

7. Staff Report - Development Regulations for Station Subareas

Planning Commission Meeting Date: May 5, 2016

Agenda Item: 7

PLANNING COMMISSION AGENDA ITEM CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Development Regulations Related to Light Rail Station Subareas

DEPARTMENT: Planning & Community Development

PRESENTED BY: Steven Szafran, AICP, Senior Planner

Public Hearing
 Discussion

Study Session
 Update

Recommendation Only
 Other

Introduction

The purpose of this study session is to:

- Review the Development Code regulations for the proposed 145th Street Light Rail Station Subarea Plan and Development Code regulations that apply to both subareas;
- Provide information for issues identified by staff;
- Ask direction on options for certain Development Code regulations;
- Respond to questions regarding the proposed development regulations; and
- Gather public comment.

Amendments to Shoreline Municipal Code (SMC) Title 20 (Development Code) are processed as legislative decisions. Legislative decisions are non-project decisions made by the City Council under its authority to establish policies and regulations. The Planning Commission is the review authority for the 145th Street Station Subarea Plan which includes amendments to the Comprehensive Plan; zoning map amendments; and these implementing Development Code regulations. The Planning Commission is responsible for holding an open record Public Hearing on the package of Development Code amendments along with the 145th Street Light Rail Station Subarea Plan and making recommendations to the City Council on the entire package.

Background

The City began working on light rail station subarea planning in Fall 2011 with the adoption of Light Rail Station Area Planning Framework Policies for Shoreline. The framework policies guided the City's discussions and decisions regarding the planning and development of the areas surrounding the two light rail stations.

After adoption of the framework policies, the City began working on the update of the entire Comprehensive Plan. The Comprehensive Plan merged the framework policies into 23 policies related to light rail station areas and identifies light rail station study boundaries on the Comprehensive Plan Land Use Map. The update to the

Approved By: Project Manager _____

Planning Director _____

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Comprehensive Plan goals and policies, map, and station study areas were adopted in December 2012 (see www.cityofshoreline.com/home/showdocument?id=15882).

The City Council adopted the 185th Street Station Subarea Plan on March 16, 2015. The plan creates a land use, transportation, and infrastructure framework for a livable, equitable, and sustainable transit-oriented community in Shoreline.

In addition to supporting the regional investment on high-capacity transit, when the 145th Street Station Subarea Plan is adopted it will implement Shoreline's 2012 Comprehensive Plan goals and policies and the City's Vision 2029 (see www.cityofshoreline.com/home/showdocument?id=9651). The subarea plan will expand community choices related to land use, housing and transportation. Regulations will be used to promote a variety of housing styles and increased levels of affordability; enhanced pedestrian, bicycle, transit, and motor vehicle connectivity; greater mobility and safety; neighborhood-serving employment opportunities and businesses; and other desired amenities.

Review of Previously Adopted Regulations for the 185th Street Station Subarea

The Commission reviewed and recommended to Council Development Code amendments to implement the 185th Street Station Subarea Plan in January 2015. Staff is recommending that the bulk of the amendments passed through the 185th Street Station Subarea Plan be applied to the 145th Street Station Subarea Plan. The amendments the Commission recommended and Council adopted included the following five general development topics:

1. New Zones

Three new zones were adopted to implement the 185th Street Station Subarea Plan. The MUR-35', MUR-45', and MUR-70' zones create a more form-based regulatory approach that is flexible enough to allow for a mix of compatible uses and styles as supported by the development market and controlled using simple bulk and scale requirements.

2. Development Agreement

Chapter 20.30 is the procedures and administration section of the Development Code and describes the types of permits the City requires for certain types of development and the way those permits are administered by staff. A new addition to Chapter 20.30 is the inclusion of Development Agreements.

A Development Agreement is a contractual agreement between the City and developer to permit new projects that may include conditions or other special development requirements. Section 20.30.355 adds the purpose, contents, approval procedures, and criteria and requirements for a Development Agreement. The notice requirements, review authority, decision making authority, and target time limits for decisions for a Development Agreement are described in Table 20.30.070. Table 20.30.070 is the review procedures for a Type L permit which is a legislative permit type. Type L permits typically go before the Planning Commission for a public hearing. The Commission

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makes a recommendation to the City Council. Per RCW 36.70B.200, a Development Agreement must be approved through an ordinance or resolution.

The intent of the Development Agreement is to define the parameters of development that is allowed on sites zoned MUR-70' in exchange for more flexible development regulations or added development potential. The Development Agreement in the MUR-70' Zone defines the parameters for incentives and amenities in exchange for additional height of up to 140 feet.

3. Station Area Uses

The land use table includes uses that are complimentary to the light rail station and a Transit-Oriented Community where services and retail are within walking distance and require less reliance on cars and more on transit and non-motorized travel.

4. Dimensional Standards

Table SMC 20.50.020(2) explains the dimensional and density standards for the MUR zones. The table includes no prescribed unit density maximums by lot size, increased height around the light rail stations, and minimum density requirements.

5. Site and Building Design

The zoning categories of MUR-35', MUR-45' and MUR-70' are classified primarily as residential zones. However, the design standards applied come from the Commercial Design Standards. This is intentional because the Commercial Design Standards include multifamily and commercial development to be more integrative and urban than the City's Multifamily and Single Family Attached Design Standards which are not meant to be integrative and are more suburban in R-8 through R-48 zones.

Proposed Amendments

The amendments proposed tonight apply to the MUR zones in both the 185th and 145th street station subarea plans. These amendments are based on staff experience implementing the existing MUR regulations, issues raised by the community, and new information. The full language and justification of these amendments are included in Attachment 1.

Amendment 1

20.30.336 – Critical Areas Reasonable Use Permit

This proposed Development Code amendment is new and will add another layer of environmental protection to development within the light rail station subareas. If a parcel is zoned MUR-35', MUR-45', or MUR-70' and contains a critical area or a critical area buffer, and necessitates a Critical Areas Reasonable Use permit to approve the development of the site then the uses and development standards will revert to Residential six (6) units per acre- (R-6).

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The R-6 zone and the MUR zones are much different in terms of allowable hardscape. The R-6 zone has a 50 percent limitation on hardscape while the MUR-35' zone has an 85 percent hardscape maximum and the MUR-45' and MUR-70' have a 90 percent hardscape maximums.

Amendment 2

20.40.160 – Station Area Uses

This proposed amendment will prohibit single-family attached housing in the MUR-70' zone and allow detached single-family in the MUR-35' and MUR-45' subject to the Mixed-Use Residential development standards in SMC Table 20.50.020(2).

The MUR-70' zone is intended to be the most intensive zoning district since it closely surrounds the future light rail stations. The MUR-70' zone allows buildings up to 70-feet in height, no density limitations, and reduced parking standards. These regulations are intended to encourage more housing close to the stations. Townhomes and other single-family attached housing types are more suited to the MUR-35' and MUR-45' zones and do not provide enough density/intensity around the stations and are transitional to single family zones.

The other part of this amendment is to allow single-family detached housing that meets the MUR-35' and MUR-45' development standards without the requirement that the development meet R-6 zoning standards. This will include a new restriction that a minimum density of 12 units per acre will be applied. If a developer or property owner is not interested in developing the property to the minimum density, then through an exception in the Code they may still build detached single family in accordance with R-6 development standards (Amendment 3 below).

Feedback from developers has helped shape this amendment. In some cases, on specific sites, a single-family detached unit could meet all of the zoning regulations of the MUR-45' zone but would be able to create a more open, accessible, and aesthetically pleasing development in terms of open area and landscaping. The City will not be losing any density or development potential within the light rail station subareas by allowing single-family detached within these zones with the additional requirement to meet minimum density. This amendment will give property owners and designers more options for housing choice within the MUR zones.

Amendment 3

20.40.506 – SFR detached in the MUR-35' and MUR-45'

This proposed amendment is related to the previous amendment and changes the indexed criteria for single-family detached dwellings in the MUR-35' zone to comply with R-6 standards. The amendment also allows single-family detached dwellings in the MUR-35' and MUR-45' zone subject minimum density requirements and design standards in SMC 20.50.120.

Amendment 4

20.50.020(2) – Minimum Density in the MUR-35' Zone

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The proposal is to allow single-family detached housing types in the MUR-35' without limiting the development to R-6 zoning standards. Recent development proposals have helped shape this amendment.

The City does not have to lose any density or development potential within the light rail station subareas by allowing single-family detached in this zone if a minimum density is established for the MUR-35' zone. Staff recommends a minimum density of 12 units per acre in the MUR-35' zone. This amendment will give property owners and designers more options for housing choice within the MUR zones.

Amendment 5

20.50.020(2) – Minimum Lot Area in the MUR-70' Zone

The City Council is still concerned about how redevelopment will occur over time. In the interim between now and full redevelopment there will be existing single family development next to new Multi Family and Multi Use buildings in the MUR 70'. How can we encourage quality development that will slowly come together cohesively over time? Below are three possible aspects to this question.

1. Minimum Lot Area

The City can facilitate parcel aggregation by requiring a minimum lot size for redevelopment in the MUR-70' zone. This will result in more parcels being joined, and less isolated parcels, where single family lots are surrounded by tall buildings. However, it could discourage redevelopment until the development market for full MUR-70' potential is much stronger.

2. Maximum Building Development

If the goal for the MUR-70' zone is to eventually develop to full capacity, then the City may want to be more direct and only accept applications that maximize the allowable building height of 70 feet. However, this means that proposals that are close but under the maximum allowable height would be turned down by the City. Also other potentially desirable development types would be eliminated from this zone, such as four story mixed use buildings.

3. Transition Area Requirements and Tall, Narrow Buildings

Currently, if development proposals want to maximize MUR-70' on a standard single family lot of 7,200 SF or 10,000 SF they will stand out with triple the height and lot coverage of the surrounding parcels. By contrast to the existing neighborhood, this will appear like isolated, tall, narrow buildings. The City could apply the existing, transitional areas setback and step-back code to MUR-70' development to mitigate the impact on adjoining neighbors. However, this code applies to adjoining single family zoning - not single family development. This was considered in the adoption of the 185th Street Subarea Plan and Development Code by the Commission and Council. They found that Transition Area requirements within the MUR zones run counter to reaching full redevelopment potential. Proposals for tall and narrow products designed to maximum allowable height on existing 7,200 to 10,000 sf lots would be alleviated by

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requiring a minimum lot size that will accommodate traditionally designed and sized multi-family and mixed use developments (such as 20,000 sf).

Staff Recommendation

Staff has researched other jurisdictions in the region and found that some had minimum parcel sizes for some zones but with no discernable pattern as to how they were applied. Staff also surveyed several developers and architects who have worked in Shoreline. They had no answer to the question of what is the minimum parcel size or dimension to develop in MUR-70'. At this point, staff believes there is no one answer or formula.

However, Shoreline's approved multifamily projects – Arabella I and II, Ballinger, Malmo, Artiste, and Centerpointe all have parcels that are 20,000 square feet or larger with under-building parking and a minimum width of 100 feet or larger. Three of these projects are in the CB zone with a maximum height of 60 feet, two projects are in the MB zone with a maximum height of 65 feet and one project in the TC-2 zone with a maximum height of 70 feet. This last project has a parcel size of 39,000 square feet and a minimum width of 150 feet of which 50 feet are ground floor units and a drainage easement. They could not meet the maximum height of 70' using wood construction over a concrete podium.

Staff recommends establishing a minimum lot area in the MUR-70' zone of 20,000 square feet. Staff chose 20,000 square feet to create sites that can meet all of the City's development requirements. Based on the average size of the existing lots in the subareas, at least two, perhaps three, parcels must be assembled.

The City will continue to learn more from developers who want to build in Shoreline. We believe the proposed code amendments are a good starting point until the development market for MUR-70' arrives and evolves over the next 20 years.

In regards to whether or not the City should require developments in the MUR-70' zone to develop to their maximum potential, staff does not have a recommendation. This is a question to explore with the Commission.

Amendment 6

20.50.020(2) – Maximum Setback on 145th and 185th Street

This proposed amendment requires the Public Works Department to determine what a specific setback should be along 145th Street and 185th Street until a final design is selected for these streets. Staff does not yet know exactly what the setbacks along 145th and 185th will need to be. We do know what the preferred design concept for 145th is and this gets the City closer to determining a minimum setback. These amendments allow the City's Public Works Department to look at a particular development application and decide what the appropriate setback for that section of road should be. As the design and engineering for these corridors progress, the City will be able to refine the area needed to accommodate the future right of way for 145th Street and 185th Street in the subareas. This approach was used when the City embarked on the Aurora Corridor project.

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Amendment 7

20.50.020(2) – Additional Height for Rooftop Amenities

The proposed amendment will allow for building amenities to go over the maximum base building height. The City currently allows for certain mechanical and environmental elements to go over the base building height. Roof structures such as elevators, stairways, tanks, mechanical equipment, skylights, flagpoles, and chimneys may be erected 10 feet above the height limited of the zone. Solar and other environmental equipment have no height limit.

This amendment will allow building amenities such as roof top decks, barbeque enclosures, fireplaces, weather protected sitting areas, arbors, outside rooms, and other resident amenities to go over the base height of the zone. As bigger buildings are constructed, ground level amenities are becoming less common as those amenities are now being placed on the roof.

Amendment 8, 9, 10, 11

20.50.120, 20.50.125, 20.50.220, 20.50.230 – Townhomes in the MUR-45'

These four proposed Development Code amendments all have to do with the development of single-family attached (townhomes) in the MUR-45' zone. When staff drafted the original MUR development standards for the 185th Street Station Subarea, the MUR-45' zone was included in the commercial section of the Development Code (SMC 20.50.220). The purpose of the commercial design standards is to create better development that promotes and enhances public walking and gathering spaces, provides distinctive features at high visibility areas, provides safe routes for pedestrians across parking lots, and promotes economic development.

Staff has spent the last year reviewing development proposals for townhomes and other single-family attached housing units in the MUR-45' zone and has found that strict application of the commercial design standards does not make sense for this type of development. The commercial design standards were intended to regulate large apartment, mixed-use, and commercial development. The commercial design standards include site frontage, right-of-way lighting, public spaces, distinctive facades, internal site walkways, open space, and outdoor lighting. These standards make sense for large multifamily or commercial projects but not single-family attached development.

The proposed language provides an exception for single-family attached development in the MUR-45' zone. The proposed language points the reader to the single-family attached residential design section of the code. SMC 20.50.120 is the section of the Development Code that establishes standards for multifamily and single-family attached residential development. This section of the Development Code encourages development of attractive residential areas and enhances the aesthetic appeal of new multifamily residential buildings, provides open space, establishes well-defined streetscapes, minimizes the visual and surface water runoff impacts, and promotes pedestrian accessibility.

Amendment 12

20.50.240(C) – Access to Development from 5th Ave NE

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This amendment seeks to limit access points on NE 145th and to new multifamily, commercial, and mixed-use buildings on 5th Avenue NE between 145th Street and 148th Street when redevelopment occurs. This portion of 5th Avenue NE has a number of limitations/issues that are or will become present when the light rail station is operational. These issues are described below:

The Washington State Department of Transportation has what they call a “compatibility Line” along the 5th Avenue NE street frontage. The compatibility line restricts access to 5th Avenue NE because of the proximity to the freeway on-ramps on 5th Avenue. Property owners on 5th Avenue have a deed restriction that states each single-family home may have a driveway. The proposed rezone to MUR-70’ does not allow new single-family homes so all new development will either be commercial or mixed-use. The City, WSDOT, and most likely Sound Transit are concerned about increased vehicles entering and exiting from 5th Avenue so close to the freeway on ramp.

The proposed light rail station at 145th will create additional bus, car, pedestrian, and bicycle traffic along 5th Avenue NE. Driveways serving new multifamily or commercial buildings along 5th Avenue may create conflicts by residents trying to access buildings and commuters trying to access the light rail station.

5th Avenue NE is designated as an Arterial Street in the Transportation Master Plan. 5th Avenue NE is also planned as a bicycle route with plans for a bike lane. The City seeks to limit vehicular, pedestrian, and bicycle traffic as much as possible so limiting access to new development along 5th Avenue will decrease conflicts in the future.

Next Steps

May 2	Council meeting: Discuss Commission recommendation and select Preferred Alternative for further analysis in Final EIS
June 2	Planning Commission meeting: Discuss Development Code Amendments
May-June	Consultant and staff team creates Final EIS
July 7	Planning Commission meeting: Discuss Final EIS
July 21	Planning Commission meeting: Discuss Subarea Plan
August 4	Planning Commission meeting: Discuss Planned Action and adopting ordinances
August 18	Planning Commission PUBLIC HEARING: Discuss Subarea Plan package (Subarea Plan, Planned Action Ordinance, Development Code amendments) and make recommendation to Council
September 12	Council meeting: Study Session on Subarea Plan package
September 26	Council meeting: Council adopts Subarea Plan package

Attachment

Attachment 1 – Proposed Station Subarea Related Development Code Amendments

Attachment A - Development Code Amendments

Amendment # 1

20.30.336 Critical areas reasonable use permit (CARUP)(Type C action).

Justification – Currently, the Critical Areas Ordinance (CAO) may allow a CARUP if a parcel is so environmentally constrained that it cannot reasonably develop in any Shoreline zoning category. That means if in a zone such as MUR-35' which allows 85% coverage by hardscape and unlimited density a reasonable use may be determined to allow more of a critical area or buffer to be developed than a parcel zoned Residential 6 units per acre (R-6) for example where the maximum hardscape is 50% and the maximum density is six units per acre. This proposed Development Code amendment will add another layer of critical area protection from development within the light rail station subareas. If a parcel is zoned MUR-35', MUR-45', or MUR-70' and contains a critical area or a critical area buffer and necessitates a Critical Areas Reasonable Use permit to approve the development of the site the uses and development standards will revert to R-6 standards.

For example, an owner of a parcel zoned MUR-35' near the Paramount Park Open Space wants to redevelop the existing single-family home to townhomes. The parcel and the proposed project are completely encumbered by a stream and a stream buffer. Based on the proposed language, the property owner must apply for a Critical Areas Reasonable Use Permit to establish reasonable use of the parcel. Reasonable use will be based on R-6 zoning standards.

- A. Purpose. The purpose of the critical areas reasonable use permit is to allow development and use of private property when the strict application of the critical area regulations would otherwise deny all reasonable use of a property. This type of permit does not apply to flood hazard areas or within the shoreline jurisdiction.
- B. Decision Criteria. A reasonable use permit shall be granted by the City only if the applicant demonstrates that:
1. The application of the critical area regulations, Chapter 20.80 SMC, Critical Areas, would deny all reasonable use of the property; and
 2. There is no other reasonable use of the property with less impact on the critical area; and
 3. Any alterations to the critical area would be the minimum necessary to allow for reasonable use of the property; and
 4. The proposed development does not create a health or safety hazard on or off the development site, will not be materially detrimental to the property or improvements in the vicinity, is consistent with the general purposes of this title and the public interest, and all reasonable mitigation measures have been implemented or assured; and
 5. The inability to derive reasonable economic use is not the result of the applicant's action unless the action 1) was approved as part of a final land use decision by the City or other agency with jurisdiction; or 2) otherwise resulted in a nonconforming use, lot or structure as defined in this title;
 6. Any alterations permitted to the critical area are mitigated in accordance with SMC 20.80.082 and relevant mitigation standards for the impacted critical area(s);

Attachment A - Development Code Amendments

7. Consistent with SMC 20.80.050, Alteration of critical areas, the proposal attempts to protect the existing critical area functions and values consistent with the best available science and attempts to mitigate adversely impacted critical area functions and values to the fullest extent possible; and

8. The proposal is consistent with other applicable regulations and standards.

9. If the proposal is located in a Mixed-Use Residential zone, then reasonable use shall be based on the allowable uses and standards for the R-6 zone.

C. Development Standards. To allow for reasonable use of property and to minimize impacts on critical areas, the decision making authority may reduce setbacks by up to 50 percent, parking requirements by up to 50 percent, and may eliminate landscaping requirements. Such reductions shall be the minimum amount necessary to allow for reasonable use of the property, considering the character and scale of neighboring development.

Amendment # 2

20.40.160 Station area uses.

Justification – This proposed amendment will prohibit single-family attached housing in the MUR-70' zone and allow detached single-family in the MUR-35' and MUR-45' subject to the Mixed-Use Residential development standards in SMC Table 20.50.020(2).

The MUR-70' zone is intended to be the most intensive zoning district since it is the zone most closely surrounding the future light rail stations. The MUR-70' zone allows buildings up to 70-feet in height, no density limitations, and reduced parking standards. These regulations encourage dense housing close to the stations. Townhomes and other single-family attached housing types are more suited to the MUR-35' and MUR-45' zones and townhomes and other single-family attached housing types are more suited to the MUR-35' and MUR-45' zones and do not provide enough density/intensity around the stations and are transitional to single family zones.

The other part of this proposal is to allow single-family detached housing types in the MUR-35' and MUR-45' zones without the limitation that development is limited to R-6 zoning standards. Recent development proposals have helped shape this amendment. In some cases, on specific sites, a single-family detached product could have met all of the zoning regulations of the MUR-45' zone and created a more aesthetically pleasing development. Staff has included one of these proposed site plans as an example of how, in some cases, a single-family detached product works better on some sites.

The City does not have to lose any density or development potential within the light rail station subareas by allowing single-family detached within these zones if a minimum density is established for the MUR-35' zone. Staff recommends a minimum density of 12 units per acre in the MUR-35' zone. The existing minimum density of 18 units per acre for MUR-45' would still apply. This amendment will give property owners and designers more options for housing choice within the MUR zones.

Attachment A - Development Code Amendments

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Accessory Dwelling Unit	P-i	P-i	P-i
	Affordable Housing	P-i	P-i	P-i
	Apartment	P	P	P
	Bed and Breakfast	P-i	P-i	P-i
	Boarding House	P-i	P-i	P-i
	Duplex, Townhouse, Rowhouse	P-i	P-i	P-i
	Home Occupation	P-i	P-i	P-i
	Hotel/Motel			P
	Live/Work	P (Adjacent to Arterial Street)	P	P
	Microhousing			
	Single-Family Attached	P-i	P-i	P-i
	Single-Family Detached	P-i	P-i	
	Tent City	P-i	P-i	P-i

Attachment A - Development Code Amendments

Amendment # 3

20.40.506 Single-family detached dwellings.

Justification – The justification for this amendment is shown on the previous amendment.

Single-family detached dwellings that do not meet the minimum density are permitted in the MUR-35' zone subject to the R-6 development standards in SMC 20.50.020.

Single-family detached dwellings are permitted in the MUR-35' and MUR-45' zone subject to minimum density standards in SMC 20.50.020(2) and single-family attached and multifamily design standards in SMC 20.50.120.

Amendment #4, #5, and #6

Justification – There are several proposed amendments to Table 20.50.020(2). The proposals are discussed below:

Amendment 4:

Minimum density in the MUR-35' zone. The proposal is to allow single-family detached housing types in the MUR-35' without the limiting that development to R-6 zoning standards. Recent development proposals have helped shape this amendment.

The City does not have to lose any density or development potential within the light rail station subareas by allowing single-family detached in this zone if a minimum density is established for the MUR-35' zone. Staff recommends a minimum density of 12 units per acre in the MUR-35' zone. This amendment will give property owners and designers more options for housing choice within the MUR zones.

Amendment 5:

This amendment establishes minimum lot area in the MUR-70' zone of 20,000 square feet. Staff chose 20,000 square feet because to create sites that can meet all of the City's development requirements, at least two perhaps three, standard single family parcels must be assembled.

Staff has researched other jurisdictions in the region and found that some had minimum lot areas for some zones but with no discernable pattern how they were applied or examples of development that occurred under these requirements. Staff also surveyed several developers and architects who have worked in Shoreline. They had no answer to the question of what is the minimum lot area or dimension to develop in MUR-70'. At this point, staff believes there is no one answer or formula.

However, Shoreline's approved multifamily projects – Arabella I and II, Ballinger, Malmo, Artiste, and Centerpointe all have parcels that are 20,000 square feet or larger with under-building parking and a minimum width of 100 feet or larger. Three of these projects are in the CB zone with a maximum height of 60 feet; two projects are in the MB zone with a maximum height of 65 feet and one project in the TC-2 zone with a maximum height of 70 feet. This last project has a parcel size of 39,000 square feet and a minimum width of 150 feet of which 50 feet are ground

Attachment A - Development Code Amendments

floor units and a drainage easement. They could not meet the maximum height of 70' using wood construction over a concrete podium.

Amendment 6:

The next amendment in this section is to refine setbacks along 145th Street and 185th Street. When the code was drafted for the MUR zones, staff did not know exactly what the setbacks along 145th and 185th should be to accommodate potential widening in the future. Staff still does not know exactly what the setback should be but we do know what the preferred design for 145th is and the amendment gets the City closer to a preferred minimum setback. What this amendment does is let the City's Public Works Department look at a particular development application and decide what the appropriate setback for that particular section of 145th or 185th should be. Staff believes it is expensive and/or excessive to have one standard setback for the entire 145th and 185th corridor when the roads may not need to be expanded that far in the future. This approach was used when the City embarked on the Aurora Corridor project.

Amendment 7:

The last amendment in this section is to allow certain rooftop amenities to go over the maximum base building height. The City currently allows for certain mechanical and environmental elements to go over the base building height. Roof structures such as elevators, stairways, tanks, mechanical equipment, skylights, flagpoles, and chimneys may be erected 10 feet above the height limited of the zone. Solar and other environmental equipment have no height limit.

This amendment will allow building amenities such as roof top decks, barbeque enclosures, fireplaces, weather protected sitting areas, arbors, outside rooms, and other resident amenities to go over the base height of the zone as long as they are not defined as a story in the International Building Code. As bigger buildings are constructed, ground level amenities are becoming less common as ground space is limited and rooftop decks are more desirable.

Table 20.50.020(2) Dimensional Standards for MUR Zones

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	<u>12 du/ac(16)</u>	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	<u>20,000 sq ft</u>
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street <u>20 ft maximum if located on 145th Street (14)</u>	15 ft if located on 185th Street 0 ft if located on an arterial street 10 ft on nonarterial street <u>20 ft maximum if located on 145th Street (14)</u>	15 ft <u>maximum</u> if located on 185th Street <u>(14)</u> <u>20 ft maximum if located on 145th Street (14)</u> 0 ft if located on an arterial street 10 ft on nonarterial street
Min. Rear Yard	5 ft	5 ft	5 ft

Attachment A - Development Code Amendments

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Setback (2) (4) (5)			
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft (15)	45 ft (15)	70 ft (11) (12) (15)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

(1) *Repealed by Ord. 462.*

(2) *These standards may be modified to allow zero lot line 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*

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building in the MUR-70' zone may be set back 10 feet at ground level instead of providing a 10-foot step-back at 45 feet in height. MUR-70' fronting on 185th Street shall be set back an additional 10 feet to use this alternative because the current 15-foot setback is planned for street dedication and widening of 185th Street.

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

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

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

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

Amendment #8, #9, and #10 **20.50.120 Purpose.**

Justification – The next four proposed Development Code amendments all have to do with the development of single-family attached (townhomes) in the MUR-45' zone. When staff drafted the original MUR development standards, the MUR-45' zone was included in the commercial design section. The purpose of the commercial design standards is to create buildings and sites that promote and enhance public walking and gathering spaces, provide distinctive features at high visibility areas, provide safe routes for pedestrians across parking lots, and promote economic development.

Staff has spent the last year reviewing development proposals for townhomes and other single-family attached housing units in the MUR-45' zone and has found that strict application of the commercial design standards does not make sense for this type of development. The commercial design standards were intended to regulate large apartment, mixed-use, and commercial development. Standards include site frontage, right-of-way lighting, public spaces, distinctive facades, internal site walkways, open space, and outdoor lighting. These standards make sense for large multifamily or commercial projects but not single-family attached development.

The proposed language provides an exception for single-family attached development in the MUR-45' zone. The proposed language points the reader to the single-family attached residential design section of the code. SMC 20.50.120 is the section of the Development Code that establishes standards for multifamily and single-family attached residential development. This section of the Development Code encourages development of attractive residential areas and enhances the aesthetic appeal of new multifamily residential buildings, provides open space, establishes well-defined streetscapes, minimizes the visual and surface water runoff impacts, and promotes pedestrian accessibility.

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Amendment 8:

The purpose of this subchapter is to establish standards for multifamily and single-family attached residential development in TC-4, PA 3, and R-8 through R-48 zones, and the MUR-35' zone when located on a nonarterial street, and the MUR-45' zone when developing single-family attached dwellings as follows:

- A. To encourage development of attractive residential areas that are compatible when considered within the context of the surrounding area.
 - B. To enhance the aesthetic appeal of new multifamily residential buildings by encouraging high quality, creative and innovative site and building design.
 - C. To meet the recreation needs of project residents by providing open spaces within the project site.
 - D. To establish a well-defined streetscape by setting back structures for a depth that allows landscaped front yards, thus creating more privacy (separation from the street) for residents.
 - E. To minimize the visual and surface water runoff impacts by encouraging parking to be located under the building.
 - F. To promote pedestrian accessibility within and to the buildings. (Ord. 706 § 1 (Exh. A), 2015; Ord. 654 § 1 (Exh. 1), 2013; Ord. 238 Ch. V § 3(A), 2000).
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Amendment # 9

20.50.125 Thresholds – Required site improvements.

The purpose of this section is to determine how and when the provisions for full site improvement standards apply to a development application in TC-4, PA 3, and R-8 through R-48 zones and, the MUR-35' zone when located on a nonarterial street, and the MUR-45' zone when developing single-family attached dwellings. Site improvement standards of signs, parking, lighting and landscaping shall be required:

- A. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing land and structure(s) on the parcel. This shall include all structures on other parcels if the building under permit review extends into other parcels; or
 - B. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing land and structure(s) at the time of the first issued permit.
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Amendment #10

20.50.220 Purpose.

The purpose of this subchapter is to establish design standards for all commercial zones – neighborhood business (NB), community business (CB), mixed business (MB) and town center (TC-1, 2 and 3), the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Refer to SMC 20.50.120 when developing single-family attached dwellings in the MUR-35' and MUR-45' zones. Some standards within this subchapter apply only to specific types of development and zones as noted. Standards that are not addressed in this subchapter will be supplemented by the standards in the remainder of Chapter 20.50 SMC. In the event of a conflict, the standards of this subchapter will prevail.

Amendment #11

20.50.230 Threshold – Required site improvements.

The purpose of this section is to determine how and when the provisions for site improvements cited in the General Development Standards apply to development proposals. Full site improvement standards apply to a development application in commercial zones NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street. Refer to SMC 20.50.120 when developing single-family attached dwellings in the MUR-35' and MUR-45' zones. Site improvements standards of signs, parking, lighting, and landscaping shall be required:

Amendment #12

20.50.240 Site Design

Justification – This amendment seeks to limit access points on NE 145th and on 5th Avenue NE between 145th Street and 148th Street as redevelopment occurs. This portion of 5th Avenue NE has a number of limitations/issues that are or will become present when the light rail station is operational. These issues are described below:

- 1. The Washington State Department of Transportation has a “Compatibility Line” along the 5th Avenue NE street frontage. The compatibility line restricts access to 5th Avenue NE because of the proximity to the freeway on-ramps on 5th Avenue. Property owners on 5th Avenue have a deed restriction that states each single-family home may have a driveway. The proposed rezone to MUR-70' does not allow new single-family homes so all new development will either be commercial or mixed-use. The City, WSDOT, and most likely Sound Transit are concerned about increased vehicles entering and exiting from 5th Avenue so close to the freeway on ramp.*
- 2. The proposed light rail station at 145th will create additional bus, car, pedestrian, and bicycle traffic along 5th Avenue NE. Driveways serving new multifamily or commercial*

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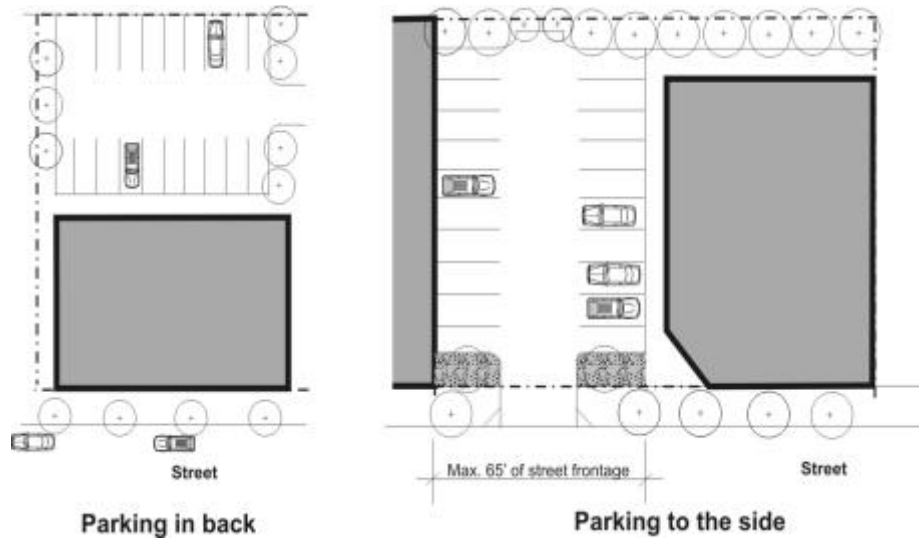
buildings along 5th Avenue may create conflicts by residents trying to access buildings and commuters trying to access the light rail station.

3. *5th Avenue NE is designated as an Arterial Street in the Transportation Master Plan. 5th Avenue NE is also planned as a bicycle route with plans for a bike lane. The City seeks to limit vehicular, pedestrian, and bicycle traffic as much as possible so limiting access to new development along 5th Avenue will decrease conflicts in the future.*

C. Site Frontage.

1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:
 - a. Buildings and parking structures shall be placed at the property line or abutting public sidewalks if on private property. However, buildings may be set back farther if public places, landscaping and vehicle display areas are included or future right-of-way widening or a utility easement is required between the sidewalk and the building;
 - b. 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. Reference dimensional Table 20.50.020(2) and exceptions;
 - c. Minimum space dimension for building interiors that are ground-level and fronting on streets shall be 12-foot height and 20-foot depth and built to commercial building code. These spaces may be used for any permitted land use. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;
 - d. Minimum window area shall be 50 percent of the ground floor facade for each front facade which can include glass entry doors. This requirement does not apply when developing a residential only building in the MUR-35' and MUR-45' zones;
 - e. A building's primary entry shall be located on a street frontage and recessed to prevent door swings over sidewalks, or an entry to an interior plaza or courtyard from which building entries are accessible;
 - f. Minimum weather protection shall be provided at least five feet in depth, nine-foot height clearance, and along 80 percent of the facade where over pedestrian facilities. Awnings may project into public rights-of-way, subject to City approval;
 - g. Streets with on-street parking shall have sidewalks to back of the curb and street trees in pits under grates or at least a two-foot-wide walkway between the back of curb and an amenity strip if space is available. Streets without on-street parking shall have landscaped amenity strips with street trees; and
 - h. Surface parking along street frontages in commercial zones shall not occupy more than 65 lineal feet of the site frontage. Parking lots shall not be located at street corners. No parking or vehicle circulation is allowed between the rights-of-way and the building front facade. See SMC [20.50.470](#) for parking lot landscape standards.

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Parking Lot Locations Along Streets

- i. New development on: 185th Street; NE 145th Street; and 5th Avenue between NE 145th Street and NE 148th Street shall provide all vehicular access from a side street or alley. If new development is unable to gain access from a side street or alley, an applicant may provide alternative access through the administrative design review process.
 - j. Garages and/or parking areas for new development on 185th Street shall be rear-loaded.
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