

Planning Commission Meeting Date: May 5, 2016

Agenda Item: 6

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Public Hearing on Development Code Amendments Related to 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 checked="" type="checkbox"/> Public Hearing | <input 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. In preparation for permitting a segment of the Lynnwood Link Extension project, staff have been working with Sound Transit to modify the City's Development Code to better address this new use in Shoreline.

The purpose of tonight's Public Hearing is to:

- Highlight any changes or additions to the proposed Development Code amendments derived from the Planning Commission Study Session conducted on April 21, 2016 or written public comment received to date;
- Hear testimony from the public regarding the proposed Development Code amendments;
- Respond to any remaining questions the Commission may have regarding the proposed amendments; and
- Develop the Planning Commission's recommendation on the proposed Development Code amendments for City Council.

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 City encourages anyone interested in commenting on the proposed amendments to attend the Public Hearing or to send written comments via E-mail or mail to: rmarkle@shorelinewa.gov or City of Shoreline, Attn: Rachael Markle 17500 Midvale Avenue North, Shoreline, WA 98133.

BACKGROUND

On February 4, 2016 the Planning Commission held a study session on draft Ordinance No. 741 - amendments to the Development Code related to light rail system/facilities. Following that study session, the City received detailed feedback on several of the proposed amendments from Sound Transit staff. Staff revised the amendments based on the feedback from Sound Transit. 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>

On April 21, 2016 the Planning Commission conducted another study session on draft Ordinance 741. The staff report and presentation highlighted the changes to the amendments based on additional information and feedback provided by Sound Transit staff. The April 21st staff report can be accessed through the following link:

<http://www.shorelinewa.gov/Home/Components/Calendar/Event/9495/182?toggle=allpast>

DISCUSSION

The proposed amendments contained in draft Ordinance No. 741 (Attachment A) include:

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

Detailed explanations for each of the proposed amendments was included in the April 21st Planning Commission staff report. The report and video for that meeting can be accessed from the link above.

Suggested Changes Based on April 21st Discussion

During public comment a suggestion was made to have all of the replacement trees required in SMC 20.50.360(C) to be native conifers. A lot of the trees that will be removed in order to construct and operate the Lynnwood Link Extension are native conifers. These conifers are viewed by many as integral to Shoreline's identity and contribute to Shoreline's sense of place. The Code does not specify the type of tree required as a replacement, just the size. If the Planning Commission would like to recommend adding this specification staff suggests the following language:

SMC 20.50.360(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 replacement trees ~~replaced~~ under this provision: deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.
4. Replacement trees required for the Lynnwood Link Extension project shall be native conifers unless as part of the plan required in SMC 20.50.360(A) the qualified professional demonstrates that a native conifer is likely to not survive in a specific location.

Staff concurs with the comment that replacing the conifers removed with native conifers will help offset the impacts over time of removing the existing native conifers. Sound Transit may not be able to meet this requirement 100% of the time due to:

- Needing to ensure clearance from trees to safely operate the light rail system;
- Limitations on space to replant large growing species; and

- Concerns regarding the survival rate of native conifers planted without the support of larger stands of trees.

These are legitimate concerns and limitations that could be addressed through the required tree plan in SMC 20.50.360(A) that is to be approved administratively by the City and the Special Use Permit, to be approved by using a Type C, Quasi-Judicial process. This would allow for the implementation of the requirement for replacing trees with native conifers while ensuring that the requirement would not unduly burden the project based on evidence presented in the tree study or the Special Use Permit application.

Planning Commission Light Rail Subcommittee

The Planning Commission Light Rail Subcommittee will meet on Thursday April 28th which falls after the publishing of this report. The main purpose of this meeting will be to discuss in greater detail the proposed amendments with a focus on the Sound Transit requested edits. A representative from Sound Transit will attend the Subcommittee to provide additional information about the edits as requested by the Subcommittee. The Subcommittee may suggest changes to the proposed amendments. The Subcommittee may also identify amendments that go beyond the purview of those being considered as part of draft Ordinance No. 741. If that is the case, then those amendments may be considered at a subsequent date in another Ordinance.

TIMING AND SCHEDULE

June 6, 2016 – City Council discussion on Ordinance 741

July 11, 2016 – City Council adoption of Ordinance 741

RECOMMENDATION

Staff recommends approval of Exhibit A of Draft Ordinance No. 741, Attachment A which includes amendments to Shoreline Municipal Code Title 20, Development Code related to light rail transit system/facilities.

ATTACHMENT

Attachment A – Exhibit A of 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 replacement 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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