



# PLANNING COMMISSION

## REGULAR MEETING

### AGENDA

Thursday, May 5, 2016  
7:00 p.m.

Council Chamber • Shoreline City Hall  
17500 Midvale Ave North

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00
2. ROLL CALL	7:05
3. APPROVAL OF AGENDA	7:07
4. APPROVAL OF MINUTES	7:08
a. <a href="#">April 21, 2016 Draft Meeting Minutes</a>	

#### **Public Comment and Testimony at Planning Commission**

*During General Public Comment, the Planning Commission will take public comment on any subject which is not specifically scheduled later on the agenda. During Public Hearings and Study Sessions, public testimony/comment occurs after initial questions by the Commission which follows the presentation of each staff report. In all cases, speakers are asked to come to the podium to have their comments recorded, state their first and last name, and city of residence. The Chair has discretion to limit or extend time limitations and the number of people permitted to speak. Generally, individuals may speak for three minutes or less, depending on the number of people wishing to speak. When representing the official position of an agency or City-recognized organization, a speaker will be given 5 minutes. Questions for staff will be directed to staff through the Commission.*

5. GENERAL PUBLIC COMMENT	7:10
6. PUBLIC HEARING	7:15
a. <a href="#">Draft Ordinance 741 – Development Code Amendments Related to Light Rail System and Facilities Permitting Process</a>	
• Staff Presentation	
• Public Testimony	
7. STUDY ITEM	7:45
a. <a href="#">Development Code Amendments for Station Subareas</a>	
• Staff Presentation	
• Public Comment	
8. DIRECTOR’S REPORT	8:30
9. UNFINISHED BUSINESS	8:35
10. NEW BUSINESS	8:40
11. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	8:41
12. AGENDA FOR MAY 19, 2016	8:42
a. Development Code Amendments for 145 <sup>th</sup> Street Station Subarea Planning	
13. ADJOURNMENT	8:45

*The Planning Commission meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk’s Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457. For up-to-date information on future agendas call 801-2236*



**DRAFT**

**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION  
MINUTES OF REGULAR MEETING**

April 21 2016  
7:00 P.M.

Shoreline City Hall  
Council Chamber

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**Commissioners Present**

Chair Pro Tem Montero  
Commissioner Chang  
Commissioner Maul  
Commissioner Malek  
Commissioner Mork  
Commissioner Moss-Thomas

**Staff Present**

Rachael Markle, Director, Planning & Community Development  
Steve Szafran, Senior Planner, Planning & Community Development  
Kendra Dedinski, Traffic Engineer  
Lisa Basher, Planning Commission Clerk

**Commissioners Absent**

Chair Craft

**CALL TO ORDER**

Chair Pro Tem Montero called the regular meeting of the Shoreline Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Upon roll call by the Commission Clerk the following Commissioners were present: Chair Pro Tem Montero, and Commissioners Chang, Maul, Malek and Mork and Moss-Thomas. Chair Craft was absent.

**APPROVAL OF AGENDA**

Director Markle requested that the order of the two study items be switched, which the Commission agreed to, and the remainder of the agenda was approved.

**APPROVAL OF MINUTES**

The minutes of April 5, 2016 were adopted as amended, and the minutes of April 7, 2016 were adopted as presented.

## GENERAL PUBLIC COMMENT

There were no general public comments.

## STUDY ITEM: LIGHT RAIL SYSTEM AND FACILITIES PERMITTING PROCESS AND APPLICABLE REGULATIONS

### Staff Presentation

Director Markle advised that the topic of the study session is amendments to the Shoreline Municipal Code (SMC) designed to set the standards for development of light rail system/facilities. It represents the second round of such amendments. She recalled that Sound Transit asked the City to delay the amendments to allow them more time to provide input, and some changes have been made in response to comments from Sound Transit. She reviewed each of the proposed amendments as follows:

- **SMC 20.20 – Definitions.** The definitions for “Light Rail Transit Facility” and “Light Rail Transit System” were amended to make it clear that they are “Essential Public Facilities.” Also, a definition for “Regional Transit Authority” was added to be consistent with State law. The definition for “Development Agreement” was amended, as well, since it was determined that Development Agreements are not the appropriate mechanism for processing permits for “Essential Public Facilities.”
- **SMC 20.30.100 – Applications.** This amendment would allow Sound Transit to apply for permits related to property that it does not yet own or control. The intent is to allow them to move forward while the final property negotiations are completed, and permits would be conditioned to stipulate that work is allowed only on parcels owned by Sound Transit or where Sound Transit is authorized by the owner to use the property.
- **SMC 20.30.330 – Special Use Permit.** The City Council recently adopted the Special Use Permit (SUP) process as the means to approve light rail system/facilities. She explained that an SUP can be used by the Hearing Examiner to condition a project in order to meet the adopted criteria. The original intent was to use the SUP decision criteria applicable to all special uses in the City, and the proposed amendment would add additional criteria for SUP’s that are specific to light rail system/facilities. Sound Transit has noted that Essential Public Facilities cannot be precluded through the application or review of a SUP, and staff agreed that was never the intent. The amendment would add this language into the actual purpose for the permit to provide clarification.
- **SMC 20.30.330(C) – Decision Criteria for Special Use Permits.** In addition to the existing criteria used to review SUPs, staff is proposing additional criteria specific to light rail transit system/facilities. The intent of the three proposed new criteria is to ensure that the proposed light rail stations, garages and other associated facilities use energy efficient and environmentally sustainable architecture and design, demonstrate the availability of sufficient capacity and infrastructure to safely support light rail systems/facilities, and reflect the City’s Guiding Principles for Light Rail Facility Design. The purpose of the SUP criteria is to allow Essential Public Facilities (light rail system/facilities) in a way that is also compatible with other uses in the zone.

- **SMC 20.40.438 – Supplemental Application Submittal Requirements.** The proposed amendment would add supplemental application submittal requirements for all light rail system/facilities in any zone. The submittal items are typical for larger development projects in Shoreline, and the intent is to streamline the requirements by listing them all in one place. The supplemental requirements include:
  - A **Construction Management Plan** to work out such details as where staging areas will be located, how haul routes will work, hours of construction, noise reduction practices, daily clean up, parking for construction crews, etc.
  - A **Parking Management Plan** to examine such issues as overflow parking, signage, and parking enforcement.
  - A **Multi Modal Access Plan**, which would be folded into Sound Transit’s Access Assessment Report to address on and off-site needs for sidewalks, bicycle facilities, buses, traffic calming and parking impacts attributed to development of the proposed light rail stations.
  - A **Neighborhood Traffic Plan** would be used to look at traffic speeds and volumes with residents in an effort to anticipate issues and solutions. A typical outcome is the identification of traffic-calming measures for various locations if the need arises following the opening of the service. This plan would also be folded into Sound Transit’s Access Assessment Report.
  - A **Transportation Impact Analysis** is already required for any large project in the City as a way to ensure concurrency. However, Sound Transit has pointed out that they are not subject to concurrency. The Access Assessment Report will allow the City to identify the impacts and solutions, similar to a Transportation Impact Analysis, but the City cannot tie it to concurrency. It must be done through negotiation and agreement.
  
- **SMC 20.50.240(F)(6)(g) – Utilities for Public Places.** This amendment would require that publicly-accessible water and electrical power supply be supplied at high-capacity transit centers and stations and associated parking. These utilities could be used to support outdoor vendors in the future and create a sense of place.
  
- **SMC 20.50 – Compliance with Tree code and Related Provisions.** A largely unavoidable impact related to the construction of the light rail stations/facilities is the removal of hundreds of trees. The City’s existing regulations are a great starting place for determining tree replacement ratios and sizes, but they are a little weak in regard to potential impact on off-site trees. The proposed amendment would improve the off-site tree regulations citywide to broaden the scope of an arborist’s evaluation and site design to include trees and their critical root zones when located within five feet of development. It also adds specific requirements for tree replacement when the tree that is being replaced is located off site. As proposed, the replacement trees would need to be larger (8 feet instead of 6 feet in height).
  
- **SMC 20.50.360(C)(3) – Replacement of Trees.** It was recently pointed out that this provision is cause for some confusion. Using the phrase “replacement trees” rather than “trees replaced” makes the language much clearer. It was noted that this amendment was not included in the list of

proposed code amendments currently before the Commission for consideration, but it would be included in the next round.

Director Markle advised that the proposed amendments are scheduled for a public hearing before the Commission on May 5<sup>th</sup>. They will be discussed by the City Council on June 6<sup>th</sup> and potentially adopted on July 11<sup>th</sup>.

### **Public Comment**

**David Lange, Shoreline**, said he has been taking buses out of the north end for a number of years, and the closest thing to the station design for 145<sup>th</sup> is the old Northgate Park and Ride on 5<sup>th</sup> Avenue where a mixture of cars and buses used the same off-street lanes for the parking lot and bus stops. Pedestrians had to walk through the parking lot to get to the bus stops and buses had to cross oncoming traffic at an unsignaled driveway into the facility. This old facility was replaced by the Northgate Transit Center, which is visible from the freeway and has much larger parking areas, a dedicated pair of bus lanes around a center station, and stoplights on both street accesses. Pedestrians are fenced in and enter the station area near either end. He said the station at Northgate is moving to the road another step in order to advance Sound Transit and Metro's designs. During all of the changes at Northgate, the 65<sup>th</sup> Street Park and Ride in Seattle keeps ticking with buses serving stops on the roadway and pedestrian accesses along sidewalks on busy streets, but the vast parking lots still stretch on for blocks. He summarized that when you think ahead and get lucky with the design, the results do not have to be knocked down every decade. The Roosevelt rail station passes about four blocks to the east, with no additional parking, and the first Northgate Park and Ride is now a green park.

Mr. Lange said he has strong feelings about where the 145<sup>th</sup> Street Station should be located. He spent part of the day doing research and bumped into numerous comments about getting bus stops off the public roads and using bike racks that allow for higher density and a less-costly solution. There were also some thoughtful hints for station design that focused on either picking the options you want and then looking for a location or picking the site and limiting the features that fit. He referred to ideas he previously forwarded to the Commission. He asked that they review the existing station design and grade the effort against four principles: segregation of bus and non-bus traffic, segregation of pedestrian and vehicular movement, segregation of pedestrian flows, and segregation of transportation and non-transport activities. He stressed that the City must do better, and the Development Code is a good place to start.

**Yoshiko Saheki, Shoreline**, commented that everyone has had the experience of driving north on Interstate 5 from Seattle to come home to Shoreline. You know when you enter Shoreline because there are a lot of trees, many of which are native Conifer. She understands that some of the trees on the east side of the freeway will need to be removed to accommodate the light rail station. However, she suggested that language should be added to the code to require that these trees be replaced with new native Conifers, which denote the spirit of the City. She noted that the City's logo is an artistic rendition that represents the native Conifer.

## Commission Discussion

Commissioner Moss-Thomas referred to the proposed amendments in **SMC 20.40.438** and said that, in addition to addressing parking and traffic impacts associated with the completed station, the Transportation Impact Analysis and Parking Management Plan should also address parking, traffic and other impacts associated with construction. She questioned where construction workers would park if the existing park and ride is eliminated to accommodate the new building. Director Markle explained that the City already requires Construction Management Plans for all large projects, including the light rail system/facilities, and the Engineering Development Guide will outline the types of things required in any Construction Management Plan, including parking during construction.

Commissioner Mork also referred to **SMC 20.40.438** and questioned if the City would have the same ability to address parking and traffic impacts via the Access Assessment Report as opposed to the Transportation Impact Analysis and Parking Management Plan. Director Markle explained that the code language that would be eliminated did not specifically outline what each plan must include. She is confident that the titles convey the types of things that must be included in the plan, and staff will continue to work out the details of what Sound Transit will provide and when as part of the agreement process. All of the requirements of the Traffic Impact Analysis and Parking Management Plan would be included in the Access Assessment Report. In addition, the City could require a third-party review at the applicant's expense if the City does not agree with the results and assumptions used in the analysis.

Commissioner Moss-Thomas recalled that the City previously discussed that Sound Transit would need to provide the supplemental plans by 60% design. She asked if the Access Assessment Report would have to meet that same timeline. Director Markle responded that the Construction Management Plan must be submitted prior to construction and the 60% timeline should work. However, the timeline for the other plans would be negotiated with Sound Transit, trusting they will be completed prior to when they are needed. The City will not issue any permits until the information is in hand.

Commissioner Mork requested clarification of how the proposed review method would work. For example, how would the City address a situation in which Sound Transit proposes refrigeration units in their side tunnels that the City determines are too loud next to residential homes. Director Markle said the SUP criteria would be used for the review, one of which addresses impacts on adjacent properties. The City would identify the impact and recommend some type of mitigation. If the Hearing Examiner decides against staff's recommendation, he/she would have to make findings as to why staff's recommendation exceeded the City's ability to condition the project or did not have merit.

Commissioner Chang asked if **SMC 20.30.330** would apply to Essential Public Facilities in general and not just light rail systems/facilities. Director Markle answered affirmatively. Commissioner Chang summarized that, as per SMC 20.30.330, the SUP would be used to condition a project as opposed to preventing it from happening. She asked if there would be any reason the City would want to prohibit an Essential Public Facility. Director Markle emphasized that the City cannot preclude the citing of an Essential Public Facility, it can only reasonably condition it.

Commissioner Moss-Thomas said she supports the proposed amendments to **SMC 20.30.330(C)**, which would require power supply infrastructure in public areas. She asked if it would also be appropriate to

require conduit for electrical vehicle charging stations or if this is something that Sound Transit routinely includes in its garages. She recognized that the code language should not be too specific, since technology can change over the next several years. Mr. Szafran said the Commercial Design Standards, which apply to Sound Transit's parking garage, require that conduit be provided for a percentage of parking stalls to accommodate electric charging stations.

The Light Rail Station Subcommittee agreed to meet again with staff prior to the May 5<sup>th</sup> public hearing.

Commissioner Mork asked how the City can impact Sound Transit's plans for bicycle access, etc. Director Markle answered that the City's adopted standards would be applied to Sound Transit. The intent is that Sound Transit will identify any standards that cannot be met as part of the SUP process. If Sound Transit cannot meet the criteria, they will have to propose something else that gets to the same end. The Hearing Examiner will make the final determination in these situations.

Commissioner Mork requested clarification about how the Engineering Development Guide would be used to guide the Sound Transit projects. Director Markle explained that staff intends to create a very detailed list in the Engineering Development Guide to identify what must be included in the Construction Management Plan. This specific list does not currently exist.

## **STUDY ITEM: COMPREHENSIVE PLAN DOCKET 2016**

### **Staff Presentation**

Mr. Szafran reminded the Commission that the Growth Management Act (GMA) limits review of the proposed Comprehensive Plan amendments to no more than once per year. The Commission has already voted to forward Amendments 1 through 4 and 11 to the City Council, with a recommendation that they be included on the 2016 Docket. They postponed Amendments 5 through 10 at the March 17<sup>th</sup> meeting in order for the City's Traffic engineer to be present for the discussion. He reviewed each of the amendments as follows:

- **Proposed Amendment 5** seeks to amend language in the Point Wells Subarea Plan Policy PW-1. The policy has to do with the public access road to Point Wells through Woodway.
- **Proposed Amendment 6** would add the language to the introductory language for the Point Wells Subarea Plan Policy PW-11.
- **Proposed Amendment 7** would add language to the Point Wells Subarea Plan Policy PW-12.
- **Proposed Amendment 8** would amend Transportation Policy T-44, and has to do with no through movements less than Level of Service (LOS) E.
- **Proposed Amendment 9** would also amend Transportation Policy T-44, and has to do with the volume over capacity (V/C) ratios for Collector Arterial Streets.



- **Proposed Amendment 10** would amend Transportation Policy T-44, and has to do with no more than one leg of an intersection may have a V/C ratio greater than .90.

Mr. Szafran summarized that the Commission is charged with making a recommendation to the City Council on which of the proposed amendments should be included on the 2016 final docket. Staff is recommending that proposed Amendment 5 through 10 not be included on the draft docket.

Ms. Dedinski, Traffic Engineer, commented on proposed Amendments 5 through 10 as follows:

- **Proposed Amendments 5 and 6.** Staff does not support the amendment. Providing the excess language in the form of hypothetical scenarios does not add value, in staff's opinion. Impacts from development must be mitigated. If adequate mitigation cannot be achieved, the development cannot proceed or has to be changed until it can. The restrictive criteria are, essentially, the LOS Standard and not whatever iteration of numbers might come down the line. It is important to keep in mind that the number of vehicles traveling over the roadway changes on a regular basis. At the time of the study is when the number should be measured and the extra capacity of the roadway determined.
- **Proposed Amendment 7.** Staff does not support this amendment as it is already addressed by the City's LOS Standards. While Mr. McCormick has pointed out it is not staff's place to recommend changes to the proposed amendment, the City's Capital Improvement Program (CIP) includes a project to restripe Richmond Beach Road in this segment from four lanes to three. This would be the future roadway configuration, which would limit capacity more than it is today. Therefore, in staff's opinion, the capacity is driven by the future CIP.
- **Proposed Amendments 8, 9 and 10.** Staff does not support this revision, which could significantly change the City's adopted LOS Standard and have major implications to the current concurrency structure and code. Revising the standard before studying the impacts to the Development Code would be cause for concern, and it would take considerable staff time to reconcile. Staff is scheduled to complete a Transportation Master Plan (TMP) update in 2017, at which time LOS Standards will be reevaluated. Before any changes are made to the LOS Standards, a significant amount of work would be needed to identify the implications.

### **Public Comment**

**Tom McCormick, Shoreline**, said he assumes that the public would be invited to speak separately on each of the docket items, similar to the procedure that was followed at the February 18<sup>th</sup> meeting. Vice Chair Montero agreed that would be acceptable.

- **Proposed Amendment 5**

Mr. McCormick said he is tired of hearing from staff that it is premature to talk about a second road and the area of annexation. If the premature argument is used, then the Point Wells Subarea Plan and Comprehensive Plan Policies should all be eliminated, since they are designed to look to the future. He explained that the intent of Amendment 5 is to hone in on the annexation issue by saying, if there is a separate road east of the tracks, it should be in Woodway's territory and the City should not be

annexing. He referred to an email he sent the City summarizing comments made by Ryan Countryman at the recent Richmond Beach Association Meeting. Mr. Countryman basically said that Snohomish County would not support cross-boundary annexation, so the whole idea of annexation is a mirage. However, the subarea plan should at least state that, if for some reason the City does annex the property and a second road is added, Shoreline is not laying dibs on what is east of the tracks. That should be for Woodway.

**Tom Mailhot, Shoreline**, said he supports proposed Amendment 5, which states that if a second public road is built into the Point Wells area to connect to the Town of Woodway, the future service and annexation area for Shoreline should only be the area west of the track and not the entire Point Wells island. He disagreed with the City's response that the amendment is premature since the second access road leading to Point Wells is uncertain. He commented that if certainty is a requirement for inclusion in the Comprehensive Plan, the entire Point Wells Subarea Plan should be repealed since it is only valid if the City were to annex Point Wells, something that is far from certain.

Mr. Mailhot suggested the City's argument is backwards. The City develops a Comprehensive Plan, not to guide existing development, but to guide future situations that, by definition, are uncertain to occur. The City is currently working with the Town of Woodway on a financial analysis of various annexation options, including a split option that has Shoreline annexing the area west of the tracks and Woodway annexing the area east of the tracks. Should the option become the preferred option, he believes it is important for the City's Comprehensive Plan to recognize that if a second road is built, the City's Future Service Annexation Area should no longer include the area east of the tracks. He said he does not want this reasonable annexation compromise endangered by the argument that the City's Comprehensive Plan requires the entire area to be annexed. He asked that Amendment 5 be included on the 2016 Docket to give the City flexibility should future annexation options come to pass.

Commissioner Mork asked the downside of adding Amendment 5 to the docket. Mr. Szafran said that is something that would be studied if the item is added to the docket.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION RECOMMEND THAT AMENDMENT 5 BE INCLUDED ON THE 2016 DOCKET FOR FURTHER STUDY. COMMISSIONER CHANG SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Proposed Amendment 6**

**Tom McCormick, Shoreline**, explained that the purpose of Amendment 6 is to incorporate what the City has already decided in its Capital Improvement Plan (CIP), which is to restripe Richmond Beach road to three lanes. As he pointed out at the March 17<sup>th</sup> meeting and again in his email to the City, the Staff Report does not accurately summarize the proposed language. Staff has not made any attempt to address the inaccuracies. The Comprehensive Plan should take into account that the City's CIP has already concluded that Richmond Beach Road will be restriped in 2017. Contrary to what Ms. Dedinski stated, the amendment is not hypothetical. The number of Average Daily Trips (ADTs) that come out of Point Wells is irrelevant. What they need to know is the capacity of the street and what standard will be used to measure when there is too much traffic. He recalled that the City commissioned a study, and

they know they will not be able to have much additional traffic on Richmond Beach Road before they run into a breakage under the City's .90 Volume/Capacity (V/C) supplemental LOS Standard. This should be called out in the subarea plan. Specifically, with a three-lane Richmond Beach Road, and applying the .90 V/C LOS Standard, there will only be capacity for X number of additional trips, and the City's own study says that number is 4,000 peak hour trips if it is restriped just up to 8<sup>th</sup> Avenue. If it is restriped all the way to Dayton, there would be no additional capacity. This important information needs to be set forth in the policy to send a clear message to Snohomish County. Snohomish County will be deciding what can and cannot be developed at Point Wells, so the proposed amendment would have no impact on the City's Development Standards.

Mr. McCormick summarized that the language in the proposed amendment makes it clear that the road's right-of-way is insufficient to permit widening to increase capacity. It also makes it clear that the City has studied the issue, and there is a hard number of extra capacity the road can accommodate. He noted that hard numbers have been set forth in two other locations in the subarea plan for Richmond Beach Drive. These are valid numbers and not hypothetical, and there is a capacity problem on Richmond Beach road.

Vice Chair Montero asked about the specific language that is being recommended. Ms. Dedinski read Mr. McCormick's proposed language for Amendment 6.

Ms. Dedinski clarified that her use of the term "hypothetical" is not meant to refer to capacity. The City already knows the capacity, as determined by the LOS Standard and the City's TMP. The .90 V/C ratio is the hard number. However, the number of trips that will be on the road when it is eventually studied is currently unknown. She explained there are two components of a V/C ratio: volume and capacity. The capacity is fixed and is part of the LOS Standard. All of the other numbers noted in the proposed amendment are hypothetical.

Commissioner Moss-Thomas voiced concern that the language in the proposed amendment gets into too much detail that might not be appropriate for the Comprehensive Plan. The City will learn more when the TMP is updated in 2017. At this time, the City does not know exactly what will happen at Point Wells or if any action will occur in 2016. She felt the proposed amendment is premature until the process is further along. If appropriate, the amendment could be presented again for the 2017 Docket.

Commissioner Chang asked if the LOS Standard is associated with a particular V/C ratio. Ms. Dedinski answered affirmatively and explained that the .90 V/C ratio is the supplemental LOS Standard. For example, the LOS Standard for intersections is "D," with an adopted supplemental LOS Standard of .90 V/C. Commissioner Chang asked if the standard could change at some point in the future. Ms. Dedinski answered affirmatively. She explained that the LOS policy is set forth so that jurisdictions can dictate how their city should look and feel and how it accommodates development with road infrastructure. As part of the 2017 update of the TMP, the LOS Standards will be reevaluated and brought to the City Council for a recommendation.

Commissioner Malek said he sees no reason to postpone adding the amendment to the docket for further study. In fact, he suggested it would be a misfire to exclude it, given what is coming up on Point Wells. There are a lot of unknowns and the pace of development varies with the developer's ability to move

studies and permits forward. The Traffic Corridor Analysis is due soon, and he felt the proposed amendment is very relevant. The amendment is intended to call attention to the fact that further up Richmond Beach Road there is no capacity, and the current language does not make this clear. Whatever comes up that road is likely to overwhelm that portion of roadway beyond 3<sup>rd</sup> Avenue.

Commissioner Chang said the Draft Environmental Impact Statement (DEIS) for Point Wells will be available during the summer. Although full build out will not occur until at least 2035, work is happening right now. She also understands that Snohomish County is trying for concurrency with Shoreline's road standards, so clarifying the standards makes sense.

Commissioner Mork said her understanding is that the amendment is intended to make sure that Snohomish County is not confused about what Shoreline wants. She asked the downside of the proposed amendment. Ms. Dedinski said that, in staff's opinion, the LOS Standard the City adopted in the 2011 TMP is clear and concise and will not be misinterpreted by Snohomish County. The proposed language adds additional content of a hypothetical situation. While it does not have any negative implications, per se, staff believes it waters down the City's standards. The amendment does not alter the standards, it simply provides more hypothetical details. Commissioner Mork summarized that staff is concerned the language in Amendment 6 would add confusion and make the standards more difficult to understand and staff agreed.

Commissioner Maul pointed out that the .90 V/C Standard is already identified in the code, and tied to the CIP. The restriping project is documented and applicants are required to use that as their baseline for moving forward. He agreed with staff that the proposed amendment adds a lot of words and could result in additional confusion. The existing language is clean and clear.

Commissioner Chang pointed out that there are times when the .90 V/C Standard can be exceeded, even though it is an adopted City standard. For example, averaging is allowed at intersections. Ms. Dedinski agreed that averaging is allowed at intersections, but a developer cannot force the City into accepting a different standard, and the cases that have been accepted in the City's TMP are situations where the City felt the standard would be financially burdensome on the City. In the case of Point Wells, there would be no downside to the City enforcing the .90 V/C Standard. Commissioner Chang asked if the City could accept a standard greater than .90 V/C as part of the Development Agreement. Ms. Dedinski agreed that is possible, but it would require approval by the City Council.

Commissioner Chang requested feedback from staff regarding the statement in the note that was attached to the proposed amendment, stating that even a single additional trip per day to/from Point Wells could result in a total traffic volume that exceeds the City's LOS Standard. Ms. Dedinski explained that traffic counts can vary depending on the day the counts are taken, and there are a number of factors that could decrease the amount of cars on that corridor in the future. Currently, using the 2011 numbers, it is correct to state that between Dayton and 3<sup>rd</sup> Avenue there is not spare capacity for a three-lane scenario.

Commissioner Moss-Thomas asked if the City has plans to address the entire Richmond Beach road with a three-lane approach. Ms. Dedinski said the project is in the CIP, but the scoping process has not started yet. It could be that it's not recommended to do a three-lane section in that particular part of the

corridor. Commissioner Malek suggested that these are reasons for including the amendment on the docket.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION RECOMMEND THAT AMENDMENT 6 BE INCLUDED ON THE 2016 DOCKET FOR FURTHER STUDY. COMMISSIONER CHANG SECONDED THE MOTION. THE MOTION RESULTED IN A TIE, WITH COMMISSIONERS MAUL, MORK AND MOSS-THOMAS VOTING IN OPPOSITION AND COMMISSIONERS MALEK, CHANG AND MOTERO VOTING IN FAVOR.**

Mr. McCormick clarified that, because the vote was tied, the motion neither passed nor failed. Mr. Szafran confirmed that the amendment would go forward without a recommendation.

- **Proposed Amendment 7**

**Tom McCormick, Shoreline**, explained that, from a legal standpoint, there is a significant difference between introductory text and the policies, themselves. He clarified that Amendment 6 is related to the introductory text to Policy PW-11, and Amendment 7 is related to Policy PW-12. He pointed out that Policy PW-12 references a study commissioned by the City and not a hypothetical situation, as staff has suggested. It also identifies a hard number ADT limit of 4,080 for Richmond Beach Drive. The amendment would add the following as a separate limitation, *“The maximum number of new vehicle trips a day entering the City’s road network from/to Point Wells at full buildout shall not exceed the spare capacity of Richmond Beach Road under the city’s .90 V/C standard based on Richmond Beach Road being a 3-lane road (the .90 V/C standard may not be exceeded at any location along Richmond Beach Road).”*

Mr. McCormick clarified that the CIP clearly identifies 3-lanes on Richmond Beach Road. The decision on whether or not the 3-lanes should extend all the way to Dayton was made by the City Council when it approved the CIP, and any change would require City Council action. He said the proposed new language should not be objectionable because it states the obvious. There is going to be a 3-lane Richmond Beach Road, and the City’s .90 V/C Standard should apply. He stressed the need to call this out as a separate limit as opposed to just referring generally to LOS Standards so that staff cannot negotiate an agreement that results in a different V/C ratio that allows a greater level of traffic. He pointed out that the .90 V/C Standard is consistent with the current Development Code and TMP.

Mr. McCormick referred to the statement in parenthesis, which was added to make it clear that the .90 V/C Standard should apply to all of Richmond Beach Road and not just the major intersections. For example, the traffic volume at the intersection of 190<sup>th</sup> and Richmond Beach Road is nearly the same as at 8<sup>th</sup> Avenue and Richmond Beach Road. He said that, upon doing a public records request, he learned that there has been discussion about changing the V/C Standard to allow more flexibility and accommodate the developer. He emphasized that the proposed amendment would send a clear message to Snohomish County.

Commissioner Mork asked the downside of including the amendment on the docket. Ms. Dedinski agreed with Mr. McCormick that the City Council would have to approve any changes in the CIP. The

Richmond Beach Road restriping project would require approval from the City Council before it is contracted out for construction. Changing the V/C Standard would also require City Council approval. Any exception made to the LOS Standard would be done via a Development Agreement, which would require City Council approval. She summarized that, while the text in the proposed amendment would not have any major implications, it adds language that is already the City's standard protocol.

Commissioner Malek said he believes it is highly likely that secondary access to Point Wells will be provided through Woodway. Regardless of where the secondary access is located, most traffic will filter through Richmond Beach. The Richmond Beach Neighborhood is very concerned about the significant increase in traffic that will be channeled through the small community. He said he supports the proposed amendment, which will reiterate and reinforce the fact that the residents do not want something to be overlooked or increased without City Council approval and legislation. It is important to consider the potential for traffic stagnation and maintain the ability to mitigate.

Commissioner Maul said he sees no negatives for including Amendment 7 on the docket. Rather than muddying the water, it simply states the obvious.

**COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND THAT AMENDMENT 7 BE INCLUDED ON THE 2016 DOCKET FOR FURTHER STUDY. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Proposed Amendment 8**

**Tom Mailhot, Shoreline**, said he was present to represent Save Richmond Beach. He advised that Proposed Amendment 8 would add a phrase to Transportation Policy T-44 to ensure there is no through movement on any leg of intersection that is less than LOS E. He reviewed that staff has voiced concern that the proposed amendment would cause a lot of extra work, and consideration should be delayed until the TMP is updated. He pointed out that the staff, itself, has proposed multiple Comprehensive Plan amendments for the 2016 Docket, knowing full well that the staff work required to assess the impact of the proposed amendments would not be done until next year (i.e. Amendments 1, 3 and 4). The intent of including the items on the docket was to provide instruction to staff about issues that must be addressed in future staff work, and Amendment 8 is no different. While the work to assess the impact of the proposal may not be done until 2017, the TMP review will start in 2016 and the proposed amendment provides direction to staff about an issue they need to study as the review moves forward.

Mr. Mailhot summarized that by waiting until the 2017 Docket to submit the amendment, he can easily imagine the City responding that they just completed a bunch of work on the TMP that did not include the suggestion, and it is too expensive to go back and do the work over again. He asked that the Commission recommend Amendment 8 for inclusion on the 2016 Docket to provide direction to staff as they work on revising the TMP in 2016, with the expectation that it will likely need to be carried forward to the 2017 Docket once the work is finally completed.

Commissioner Maul requested clarification related to LOS Standards D and E. Ms. Dedinski explained that balance must be considered when reviewing the overall LOS at an intersection. For example,

although, overall, an intersection may function at LOS C, one of the legs could be functioning at LOS F. This means the side street could be waiting quite a long time to get through the light, but the mainline could be flowing relatively well. It is possible, through modeling and a developer's impact study, to adjust the signal timing and/or intersection function in a way that favors the major through movement but unfairly penalizes the side street. The .90 V/C Standard is intended to ensure that no movements are impacted unfairly. The additional phrase identified in Amendment 8 could impact the concurrency structure. In her opinion, it would be reckless to change policy without knowing what the implications are first. The existing LOS Standards were thoroughly studied and later adopted by the City Council for implementation. Moving a potential change forward would likely result in unforeseen implications.

Ms. Dedinski briefly explained the concept of concurrency. She reviewed that the City hired a consultant to do a network-wide model of the City as part of the 2011 TMP update. The model studied all of the existing streets in Shoreline and identified their existing capacities and future anticipated volumes based on land use. This process allowed the City to identify potential LOS failures that needed to be addressed (Concurrency Model), and the intent is to fund the needed improvements via Transportation Impact Fees (TIF). She emphasized that this work was based on the City's current LOS Standard, and changing the standard could impact the network-wide Concurrency Model. In addition, the City is responsible to fund any identified improvements that are not funded via the TIF. She summarized that while the proposed amendment would not likely have a significant impact, she cannot confirm that with certainty. She would not recommend the change without studying it first, which staff has been instructed to do by the City Council.

Commissioner Mork asked staff to respond to Mr. Mailhot's concern that if the amendment is not included on the 2016 Docket, it may not be studied as part of the 2017 TMP update. Ms. Dedinski answered that the City Council has authorized funding for the TMP Update and is on record as specifically requesting that LOS Standards be studied as part of the update. The concerns that Amendments 8, 9 and 10 are intended to address would be considered as part of this future work.

Commissioner Mork summarized that staff is concerned about including the amendment on the docket without knowing the impact it will have on the concurrency model. Ms. Dedinski added that, if the City Council adopts Amendment 8 and it does have major implications, the City may have to increase the TIF and taxpayers may be responsible for paying for a lot more mitigation than what was initially anticipated. Commissioner Mork summarized that staff believes the amendment is unnecessary and would result in potential negative impacts and no positive impacts.

Commissioner Moss-Thomas pointed out that Amendments 8, 9 and 10 are related to Transportation Policies that apply Citywide and not just to areas impacted by the Point Wells Development. Changing the LOS Standard requires additional study, which will occur as part of the TMP Update. The TMP is incorporated into the Comprehensive Plan by reference. She reminded the Commission that the amendments to the Comprehensive Plan cannot be done without first updating the TMP. Therefore, amending the Comprehensive Plan is not the proper way to inform the City Council of the concerns that need to be addressed. A better approach would be to forward a transmittal letter to the City Council advising of the elements the Commission believes are important to be studied as part of the TMP update. Ms. Dedinski agreed that the City's LOS Standards need to be reevaluated as part of the TMP update, but the proposed amendments are not the right mechanism.

**COMMISSIONER MOSS-THOMAS MOVED THAT THE COMMISSION RECOMMEND THAT AMENDMENT 8 NOT BE INCLUDED ON THE 2016 DOCKET FOR FURTHER STUDY. COMMISSIONER MAUL SECONDED THE MOTION.**

Again, Commissioner Moss-Thomas explained that amending the Comprehensive Plan is not the appropriate mechanism for addressing LOS Standards. LOS Standards will be reevaluated as part the TMP Update, and doing a separate study for this one amendment would be an unwarranted extra cost to the City.

Commissioner Malek voiced concern about timing and when the LOS Standards for this particular area would be reevaluated as part of the TMP Update. Ms. Dedinski explained that many jurisdictions separate their concurrency models by area, which may be a more progressive approach that allows for varying LOS Standards that are more or less restrictive. There are also ways to wrap multi modal LOS into the concurrency standards, which the City does not currently do. The City can prioritize what it is trying to address via the concurrency model, but the timeframe is more difficult to determine. At this time, staff has no realistic timeline for when the LOS evaluation work will begin in Richmond Beach.

Commissioner Mork asked if the City Council would have the ability to make Richmond Beach Road a priority in the TMP Update, and Ms. Dedinski answered affirmatively. However, she noted that it may require that staff time be shifted from other high-priority projects such as the Sound Transit stations. She cautioned against shifting an entire work program to accommodate something that might happen in one neighborhood.

Commissioner Chang referred to the applicant’s statement that Proposed Amendment 8 is consistent with the Memorandum of Understanding (MOU) the City negotiated with BSRE, which includes a statement that Richmond Beach Road should be LOS D with no through movement less than LOS E. Ms. Dedinski agreed that it is consistent, but said the proposed amendment would change the policy Citywide and not just for this one area. The City’s agreement through the MOU is that the developer would uphold this standard. But the MOU would not impact the Citywide policy.

**THE MOTION CARRIED 5-1, WITH COMMISSIONER MALEK VOTING IN OPPOSITION.**

- **Proposed Amendment 9**

**Tom McCormick, Shoreline**, asked the Commissioners to reconsider their recommendation relative to Amendment 8. While Commissioner Moss-Thomas’ idea of sending a transmittal letter to the City Council is a good idea, the Comprehensive Plan amendment process is the public’s opportunity to put forward ideas through a legally-recognized channel. If amending the Comprehensive Plan is not the correct approach, he questioned how the public could put forward issues that need to be addressed in the TMP. He emphasized that including the amendment on the docket would not automatically change the standard, but it would allow for additional study going forward. He also questioned why the MOU included both the .90 V/C Standard and the “no through movement less than LOS E” if there is no difference between the two. He questioned why BSRE’s counsel objected vigorously to including the “no through movement less than LOS E” standard in the MOU. He expressed his belief that there is a



significant difference between the two. He is looking down the road and does not want to see “traffic gone wild.” He asked why it would be a big deal to change the TIF Standards if the phrase “no through movement less than E” causes a slight tightening. The Council did not immutably adopt TIF standards that can never be changed. This is a reasonable exercise that would apply throughout the City, just as the MOU standard applies throughout the City. The amendment would deal with any intersection in the City.

**Tom Mailhot, Shoreline**, said he represents Save Richmond Beach. He observed that there seems to be a real misunderstanding about what the Commission is being asked to do. He and Mr. McCormick are not asking them to recommend approval of the proposed amendments, but simply to include them on the docket that will result in further study. The Comprehensive Plan amendment process is the forum for citizens to present ideas they want studied.

Mr. Mailhot referred to Proposed Amendment 9 and commented that if the City has standards for Principal and Minor Arterials, it should also have standards for Collector Arterials. If not, the City could end up with more traffic on Collector Arterials, which are neighborhood streets, than on Principal Arterials. He suggested that this concept should be studied as part of the TMP Update that will take place in 2016 and 2017. He is concerned that if the amendment is postponed to the 2017 Docket, the City will have already completed its major study without including it as part of the discussion. The amendment needs to be on the 2016 Docket so it is included as part of the TMP study. Saying that the TMP Update will include a study of traffic volumes and concurrency does not guarantee that this particular suggested change will be studied. Having it on the docket guarantees that this particular change gets considered.

Mr. Szafran recalled that the same amendment was proposed for the 2015 Docket, and the City Council directed staff to look at this particular language as part of the TMP Update. Therefore, it is included within the scope of the TMP work plan. Including the language proposed in Amendment 9 would duplicate what is already in the work plan.

Commissioner Moss-Thomas summarized that the applicant is not necessarily bringing the amendment forward to change the Comprehensive Plan, but to bring it to the Council’s attention for further study. Again, she emphasized that, unless the amendment identifies an essential element that is missing in the Comprehensive Plan, this is not the appropriate mechanism for accomplishing the goal. The Comprehensive Plan is a living document that applies to the entire City and references the TMP. She commented that the City Council would have an opportunity to review the Commission meeting minutes.

Commissioner Mork asked the downside of including the amendment on the docket. Ms. Dedinski explained that changing the language in the Comprehensive Plan as set forth in Amendment 9 would have implications. The Comprehensive Plan is a living policy document, and perhaps the language should have been clearer if the intent was for staff to study the impacts of the proposed change and not actually change the policy.

Commissioner Moss-Thomas observed that, if adopted, the amendment would apply to all Collector Arterials in the City. The City Council has already allocated a budget for the TMP Update, and this is a

specific area that staff has been directed to study. While it is important to convey the importance of the message to the City Council, she does not believe that including the amendment on the 2016 Docket is the appropriate mechanism. The Council has already directed staff to study the issue, and the amendment would be redundant.

Commissioner Mork said redundancy, on its face, is not a reason to recommend or not recommend approval. Mr. Szafran summarized that there would be no down side to including the amendment on the docket because it is already there.

**COMMISSIONER MAUL MOVED THAT THE COMMISSION RECOMMEND THAT AMENDMENT 9 BE INCLUDED ON THE 2016 DOCKET FOR FURTHER STUDY. COMMISSIONER MALEK SECONDED THE MOTION, WHICH CARRIED UNANIMOUSLY.**

- **Amendment 10**

**Tom McCormick, Shoreline**, said he is concerned about the future of the City and its streets, and he is not putting ideas forward frivolously. He recognized that Amendments 8 through 10 would apply to the City, as a whole, and not just to Point Wells. However, Amendment 9 is an example of why Amendment 8 should be reconsidered. He explained that the only reason that staff is going to be studying Collector Arterials and assigning the .90 V/C ratio to them as part of the TMP Update is because he put forward a proposal in 2015 that Collector Arterials be included with other arterials. The Comprehensive Plan Docket, including the TMP, was the vehicle for bringing the issue to the attention of the staff, Planning Commission and City Council. Not only did the City Council agree to include it on the docket, but they agreed to have it studied, as well. Again, he said he disagreed with the Commission’s recommendation related to Amendment 8. They are not asking for it to be adopted, but that it be added to the docket so the City Council can decide if more study is warranted.

Mr. McCormick commented that the language proposed in Amendment 10 would make it clear that only one leg of intersection could exceed the .90 V/C Standard. Staff should not have an objection to this language, since it is already contained in the Development Regulations and/or Comprehensive Plan. Secondly, amendment 10 would make it clear that an LOS Standard lower than .90 V/C shall not be permitted for Richmond Beach Road or Richmond Beach Drive, if it is ever designated as an arterial. The intent is for there to be a strong presumption that the .90 V/C ratio will apply for Richmond Beach Road, and they will request that the City Council adopt the language, as proposed. They want the streets protected, and they do not want too much traffic.

**Tom Mailhot, Shoreline**, said he represents Save Richmond Beach. He read from the front of the City’s Comprehensive Plan Amendment General Application as follows: *“Proposed General Amendment: This can be either conceptual, a thought, or idea, or specific changes to wording in the Comprehensive Plan, but please be as specific as possible so that your proposal can be adequately considered.* Based on the City’s direction to make the amendment request as specific as possible, he wrote the actual wording he thought should be studied. Again, he reminded the Commission that they are not asking to change the Comprehensive Plan immediately. They are simply asking for further study about whether it is a good idea or not.

Mr. Mailhot referred to the MOU the City signed with BSRE regarding the Transportation Corridor Study, and said he supports the requirement that intersections perform at an LOS D with no through movement less than E and a street segment V/C Ratio greater than .90. This standard will promote safe movement through the corridor, and it should be applied throughout the entire City. The amendment is not necessary in order for the change to be considered for Richmond Beach Road, since it is already identified in the MOU. But if it is good for Richmond Beach Road, it should apply to the entire City.

Mr. Mailhot referred to the parenthetical statement in the proposed amendment, which states that “*a lower LOS standard shall not be permitted for Richmond Beach Road, or Richmond Beach Drive, if it is ever designated as an arterial.*” He said this language is an attempt to prohibit the City from negotiating the standard away without more public visibility. He emphasized that it is important to include Amendment 10 on the docket this year so the suggested change can be studied by the City. Once the TMP Update is done, the City will be able to answer whether or not this is a good idea or not. Submitting the amendment in 2017 will be too late.

Ms. Dedinski said it is a bit misleading to say that if a more restrictive LOS Standard is good for Richmond Beach, it is good for the entire City. It actually depends on the Concurrency Framework Goal. If the goal is to encourage development in particular areas, the more restrictive LOS Standard may not be appropriate since it would impose more fees. She reminded the Commission that the intent of the Growth Management Act is not to restrict growth through limiting the LOS Standard. The intention is to build enough roadway infrastructure to accommodate your LOS Standard. It does not restrict development or the additional trips from occurring, it just means that you have to make wider roadways. They must keep in mind what the City wants moving forward. Do they want wider intersections and wider roadways or do they want to encourage more pedestrian and transit opportunities? The TMP needs to be even more comprehensive and include things like bicycle and pedestrian infrastructure.

Vice Chair Montero recalled that the Point Wells Subcommittee discussed the description of an intersection and how the LOS is averaged. Ms. Dedinski explained that the LOS Standard at intersections is strictly based on the delay of the approach (how long you are waiting). It does take into account such things as pedestrian LOS, etc. The current Citywide policy lacks the ability to geographically put things into context. Most jurisdictions have separated out areas for different concurrency frameworks that fit the context of the neighborhood.

Commissioner Chang pointed out that the language in proposed Amendment 10 would be specific to Richmond Beach and would not necessarily result in wider roads because the MOU includes a promise not to widen beyond the existing right-of-way except for at certain intersections. Ms. Dedinski agreed that is currently in the MOU, but the City is unclear as to whether or not the requirement would actually be enforceable. She emphasized that developers cannot take people’s properties, they must be purchased, and this is another measure of restriction. She clarified that, while the entire policy would apply Citywide, the proposed new language would apply specifically to Richmond Beach Road and Richmond Beach Drive.

Commissioner Mork asked the downside of including the amendment on the 2016 Docket. Ms. Dedinski answered that it would add unnecessary language to the Comprehensive Plan that could result

in more staff time for study. Commissioner Chang said it also asks the City to consider holding to the current standard. Ms. Dedinski said she does not see denying the amendment as a way to allow the City to negotiate away the existing standards and structure.

Commissioner Mork summarized Ms. Dedinski's earlier comments that there may be different parts of the City where flexibility might be a good thing. She asked if including the amendment on the docket would tie the City Council's hands as far as flexibility, and Ms. Dedinski answered it is not likely.

**COMMISSIONER MALEK MOVED THAT THE COMMISSION RECOMMEND THAT AMENDMENT 10 BE INCLUDED ON THE 2016 DOCKET FOR FURTHER STUDY. COMMISSIONER CHANG SECONDED THE MOTION, WHICH CARRIED 5-0, WITH COMMISSIONER MOSS-THOMAS ABSTAINING.**

### **DIRECTOR'S REPORT**

Director Markle provided an update on Point Wells. She reviewed that the Transportation Corridor Study was put on hold in 2014 pending BSRE rerunning the traffic model to include the City of Shoreline's requested data corrections. The City has several unresolved comments that are quite important, one being the modeling of Richmond Beach Road at three-lanes west of Dayton to the triangle at Northwest 195<sup>th</sup> Street. The final design for the upper section of Richmond Beach Road (Segment B) was not completed, and they never came to a final recommended design for the triangle area between Northwest 195<sup>th</sup> and 196<sup>th</sup> Streets. The implications of not having agreement and not rerunning the model is that there could be definite differences in the recommended designs that come out of the Transportation Corridor Study. They cannot move forward until that work is done.

Director Markle reported that the Draft Environmental Impact Statement (DEIS) and permit review might be completed in the summer of 2016, but Snohomish County is also waiting on some transportation data and other revisions. Snohomish County will most likely move forward with the issuance of a DEIS at the applicant's request, despite not having complete agreement on the assumptions and methods used for transportation analysis. If they haven't reached agreement and/or don't have all the information they've requested to date, they will just use the DEIS as a means to point that out. The inconsistencies will be reflected in the DEIS and may necessitate a supplement Environmental Impact Statement (EIS). Snohomish County's principle concerns involve internal trip capture rates, transit ridership rates, and the 2<sup>nd</sup> access road.

Director Markle further reported that plan resubmittal for permits and permit review will begin following the DEIS. This way, BSRE can incorporate changes based on the supplemental review from Snohomish County, as well as the public and City comments on the DEIS and input from the Urban Centers Design Review Board. These comments would be reflected in the Final Environmental Impact Statement (FEIS) and would address the modified submittal. Depending on the degree of change, there may be need for supplemental EIS work between the DEIS and FEIS. The environmental process will be long.

Director Markle reported that annexation was discussed by the Snohomish County Project Manager, Ryan Countryman, at a presentation to the Richmond Beach Community Association. Staff does not

have an update on the City's position and is still operating in accordance with the City's Point Wells Subarea Plan designation of the approximately 50 lowland acres of Point Wells as the Future Service and Annexation Area. She also reported that a tolling study has been included in the 2016 budget, but it is not scheduled to start until the 4<sup>th</sup> quarter of 2016 or early 2017.

Commissioner Maul asked what the process of annexation would look like, given Snohomish County's attitude towards cross-border annexation. Director Markle said it may have to move to a political level. The steps outlined in Snohomish County's Comprehensive Plan are completely arduous and something the City cannot imagine doing. When she asked the County to walk her through the steps for annexation, she found the process to be very lengthy and convoluted. She also approached the County Commission leadership for guidance, but nothing has been resolved. Commissioner Chang stressed the importance of resolving the process, since many future decisions and negotiations with the developer will be based on the idea of annexation. Director Markle commented that now that things have settled down, it may be appropriate for the City to approach the County again to reevaluate the process.

Director Markle announced that the Shoreline Preservation Society's appeal of the 185<sup>th</sup> Street Station Subarea Plan was dismissed by the Growth Management Hearing Board at the request of the Shoreline Preservation Society. There are no more pending appeals on the 185<sup>th</sup> Street Station Subarea Plan.

### **UNFINISHED BUSINESS**

After attending the Richmond Beach Community Association General Meeting, Commissioner Malek observed that City staffing and the ability to build staff to address so many projects that are happening at this particular time is a concern to the community members. They are concerned they will be caught off guard or unawares. If the City does have the budget for more staff, how will they be brought up to speed to have the level of skill and knowledge that will be needed. This needs to be addressed at some point.

### **NEW BUSINESS**

There was no new business on the agenda.

### **REPORTS OF COMMITTEES AND COMMISSIONERS/ANNOUNCEMENTS**

There were no reports or announcements.

### **AGENDA FOR NEXT MEETING**

There was no discussion about the next meeting's agenda.

**ADJOURNMENT**

The meeting was adjourned at 9:15 p.m.

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William Montero  
Chair Pro Tem, Planning Commission

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Lisa Basher  
Clerk, Planning Commission

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

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

**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](mailto: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 4<sup>th</sup> 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 21<sup>st</sup> 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 21<sup>st</sup> 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 28<sup>th</sup> 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**

...

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**

...

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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## 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 145<sup>th</sup> 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 145<sup>th</sup> 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 145<sup>th</sup> 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 \_\_\_\_\_

## 7. Staff Report - Development Regulations for Station Subareas

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

The City Council adopted the 185<sup>th</sup> 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 145<sup>th</sup> 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](http://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 185<sup>th</sup> Street Station Subarea**

The Commission reviewed and recommended to Council Development Code amendments to implement the 185<sup>th</sup> Street Station Subarea Plan in January 2015. Staff is recommending that the bulk of the amendments passed through the 185<sup>th</sup> Street Station Subarea Plan be applied to the 145<sup>th</sup> 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 185<sup>th</sup> 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

## 7. Staff Report - Development Regulations for Station Subareas

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 185<sup>th</sup> and 145<sup>th</sup> 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).

## **7. Staff Report - Development Regulations for Station Subareas**

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**



## 7. Staff Report - Development Regulations for Station Subareas

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

## 7. Staff Report - Development Regulations for Station Subareas

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 145<sup>th</sup> Street and 185<sup>th</sup> Street until a final design is selected for these streets. Staff does not yet know exactly what the setbacks along 145<sup>th</sup> and 185<sup>th</sup> will need to be. We do know what the preferred design concept for 145<sup>th</sup> 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 145<sup>th</sup> Street and 185<sup>th</sup> Street in the subareas. This approach was used when the City embarked on the Aurora Corridor project.

## 7. Staff Report - Development Regulations for Station Subareas

### **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 185<sup>th</sup> 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**

## 7. Staff Report - Development Regulations for Station Subareas

This amendment seeks to limit access points on NE 145<sup>th</sup> and to new multifamily, commercial, and mixed-use buildings on 5<sup>th</sup> Avenue NE between 145<sup>th</sup> Street and 148<sup>th</sup> Street when redevelopment occurs. This portion of 5<sup>th</sup> 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 5<sup>th</sup> Avenue NE street frontage. The compatibility line restricts access to 5<sup>th</sup> Avenue NE because of the proximity to the freeway on-ramps on 5<sup>th</sup> Avenue. Property owners on 5<sup>th</sup> 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 5<sup>th</sup> Avenue so close to the freeway on ramp.

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

5<sup>th</sup> Avenue NE is designated as an Arterial Street in the Transportation Master Plan. 5<sup>th</sup> 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 5<sup>th</sup> 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

## DEVELOPMENT CODE AMENDMENT BATCH 2016

### TABLE OF CONTENTS

Number	Development Code Section	Page
1	20.30.336 – MUR Zones, CAO, and R-6 Standards	1-2
2	20.40.160 – Station Area Uses	2-4
3	20.40.506 – SFR detached in MUR-45'	5
4	20.50.020(2) – Minimum Density in the MUR 35 Zone	5-8
5	20.50.020(2) – Minimum Lot Area for MUR-70'	11
6	20.50.020(2) – Maximum Setback on 145 <sup>th</sup> and 185 <sup>th</sup> Street	11
7	20.50.020(2) – Additional Height for Rooftop Amenities	11
8	20.50.120 – Townhomes in the MUR-45'	8-9
9	20.50.125 – Townhomes in the MUR-45'	8-9
10	20.50.220 – Townhomes in the MUR-45'	8-10
11	20.50.230 – Townhomes in the MUR-45'	8-11
12	20.50.240(C) – Access to Development from 5 <sup>th</sup> Ave NE	10-12

## 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.

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### 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'
<b>RESIDENTIAL</b>				
	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	<b>P-i</b>
	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	<b>P-i</b>
	Single-Family Detached	<b>P-i</b>	<b>P-i</b>	
	Tent City	P-i	P-i	P-i



## **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.

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## **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 145<sup>th</sup> Street and 185<sup>th</sup> Street. When the code was drafted for the MUR zones, staff did not know exactly what the setbacks along 145<sup>th</sup> and 185<sup>th</sup> 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 145<sup>th</sup> 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 145<sup>th</sup> or 185<sup>th</sup> should be. Staff believes it is expensive and/or excessive to have one standard setback for the entire 145<sup>th</sup> and 185<sup>th</sup> 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	<b><u>12 du/ac(16)</u></b>	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	<b><u>20,000 sq ft</u></b>
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street <b><u>20 ft maximum if located on 145<sup>th</sup> Street (14)</u></b>	15 ft if located on 185th Street 0 ft if located on an arterial street 10 ft on nonarterial street <b><u>20 ft maximum if located on 145<sup>th</sup> Street (14)</u></b>	15 ft <b><u>maximum</u></b> if located on 185th Street <b><u>(14)</u></b> <b><u>20 ft maximum if located on 145<sup>th</sup> Street (14)</u></b> 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 <b>(15)</b>	45 ft <b>(15)</b>	70 ft (11) (12) <b>(15)</b>
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*

## Attachment A - Development Code Amendments

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 145<sup>th</sup> Street and 185<sup>th</sup> 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.*

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### **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.*

# Attachment A - Development Code Amendments

## 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.
-

## 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.

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## 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:

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## Amendment #12

### 20.50.240 Site Design

*Justification – This amendment seeks to limit access points on NE 145<sup>th</sup> and on 5<sup>th</sup> Avenue NE between 145<sup>th</sup> Street and 148<sup>th</sup> Street as redevelopment occurs. This portion of 5<sup>th</sup> 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 5<sup>th</sup> Avenue NE street frontage. The compatibility line restricts access to 5<sup>th</sup> Avenue NE because of the proximity to the freeway on-ramps on 5<sup>th</sup> Avenue. Property owners on 5<sup>th</sup> 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 5<sup>th</sup> Avenue so close to the freeway on ramp.*
- 2. The proposed light rail station at 145<sup>th</sup> will create additional bus, car, pedestrian, and bicycle traffic along 5<sup>th</sup> Avenue NE. Driveways serving new multifamily or commercial*

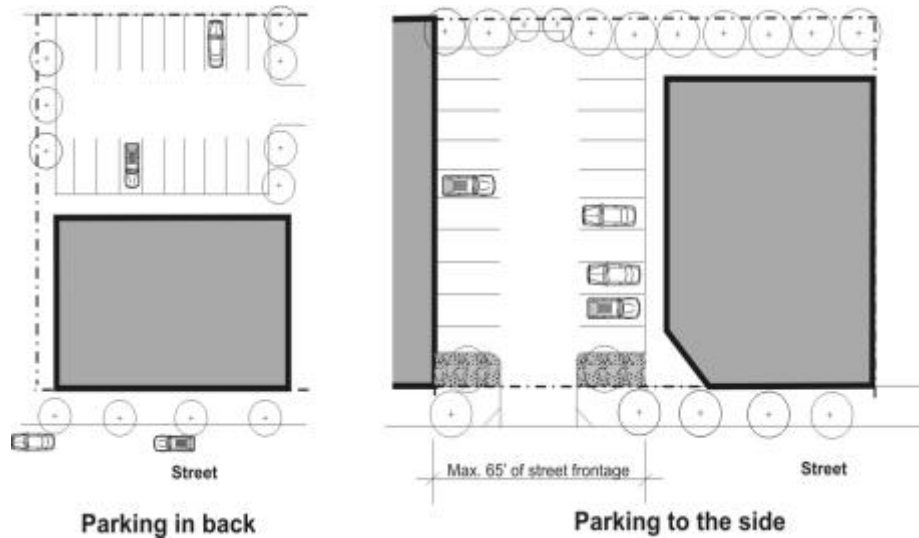
## Attachment A - Development Code Amendments

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

3. *5<sup>th</sup> Avenue NE is designated as an Arterial Street in the Transportation Master Plan. 5<sup>th</sup> 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 5<sup>th</sup> 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.



**Parking Lot Locations Along Streets**

- i. New development on: 185<sup>th</sup> Street; NE 145<sup>th</sup> Street; and 5<sup>th</sup> Avenue between NE 145<sup>th</sup> Street and NE 148<sup>th</sup> 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.
-