

Planning Commission Meeting Date: July 21, 2016

Agenda Item: 6b

PLANNING COMMISSION AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Development Regulations Related to Light Rail Station Subareas Continuation		
DEPARTMENT:	Planning & Community Development		
PRESENTED BY:	Steven Szafran, AICP, Senior Planner Paul Cohen, Planning Manager		
<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Study Session	<input type="checkbox"/> Recommendation Only	
<input type="checkbox"/> Discussion	<input type="checkbox"/> Update	<input type="checkbox"/> Other	

Introduction

The purpose of this study session is to:

- Respond to questions and comments raised by the Commission on June 2;
- Review new and revised Development Code regulations for the proposed 145th Street Light Rail Station Subarea Plan and Development Code regulations that apply to both subareas;
- Provide information for issues identified by staff;
- Ask direction on options for certain Development Code regulations;
- Confirm that the Commission is satisfied with the batch of amendments going forward to the public hearing on August 18th; and
- Gather public comment.

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

Background

The Planning Commission was introduced to the package of proposed amendments that apply to the MUR zones in both the 185th and 145th street station subarea plans at the May 5th meeting. These amendments are based on staff experience implementing the existing MUR regulations, issues raised by the community, and new information. The staff report for May 5th can be found here: <http://www.shorelinewa.gov/home/showdocument?id=25845>.

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

The Commission revisited several amendments at their June 2nd meeting. Those amendments included minimum density in the MUR-35' zone, allowing single-family detached dwellings in the MUR-35' and MUR-45' zones, minimum lot size in the MUR-70' zone, calculation of minimum density, and required site and frontage improvements when a use changes from residential to commercial. The staff report for the June 2nd meeting can be found here:

<http://www.shorelinewa.gov/home/showdocument?id=26061>.

The following amendment descriptions and recommendations are included as background. Each amendment below provides a description of the amendment, Planning Commission's direction on the amendment, updates since Commission's June 2nd meeting, and staff's recommendation. The proposed amendment language is located in Attachment 1.

Amendment #1

20.30.336 – Critical Areas Reasonable Use Permit

This proposed Development Code amendment is new and could 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).

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. Also, with greater allowable heights reasonable use of the MUR zoned property are likely to allow larger buildings than R-6 development with greater coverage and height. Another idea to consider is to require that development approved through a Critical Areas Reasonable Use permit be designed to meet net zero energy or net positive energy standards or comply with the living building imperatives.

Commission direction – The Commission indicated support for the amendment to require projects to comply with R-6 development standards when a Critical Areas Reasonable Use Permit is required and staff unless otherwise directed intends to move this amendment forward to the public hearing on August 18. The Planning Commission was silent on the idea of requiring net zero, net positive or compliance with the living building imperatives for projects requiring a Critical Areas Reasonable Use Permit. Therefore, staff does not intend to include such an amendment in the package for consideration at the August 18th public hearing.

Staff recommendation – Staff recommends that this amendment be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18.

Amendment #2**Table 20.40.160 – Station Area Uses**

This proposed amendment will prohibit single-family, attached housing in the MUR-70' zone and allow single-family, detached 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 may not provide the density envisioned around the stations and are better land uses to be transitional to single family zones.

The other part of this amendment is to allow single-family, detached housing in the MUR-35' and MUR-45' zone. On some sites, single-family, detached housing could meet all of the zoning regulations of the MUR-35' and 45' zones but would be able to create more housing choice with smaller, planned communities that have 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 housing in these zones with the additional requirement to meet minimum density (Amendment #4).

Commission direction – The Commission agreed that single-family attached dwelling such as duplexes, townhomes, and rowhomes should not be allowed in the MUR-70' zone. In addition, the Commission seemed to support allowing single-family detached dwellings in the MUR-35' and MUR-45' zones as long as it is required to meet the minimum density in the MUR-45' zone.

Updates – The Shoreline Fire Department has inquired on the feasibility of locating a new fire facility in the MUR-35' zone. Currently, the station area use table does not allow fire or police facilities in all MUR zones.

Staff is proposing to add fire and police facilities as a use allowed in the MUR-35', MUR-45', and MUR-70' zones subject to the approval of a Conditional Use Permit. Currently, these facilities are allowed in all zones but conditionally allowed in R-6 through R-48 and TC zones. Staff believes this change is warranted since the 185th and 145th Street Station Subarea Plans will call for additional firefighters and police officers in the future as the population rises in the station areas. More facilities may be needed to house new firefighters and officers and having the option of placing those facilities in the MUR-35' zones will allow strategic placement of these resources.

Staff recommendation – Staff recommends that amendments to: prohibit single family attached dwellings in the MUR-70' zone; allow single family detached dwellings in MUR-35' and MUR-45' that comply with minimum density requirements; and allow fire and police facilities as Conditional Uses be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18.

Amendment #3

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

This amendment builds on the previous amendment and changes the indexed criteria for single-family, detached housing in the MUR-35’ zone. The amendment makes it possible to develop single-family, detached housing within the MUR-35’ and MUR-45’ development standards without the current limitation that the development comply with the R-6 zoning standards.

Commission direction – The Commission seemed to support allowing single-family detached dwellings in the MUR-35’ and MUR-45’ zones. The Commission also indicated that there should not be a minimum density in the MUR-35’ zone.

Staff recommendation – Staff recommends that this amendment be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18. Note: staff still recommends establishing a minimum density for the MUR-35’ zone in conjunction with the allowance of multiple detached single family units. The intent of the minimum density is to ensure that the MUR-35’ zone develops at a level that will contribute to the creation of a transit oriented community.

Amendment #4

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

This amendment will allow single-family, detached housing in the MUR-35’ without limiting the development to R-6 zoning standards if the site meets minimum density standards.

The City may not have to lose density or development potential within the light rail station subareas by allowing single-family detached in the MUR – 35’ zone if a minimum density is established. Staff recommends a minimum density of 12 dwelling units/acre in the MUR-35’ zone. (Minimum density requirements are currently 18 dwelling units/acre for MUR 45’.) This amendment will encourage owners to develop more options for housing choice within the MUR-35’ zone.

The purpose of Amendments #3 and #4 is to create opportunities for more housing choices and through choice allow for better site design in the MUR-35’ and MUR-45’ zones. This group of proposed Development Code amendments seeks to allow denser, single-family, detached development on a parcel in the MUR-35’ and MUR-45’ zones. The attributes of this type of development are:

- Increased housing choices such as cottage housing
- Design could lead to more open space
- Design could lead to fewer driveways onto public right-of-ways.

NOTE: Single family detached units that do not meet minimum density are still allowed in the MUR-35' zone but are limited in scope due to required compliance with the R-6 development standards.

Commission direction – The Commission does not support a minimum density in the MUR-35' zone. The Commission does support the option of building multiple single-family detached dwelling in the MUR 35' zone. The language proposed in 20.40.506 allows a property owner to develop one single-family home based on the R-6 zoning standards. The amendment also gives the property owner the option of developing multiple single-family detached dwellings on an MUR-35' zoned parcels provided the development complies with the single-family attached and multifamily design standards in SMC 20.50.120.

Updates – Table 20.50.020(2) has been updated to strike 12 dwelling units /acre from the minimum density of the MUR-35' column.

Staff recommendation – Staff recommends that there **should be** a minimum density requirement in the MUR-35' zone. A minimum density will ensure increased housing density if and when a property owner decides to redevelop. A minimum density of 12 dwelling units per acre is relatively low and will still provide the type of transition the City envisions between the MUR-45' zone and single-family areas zoned R-6.

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 multifamily and mixed-use buildings in the MUR 70'.

The City can facilitate parcel aggregation by requiring a minimum lot size for redevelopment in the MUR-70' zone. This will result in more aggregated parcels with fewer isolated parcels of single family lots surrounded by tall buildings. However, it could discourage redevelopment until the development market for full MUR-70' potential becomes much stronger.

Staff 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'.

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 Community Business (CB) zone with a maximum height of 60 feet; two projects are in the Mixed Business (MB) zone with a maximum height of 65 feet and one project in the Town Center-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.

Staff and Commission have agreed that a minimum lot size in the MUR-70' zone of 20,000 square feet is the appropriate place to start if Council wants to implement a minimum lot size.

Commission direction – The Commission seemed to agree with staff that this amendment should go forward to the public hearing on August 18.

Staff recommendation – Staff recommends that this amendment be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18.

Amendment #6

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

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

Commission direction – The Commission seemed to agree with staff that this amendment should go forward to the public hearing on August 18.

Staff recommendation – Staff recommends that this amendment be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18.

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 limit of the zone. Solar and other environmental equipment have no height limit.

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

Commission direction – The Commission seemed to agree with staff that this amendment should go forward to the public hearing on August 18.

Staff recommendation – Staff recommends that this amendment be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18.

Amendment #8

20.50.020 Minimum Density Calculations

This amendment seeks to clarify the way that the City calculates minimum density requirements. Currently, the Development Code specifies that when a maximum density calculation results in a fraction it allows fractions of .50 and above to be rounded up and fractions below .50 are to be rounded down. The problem with using the current method for minimum density is that when a fraction is rounded down the minimum density requirement will not be met if the minimum density is calculated to be, for example, 12.1 units. Since 12.1 units cannot be built then 13 units would have to be built to meet the 12.1 unit calculation.

The proposal is to create a new requirement, 20.50.020(B)(3), that states, “For development in the MUR zones: minimum density calculations resulting in a fraction shall be rounded up to the next whole number”. This language is consistent with the intent that more dwelling units are to be provided on MUR zoned parcels.

Commission direction – The Commission seemed to agree with staff that this amendment should go forward to the public hearing on August 18.

Staff recommendation – Staff recommends that this amendment be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18.

Amendments #9, #10, #11, #12

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

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

Staff has spent the last year reviewing development proposals for townhomes and other single-family attached housing units in the MUR-45' zone and has found that strict application of the commercial design standards does not make sense for this type of development. The commercial design standards were intended to regulate large apartment, mixed-use, and commercial development. The commercial design standards include site frontage, right-of-way lighting, public spaces, distinctive facades, internal site walkways, open space, and outdoor lighting. These standards make sense for large multifamily or commercial projects but not all of these standards are "to scale" with 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. SMC 20.50.140 also requires that driveways for single-family attached and multifamily dwellings also provide walkways and/or landscaping to provide visual relief from the right-of-way.

Commission direction – The Commission seemed to agree with staff that this amendment should go forward to the public hearing on August 18.

Staff recommendation – Staff recommends that this amendment be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18.

Amendment #13

20.50.230 – Site Improvement Thresholds for Change of Land Use

Following the May 5th Planning Commission meeting, a member of the public raised a concern regarding the conversion of existing single family structures to commercial uses such as coffee shops, offices and restaurants in the MUR zone. The public comment is concerned that conversions will not be designed and operated in a way that enhances the neighborhood and fits in with both existing and new developments. A conversion could be as little as adding a small coffee shop to a residence to total commercial overhaul.

Currently, if a remodel exceeds the City thresholds then all site improvements (parking, lighting, signs and landscaping) would be made. Even if the thresholds are not met a change of use would minimally require updated parking and, if a sign is proposed, updated sign standards. Therefore, the two site improvements that would not be met below this threshold are site lighting and landscaping. Staff agrees that the conversions should meet the site lighting and landscaping standards for commercial zone design at

a minimum. The thresholds sections in the Code were not developed with minor adaptations from residential to commercial use in mind.

Commission direction – The Planning Commission seemed supportive of requiring site improvements, excluding on-site parking, when there is a change of use. This is different than the Code states now. Site improvements are based on the value of the improvements vs. the value of land and structure. If the construction valuation of the project is over 50% of the assessed value of land and structure, full site improvements are required.

Updates – New Development Code language is provided below.

Staff recommendation – Staff is recommending the following underlined Development Code language:

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. Site improvements 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; or
- C. When a single family land use is being converted to a commercial land use.

The proposed language is different from the Planning Commission's direction in terms of requiring parking when a land use changes from single family residential to commercial. Staff believes parking should be provided on-site mainly because street parking is limited in the 145th and 185th Street Station Subareas. Most of the streets in the Subareas lack curb, gutter, amenity zone, and sidewalks which would provide more public parking.

Amendment #14

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

This amendment seeks to limit access points on NE 145th and to new multifamily, commercial, and mixed-use buildings on 5th Avenue NE between 145th Street and 148th

Street when redevelopment occurs. This portion of 5th Avenue NE has a number of limitations/issues that are or will become present when the light rail station is operational. These issues are described below:

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

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

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

Commission direction – The Commission seemed to agree with staff that this amendment should go forward to the public hearing on August 18.

Staff recommendation – Staff recommends that this amendment be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18.

Amendment #15

20.70.320 - Frontage Improvements for Change of Land Use.

This proposed Development Code amendment is related to amendment #13 and would require frontage improvements when a residential structure is converted to a commercial use. Standard frontage improvements include right-of-way dedication, curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements are required when building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structures on the parcel. This type of land use conversion would be the only land use in the City to provide full street frontage improvements that is not related to thresholds.

A. Standard frontage improvements shall be upgraded or installed pursuant to standards set forth in the Transportation Master Plan Street Classification Map, the Master Street Plan adopted in Chapter 12.10 SMC, and the Engineering Development Manual for the specific street which is substandard to satisfy adequate public roadways required for subdivisions by Chapter 58.17 RCW and Chapter 20.30 SMC, Subchapter 7, and to mitigate direct impacts of land use approvals.

B. Standard frontage improvements consist of right-of-way dedication, curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements and pavement overlays up to one-half of each right-of-way abutting a property as defined in the Master Street Plan. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, transit, and nonmotorized vehicles. The improvements can include transit bus shelters, bus pullouts, utility undergrounding, street lighting, signage and channelization.

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single-family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels; or
2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit;
3. For subdivisions;
4. For development consisting of more than one dwelling unit on a single parcel (accessory dwelling units are exempt); or
5. One detached single-family dwelling in the MUR zones; or
6. When a single family land use is being converted to a commercial land use

Commission direction – The Commission seemed to support requiring full-frontage improvements when there is a change of use from residential to commercial.

Updates – New Development Code language is proposed and included above.

Staff recommendation – Staff recommends that this amendment be included in the Development Code package that will accompany the 145th Street Light rail Station Subarea Plan and Planned Action Ordinance on August 18.

Next Steps for the 145th Street Station Subarea Plan, Planned Action Ordinance and Development Code amendments

July 21	Planning Commission meeting: Discuss Subarea Plan, potential Development Code Amendments and zoning scenarios
August 4	Planning Commission meeting: Discuss Planned Action and adopting ordinances
August 18	Planning Commission PUBLIC HEARING: Discuss Ordinances 750,

	751, and 752 for Subarea Plan package and make recommendation to Council
September 12	Council meeting: Study Session on Subarea Plan package
September 26	Council meeting: Council potentially amends and adopts Ordinances 750, 751, and 752* *Council adoption may extend into October depending on number of revisions from Planning Commission recommendation.

Attachment

Attachment 1 – Proposed Station Subarea Related Development Code Amendments

6b. Staff Report Development Code Regulations

Attachment 1 Proposed Amendments

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Amendment # 1

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

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);
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.

Table 20.40.160 Station Area Uses

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

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Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Collective Garden			
	House of Worship	C	C	P
	Daycare I Facilities	P	P	P
	Daycare II Facilities	P	P	P
	Eating and Drinking Establishment (excluding Gambling Uses)	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	General Retail Trade/Services	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P-i
	Individual Transportation and Taxi			P -A
	Kennel or Cattery			C -A
	Marijuana Operations – Medical Cooperative	P	P	P
	Marijuana Operations – Retail			
	Marijuana Operations – Processor			
	Marijuana Operations – Producer			
	Mini-Storage		C -A	C -A
	Professional Office	P-i (Adjacent to Arterial Street)	P-i (Adjacent to Arterial Street)	P
	Research, Development and Testing			P-i
	Veterinary Clinic and Hospital			P-i
	Wireless Telecommunication Facility	P-i	P-i	P-i
EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION				
	Amusement Arcade		P -A	P -A
	Bowling Center		P-i (Adjacent to	P

6b. Staff Report Development Code Regulations Attachment 1 Proposed Amendments

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
			Arterial Street)	
	College and University			P
	Conference Center		P-i (Adjacent to Arterial Street)	P
	Elementary School, Middle/Junior High School	C	C	P
	Library		P-i (Adjacent to Arterial Street)	P
	Museum		P-i (Adjacent to Arterial Street)	P
	Parks and Trails	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)		P -A	P -A
	School District Support Facility		C	C
	Secondary or High School	C	C	P
	Specialized Instruction School		P-i (Adjacent to Arterial Street)	P
	Sports/Social Club		P-i (Adjacent to Arterial Street)	P
	Vocational School		P-i (Adjacent to Arterial Street)	P
GOVERNMENT				
	Fire Facility	C-i	C-i	C-i
	Police Facility	C-i	C-i	C-i
	Public Agency Office/Yard or Public Utility Office/Yard	S	S	S

Comment [s1]: Staff is proposing to allow fire and police facilities in the MUR-35' zone subject to a Conditional Use Permit with indexed criteria. Staff believes this change is warranted since the 185th and 145th Street Station Subarea Plans call for the need for additional firefighters and police officers in the future as the population rises in the station areas. More facilities may be needed to house new firefighters and officers and having the option of placing those facilities in the MUR-35' zone makes sense.

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Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
	Utility Facility	C	C	C
HEALTH				
	Hospital	C	C	C
	Medical Lab	C	C	C
	Medical Office/Outpatient Clinic		P-i (Adjacent to Arterial Street)	P
	Nursing and Personal Care Facilities		P-i (Adjacent to Arterial Street)	P
OTHER				
	Animals, Small, Keeping and Raising	P-i	P-i	P-i
	Light Rail Transit System/Facility	S-i	S-i	S-i
	Transit Park and Ride Lot		S	P
	Unlisted Uses	P-i	P-i	P-i

P = Permitted Use S = Special Use A= Accessory = Thirty percent (30%) of the gross floor area of a building or the first level of a multi-level building.	C = Conditional Use -i = Indexed Supplemental Criteria
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**Amendment # 3
20.40.506 Single-family detached dwellings.**

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

Comment [s2]: The Commission does not support a minimum density in the MUR-35' zone so this proposed language is recommended to not be added to the amendment.

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Multiple 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.

Comment [s3]: PC does not support the addition of a minimum density in the MUR-35' zone (6/2/16 PC Meeting).

Amendments #4-7: There are several proposed amendments to Table 20.50.020(2). The proposals are discussed below:

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	12 du/ac (16)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	<u>20,000 sq ft</u>
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street <u>20 ft maximum if located on 145th Street (14)</u>	15 ft if located on 185th Street 0 ft if located on an arterial street 10 ft on nonarterial street <u>20 ft maximum if located on 145th Street (14)</u>	15 ft <u>maximum</u> if located on 185th Street (14) <u>20 ft maximum if located on 145th Street (14)</u> 0 ft if located on an arterial street 10 ft on nonarterial street
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft
Base Height (9)	35 ft (15)	45 ft (15)	70 ft (11) (12)(15)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

Comment [s4]: See comment S1

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](#).

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

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

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

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

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

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

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

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

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

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

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

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

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

Comment [s5]: This exception is unnecessary since the Commission does not support minimum density in the MUR-35' zone. The Commission does support SFR detached in the MUR-35' zone without a minimum density requirement. This position will allow a home owner to build one SFR or multiple SFR's on a single lot without the restriction of the R-6 zoning standards.

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Amendment #8

20.50.020 Dimensional requirements

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

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

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

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

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

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

3. For development in the MUR zones: minimum density calculations resulting in a fraction shall be rounded up to the next whole number.

Amendment #9

20.50.120 Purpose

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 and detached 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.

Comment [s6]: The Planning Commission supports SFR attached and SFR detached in both the MUR-35' and MUR-45' zones. Amendment 8 should be updated to include SFR detached as a housing type that should be regulated by the Single-family/Multifamily design regulations and not the Commercial Design Standards.

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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).

Amendment # 10

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 and detached dwellings.~~ Site improvement standards of signs, parking, lighting and landscaping shall be required:

Comment [s7]: See comment S4

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 #11

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 and detached 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.

Comment [s8]: See comment S4

Amendment #12

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 and detached~~

Comment [s9]: See comment S4

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dwellings in the MUR-35' and MUR-45' zones. Site improvements standards of signs, parking, lighting, and landscaping shall be required:

Amendment #13

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. Site improvements 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.

C. When a single family land use is being converted to a commercial land use then full site improvements will be required.

Amendment #14

20.50.240 Site Design

C. Site Frontage.

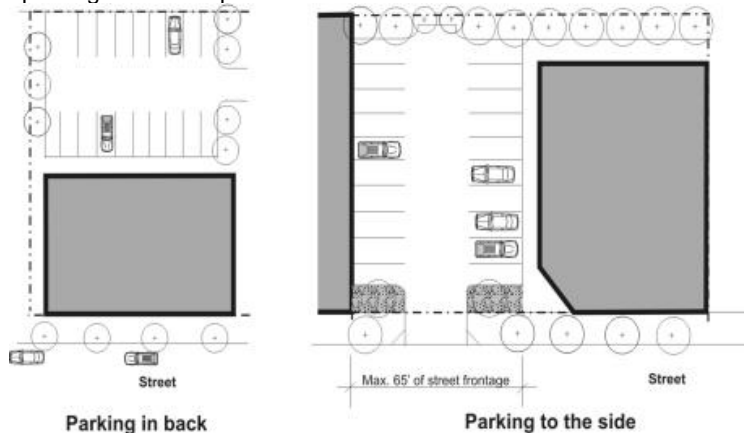
1. Development in NB, CB, MB, TC-1, 2 and 3, the MUR-45', and MUR-70' zones and the MUR-35' zone when located on an arterial street shall meet the following standards:

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;

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

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Amendment #15

20.70.320 – Frontage improvements

A. Standard frontage improvements shall be upgraded or installed pursuant to standards set forth in the Transportation Master Plan Street Classification Map, the Master Street Plan adopted in Chapter 12.10 SMC, and the Engineering Development Manual for the specific street which is substandard to satisfy adequate public roadways required for subdivisions by Chapter 58.17 RCW and Chapter 20.30 SMC, Subchapter 7, and to mitigate direct impacts of land use approvals.

B. Standard frontage improvements consist of right-of-way dedication, curb, gutter, sidewalk, amenity zone and landscaping, drainage improvements and pavement overlays up to one-half of each right-of-way abutting a property as defined in the Master Street Plan. Additional improvements may be required to ensure safe movement of traffic, including pedestrians, bicycles, transit, and nonmotorized vehicles. The improvements can include transit bus shelters, bus pullouts, utility undergrounding, street lighting, signage and channelization.

C. Frontage improvements are required:

1. When building construction valuation for a permit exceeds 50 percent of the current County assessed or an appraised valuation of all existing structure(s) on the parcel (except for detached single-family homes). This shall include all structures on other parcels if the building under permit review extends into other parcels; or

2. When aggregate building construction valuations for issued permits, within any five-year period after March 30, 2013, exceed 50 percent of the County assessed or an appraised value of the existing structure(s) at the time of the first issued permit;

3. For subdivisions;

4. For development consisting of more than one dwelling unit on a single parcel (accessory dwelling units are exempt);

5. One detached single-family dwelling in the MUR zones; or

6. When a single family land use is being converted to a commercial land use then full frontage improvements will be required.