be defined by Shoreline's adopted standards and thresholds.

Sound Transit offered some additional detail that staff agreed would be useful in providing the Hearing Examiner with parameters for determining if the light rail system/facilities meet the following decision criterion. Text that has been amended since the last time the Planning Commission studied these amendments is highlighted:

Decision criterion for light rail system/facilities #1: The proposed light rail transit system/facilities uses energy efficient and environmentally sustainable architecture and site design consistent with the City's Guiding Principles for Light Rail System/Facilities and Sound Transit's design criteria manual used for all Light Rail Transit Facilities throughout the System and provides equitable features for all proposed light rail transit system/facilities:

As previously drafted, this proposed criterion was open ended and provided very little direction to the applicant about how to successfully meet the criterion. Therefore, the criterion also lacked parameters which the decision maker could use to determine if the applicant's project is meeting the criterion. By adding references to specific design standards, the criterion will provide the applicant and the hearing examiner with the intended direction.

Decision criterion for light rail system/facilities #2. There is either sufficient capacity and The use will not result in, or will appropriately mitigate, adverse impacts on City 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 or similar assessment) to ensure that the City's in-the transportation system (motorized and non-motorized) will be adequate to safely support the light rail transit system/facility 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 meet the Decision Criteria set forth in this Section 20.30.330(C), then the applicant must identify a mitigation plan for funding or constructing its their proportionate share of the improvements;

Although the criterion is not intended to require an applicant to correct past infrastructure deficiencies and is instead aimed at limiting development if deficiencies are not remedied; Sound Transit expressed concern that as written this is not clear. Further, cities cannot preclude the siting of an Essential Public Facility such as light rail system/facilities. As originally drafted this criterion could be applied to effectively deny the siting of the light rail system/facilities. Additionally, Sound Transit highlighted a section of the Growth Management Act that states the City's concurrency requirements do not apply to transportation facilities and services of statewide significance. The

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proposed Sound Transit light rail system/facilities meet the definition of a transportation facility and service of statewide significance. For these reasons, City staff supports Sound Transit's suggested edits to this criterion.

Decision criterion for light rail system/facilities #3: The applicant demonstrates that the design of the proposed light rail transit system/facility is generally consistent with reflects the City's Guiding Principles for Light Rail System/Facilities and addresses and mitigates impacts to other impacted facilities, such as Ridgecrest Park, 195th Street Pedestrian Bridge, and the 185th and 145th Street multi modal access connections.

The amendments to proposed decision criterion #3 are intended to ensure that the criterion as applied by the hearing examiner will not preclude the siting of the essential public facility.

Supplemental Application Submittal Requirements

SMC 20.40.140 and .160 lists Light Rail Transit System/Facilities as a use that is allowed through the approval of a Special Use Permit with added conditions (indexed criteria). What this means is an applicant must submit a Special Use Permit application and also meet the conditions listed in SMC 20.40.438.

Staff proposed adding the submission of a Construction Management Plan, a Parking Management Plan, Multi Modal Access Improvement Plan, a Neighborhood Traffic Plan and a Transportation Impact Analysis as supplemental index criteria required to all Light Rail Transit System/Facilities in any zone. The intent behind requiring the submission of the supplemental plans in SMC 20.40.438 is to identify, analyze and address with mitigation specific direct impacts resulting from the construction and operation of the Lynnwood Link Extension project.

Sound Transit provided feedback on the proposed required submittal items. Sound Transit's feedback, which is reflected in the shaded text below is intended to:

- 1) Allow for flexibility on the timing of submission for all required supplemental plans to allow for alignment with design and engineering work flow for the project;
- 2) Allow the use of interlocal agreements to determine scope, content and resulting mitigation for required plans; and
- 3) Combine related processes. The Neighborhood Traffic Plan, Transportation Impact Assessment and Multi Modal Access Improvement Plan can all be components of what Sound Transit calls an Access Assessment Report. Therefore, Sound Transit has requested that the City delete the Multi Modal Access Improvement Plan, Neighborhood Traffic Plan, Transportation Impact Analysis and replace with an Access Assessment Report.

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20.40.438 Light rail transit system/facility

E. The following supplemental submittal items are required to permit a light rail transit facility or light rail transit system within the City:

1. A Construction Management Plan or agreement will be completed before any building permit may be issued for the proposal. ~~is required for light rail transit system/facilities. The Construction Management Plan shall be submitted to the City in advance of the submission of any development permit applications or prior to design and engineering for the proposed project reaching the 60% completion phase, whichever is sooner;~~

2. A Parking Management Plan or agreement will be completed before the proposal's operations begin which include management and enforcement techniques to guard against parking impacts to surrounding neighborhoods. ~~is required for light rail transit system/facilities. The Parking Management Plan shall include parking management and enforcement techniques to mitigate off-site parking impacts to surrounding neighborhoods. The Parking Management Plan shall be submitted to the City no later than the completion of the initial design and engineering phase for the proposed project;~~

3. ~~A Multi-Modal Access Improvement Plan is required for light rail transit system/facilities. The Multi-Modal Access Plan shall be submitted to the City no later than the completion of the 60% design and engineering phase for the proposed project;~~

4. ~~A Neighborhood Traffic Plan is required for light rail transit system/facilities. A Neighborhood Traffic Plan shall include an assessment of existing traffic speeds and volumes and include outreach and coordination with affected residents to identify potential mitigation projects to be implemented within two years of the light rail facilities becoming operational. The Neighborhood Traffic Plan shall be submitted to the City no later than the completion of the 60% design and engineering phase for the proposed project; and~~

5.3. ~~An Access Assessment Report Transportation Impact Assessment (TIA) is required for light rail transit system/facilities. The Access Assessment Report will analyze, identify and prioritize multi modal access improvements. This Access Assessment Report analysis is intended to supplement the analysis and mitigation included in any environmental review document prepared for the proposed project. The scope of the Access Assessment Report will be agreed to by the applicant and the City. The City may will-require third party review of the Access Assessment Report at the applicant's expense. The TIA shall be submitted to the City no later than the completion of the 60% design and~~

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engineering phase for the project or as part of the SUP application, whichever is sooner.

The TIA at a minimum shall include:

a. A regional Traffic Analysis as defined by the City's Traffic Study Guidelines and proposed mitigation where impacts will result in a failure to meet the City's LOS standards;

b. An assessment of accident risks at sidewalks and pedestrian paths including possible mitigation;

c. A new or updated analysis that includes increased pedestrian and bicycle activity and bus blockages at the intersections within a ¼ mile of proposed light rail transit system/facilities including proposed mitigation;

d. Analysis of traffic impacts and proposed mitigation at additional intersections as determined by the City, that may be impacted by the proposed project.

e. Evaluation of intersections with collision histories to determine if protective phasing and mitigation are necessary;

In an effort to accommodate Sound Transit's schedule and process, Shoreline staff recommends the edits as proposed by Sound Transit. Although the proposed amendments remove specific elements related to timing and the scope of supplemental plans, staff understands that the required plans will be completed at the appropriate time and that the scope of the plans will be determined in partnership. As proposed, the City still maintains control of the content and adequacy of the plans as part of the permitting process. In addition, the City wants to ensure we are not over stepping regulatory bounds related to the siting of Essential Public Facilities and these proposed amendments better align the proposed regulations with State law.

Requirement for Water and Power at High Capacity Transit Centers

Staff is proposing to add a requirement to SMC 20.50.240 (F) which is the public places section of the commercial design standards. Public places are those areas of commercial and multifamily development that encourage and accommodate pedestrians and street level uses between buildings and the public realm.

The amendment would add a requirement for electricity and water to be supplied and accessible to the public at high capacity transit centers and parking areas. Sound

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Transit posed several questions to staff about the intent of this requirement. The questions/concerns included:

- What is meant by accessible and supplied to the public? Are there any controls on usage intended?
- Does this provision apply inside of stations and garages? Or is it intended for the exterior of the buildings?
- Would having the infrastructure available for both power and water meet this condition?

The intent is to have water and electrical infrastructure installed and made accessible to authorized public at stations and garages. This provision was intended to apply to public areas outside of stations and garages. The water and electricity could be used to support and encourage community events and vending for the public. These uses would promote place-making through activation of public space. Based on Sound Transit's clarifying questions a few edits are suggested by staff to the language originally proposed. The additions are highlighted in yellow.

2.50.240(F)(6)(g). Publically accessible water and electrical power supply shall be supplied at high capacity transit centers and stations and associated parking.

Chapter 20.50 – Compliance with Tree Code and Related Provisions Amendments

Staff has proposed several amendments to the City's regulations for removal, retention and replacement of trees. The general theme for these amendments is to regulate the impact of development on offsite trees. The amendments seek to do the following:

1. Broaden the scope of what can be required by the City for inclusion in an arborist's written evaluation for proposed development to include impacts of any development within five (5) feet of a tree's critical root zone. This can include trees on and off of the applicant's site (SMC 20.50.330(B));
2. Broaden the application of SMC 20.50.350(D) the site design standards for clearing activities to include development within five (5) feet of a tree's critical root zone whether the potentially impacted tree is on or off site;
3. Add specific requirements in SMC 20.50.360 for tree replacement when trees need to be removed on property adjoining a development due to construction impacts. Tree replacement on adjoining property would require an increased replacement tree height of eight (8) feet instead of six (6) feet. Sound Transit requested that the regulation include the flexibility to plant replacement trees for light rail system/facilities on Sound Transit's site instead of adjoining property if necessary. This request seems reasonable as some property owners may not want the trees on their property; and

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4. Broaden the scope of the tree protection standards in SMC 20.50.370 to also apply to off-site trees.

NEXT STEPS

Tonight's meeting will likely serve as the conclusion for the study sessions on staff initiated amendments specific to light rail system/facilities. The Planning Commission is scheduled to hold a Public Hearing these amendments which will be contained in Ordinance 741 on June 6th.

The Planning Commission Light Rail Subcommittee stated they would like to discuss additional standards to address public safety, noise and vibration on private property adjacent to the light rail system/facilities. If this is still a topic the Subcommittee would like to address, staff will arrange a Subcommittee meeting.

TIMING AND SCHEDULE

May 5, 2016- Planning Commission Public Hearing

June 6, 2016 – City Council discussion on Ordinance 741

June 20, 2016 – City Council adoption of Ordinance 741

RECOMMENDATION

Staff is recommending the amendments as proposed in Attachment A with Planning Commission edits from tonight be prepared for Public Hearing on June 6, 2016.

ATTACHMENT

Attachment A – Exhibit A Draft Ordinance 741 Development Code Amendments related to Light Rail System/Facilities

20.20.016 D definitions.

Development Agreement A contract between the City and an applicant having ownership or control of property, or a public agency ~~which provides an essential public facility~~. The purpose of the development agreement is to set forth the development standards and other provisions that shall apply to, govern and vest the development, use, and mitigation of real property within the City for the duration specified in the agreement and shall be consistent with the applicable development regulations and the goals and policies in the Comprehensive Plan. (Ord. 706 § 1 (Exh. A), 2015).

SMC 20.20.032 L definitions

Light Rail Transit Facility: A light rail transit facility is a type of essential public facility and refers to any structure, rail track, equipment, maintenance base or other improvement of a light rail transit system, including but not limited to ventilation structures, traction power substations, light rail transit stations, parking garages, park-and-ride lots, and transit station access facilities.

Light Rail Transit System: A light rail transit system is a type of essential public facility and refers to any public rail transit line that provides high-capacity, regional transit service owned or operated by a regional transit authority authorized under Chapter 81.112 RCW.

Regional Transit Authority: Regional transit authority refers to an agency formed under the authority of Chapters 81.104 and 81.112, RCW to plan and implement a high capacity transportation system within a defined region.

SMC 20.30.100 Application

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. Prior to purchase, acquisition, or owner authorization, a Regional Transit Authority may apply for a Type A, B, or C action, or for a site specific Comprehensive Plan amendment in order to develop any Light Rail Transit Facility or any portion of a Light Rail Transit System for property that has been duly authorized by the public agency for acquisition or use. No work shall

commence in accordance with issued permits or approvals until all of the necessary property interests are secured and/or access to the property for such work has been otherwise approved by the owner of the property.

3. Nothing in the subsection shall prohibit the Regional Transit Authority and City from entering into an agreement to the extent permitted by the Code or other applicable law.

4. The City Council or the Director may apply for a project-specific or site-specific rezone or for an area-wide rezone.

5. 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.

6. 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%.

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

A. Purpose. The purpose of a special use permit is to allow a permit granted by the City to locate a regional land use including Essential Public Facilities on unclassified lands, unzoned lands, or when not specifically allowed by the zoning of the location, but that provides a benefit to the community and is compatible with other uses in the zone in which it is proposed. The special use permit may be granted subject to conditions placed on the proposed use to ensure compatibility with adjacent land uses. The Special Use Permit shall not be used to preclude the siting of an Essential Public Facility.

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

1. The use will provide a public benefit or satisfy a public need of the neighborhood, district, City or region;
2. The characteristics of the special use will be compatible with the types of uses permitted in surrounding areas;
3. The special use will not materially endanger the health, safety and welfare of the community;
4. The proposed location shall not result in either the detrimental over-concentration of a particular use within the City or within the immediate area of the proposed use, unless the proposed use is deemed a public necessity;
5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the neighborhood;
6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts;
7. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
8. The special use is not in conflict with the basic purposes of this title; and
9. The special use is not in conflict with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division

C. Decision Criteria (Light Rail Transit Facility/System only). In addition to the criteria in SMC 20.30.330(B), a Special Use Permit for a light rail transit system/facilities located anywhere in the City may be granted by the City only if the applicant demonstrates the following standards are met:

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

2. The use will not result in, or will appropriately mitigate, adverse impacts on City infrastructure (e.g., roads, sidewalks, bike lanes (as confirmed by the performance of an Access Assessment Report or similar assessment) to ensure that the City’s transportation system (motorized and non-motorized) will be adequate to safely support the light rail transit system/facility development proposed. If capacity or infrastructure must be increased to meet the Decision Criteria set forth in this Section 20.30.330(C), then the applicant must identify a mitigation plan for funding or constructing its proportionate share of the improvements; and

3. The applicant demonstrates that the design of the proposed light rail transit system/facility is generally consistent with the City’s Guiding Principles for Light Rail System/Facilities.

20.40.438 Light rail transit system/facility

E. The following supplemental submittal items are required to permit a light rail transit facility or light rail transit system within the City:

1. A Construction Management Plan or agreement will be completed before any building permit may be issued for the proposal;

2. A Parking Management Plan or agreement will be completed before the proposal’s operations begin which include management and enforcement techniques to guard against parking impacts to surrounding neighborhoods;

5.3. An Access Assessment Report is required for light rail transit system/facilities. The Access Assessment Report will analyze, identify and prioritize multi modal access improvements. The Access Assessment Report is intended to supplement the analysis and mitigation included in any environmental review document prepared for the proposed project. The scope of the Access Assessment Report will be agreed to by the applicant and the City. The City may require third party review of the Access Assessment Report at the applicant’s expense.

F. Project and Permitting Processes Light Rail System/Facility.

1. Accelerated Project and Permitting Process.

a. All City permit reviews will be completed within a mutually agreed upon reduced number of working days within receiving complete permit applications and including subsequent revisions in accordance with a fully executed Accelerated Project and

Permitting Staffing Agreement between the City and the project proponent.

b. The fees for permit processing will be determined as part of the Accelerated Project Permitting Staffing Agreement.

c. An Accelerated Project and Permitting Staffing Agreement shall be executed prior to the applicant's submittal of the Special Use Permit application; or the applicant may choose to utilize the City's standard project and permitting processes set forth in SMC 20.40.438(F)(2).

2. Standard Project and Permit Process.

a. All complete permit applications will be processed and reviewed in the order in which they are received and based on existing resources at the time of submittal.

b. Cost: Permit fees will be charged in accordance with SMC 3.01.010. This includes the ability for the City to charge its established hourly rate for all hours spent in excess of the estimated hours for each permit.

c. Due to the volume of permits anticipated for development of a light rail system/facilities in the City, in absence of an Accelerated Project Permitting Staffing Agreement, the Target Time Limits for Decisions denoted in SMC 20.30 may be extended by the Director if adequate staffing is not available to meet demand.

20.50.240 Site design.

F. Public Places.

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

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

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

4. Eighty percent of the area shall provide surfaces for people to stand or sit.
5. No lineal dimension is less than six feet.
6. The following design elements are also required for public places:
 - a. Physically accessible and visible from the public sidewalks, walkways, or through-connections;
 - b. Pedestrian access to abutting buildings;
 - c. Pedestrian-scaled lighting (subsection H of this section);
 - d. Seating and landscaping with solar access at least a portion of the day; and
 - e. Not located adjacent to dumpsters or loading areas;
 - f. Amenities such as public art, planters, fountains, interactive public amenities, hanging baskets, irrigation, decorative light fixtures, decorative paving and walkway treatments, and other items that provide a pleasant pedestrian experience along arterial streets.
 - g. Accessible water and electrical power shall be supplied to the exterior of high capacity transit centers, stations and associated parking.

SMC 20.50.330 Project review and approval

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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~~ any development within five (5) feet of a trees critical root zone that may impact the viability of trees on and off site.

SMC 20.50.350

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D. **Site Design.** Site improvements shall be designed and constructed to

meet the following:

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

2. 1. Site improvements shall be designed to give priority to protection of trees with the following characteristics, functions, or location including where the critical root zone of trees on adjoining property are within five (5) feet of the development:

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

SMC 20.50.360

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):

4a. 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.

2b. 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:

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

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

4. Tree replacement where tree removal is necessary on adjoining properties to meet requirements in 20.50.350(D) or as a part of the development shall be at the same ratios in C. 1, 2, and 3 above with a minimum tree size of 8 feet in height. Any tree for which replacement is required in connection with the construction of a light rail system/facility, regardless of its location, may be replaced on the project site.
5. Tree replacement related to development of a light rail transit system/facility must comply with SMC 20.50.360(C).

SMC 20.50.370

The following protection measures shall be imposed for all trees to be retained on-site or on adjoining property, to the extent offsite trees are subject to the tree protection provisions of this Chapter, 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.

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