

CM Chang #1: Can Planning staff create a hybrid option with incentives and fee-in-lieu?

SMC 20.50.310 Exemptions from permit.

Yes. See DRAFT legislative hybrid option below. Staff has highlighted in yellow the changes from the Planning Recommendation to help identify the code changes that would be required.

SMC Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential 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 (<u>17</u> 146)	18 du/ac	48 du/ac
Min. Lot Width (2)	N/A	N/A	N/A
Min. Lot Area (2)	N/A	N/A	N/A
Min. Front Yard Setback (2) (3)	0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (<u>15</u> 144)	15 ft if located on 185th Street (<u>15</u> 144) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (<u>15</u> 144)	15 ft if located on 185th Street (<u>15</u> 144) 22 ft if located on 145th Street (<u>15</u> 144) 0 ft if located on an arterial street 10 ft on nonarterial street (<u>18</u>)
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 (<u>45</u> 16)	45 ft (<u>45</u> 16)	70 ft (11) (<u>12</u>)(13) (<u>45</u> 16)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

Note: Exceptions to the numerical standards in this table are noted in parentheses and described below.

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

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(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

(13) 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.

(14) 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.

(4415) The exact setback along 145th Street (Lake City Way to Fremont Avenue) and 185th Street (Fremont Avenue to 10th Avenue NE), up to the maximum described in Table 20.50.020(2), will be determined by the Public Works Department through a development application.

(4516) 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.

(4617) 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.

(18) The minimum front yard setback in the MUR-70' zone may be reduced to five (5) feet on a nonarterial street if 20 percent of the significant trees on site are retained.

SMC 20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:

1. On-street parking along the parcel's street frontage.

2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. The number of on-site parking stalls requested to be reduced must match the number provided in the agreement. A record on title with King County is required.
3. Parking management plan according to criteria established by the Director.
4. A City approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.
5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.
6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
7. City approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within one-quarter mile of the development.
8. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.
9. Replacement of all significant trees removed on a site zoned MUR-70' per SMC 20.50.360 (C) without exceptions.

20.50.350 Development standards for clearing activities.

- A. No trees or ground cover shall be removed from critical area or buffer unless the proposed activity is consistent with the critical area standards.
- B. Minimum Retention Requirements. All proposed development activities that are not exempt from the provisions of this subchapter shall meet the following:
 1. At least 20 percent of the significant trees on a given site shall be retained, excluding critical areas, and critical area buffers, or

2. At least 30 percent of the significant trees on a given site (which may include critical areas and critical area buffers) shall be retained.
3. Tree protection measures ensuring the preservation of all trees identified for retention on approved site plans shall be guaranteed during development through the posting of a performance bond equal to the value of the installation and maintenance of those protection measures.
4. The minimum amount of trees to be retained cannot be removed for a period of 36 months and shall be guaranteed through an approved maintenance agreement.
5. The Director may require the retention of additional trees to meet the stated purpose and intent of this title, as required by the critical areas regulations, Chapter [20.80](#) SMC, or Shoreline Master Program, SMC Title [20](#), Division II, or as site-specific conditions demand using SEPA substantive authority.

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Exception 20.50.350(B):

1. The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a registered consulting arborist that retention of the minimum percentage of trees is not advisable on an individual site; or
2. In addition, the Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:

- There are special circumstances related to the size, shape, topography, location or surroundings of the subject property.*
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- Strict compliance with the provisions of this Code may jeopardize reasonable use of property.*
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- Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.*
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- The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*
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3. The applicant may pay a fee-in-lieu of tree retention for all or some of the trees required for retention on property zoned MUR-70'. The exemption is not available for trees located in critical areas or critical area buffers. The fee-in-lieu of tree retention is defined in SMC 3.01.027. [Note: If Council wants to pursue a fee-in-lieu option then staff will need to develop a recommendation on the fee that would apply. Fees collected could be used in a manner determined by Council (ie., tree maintenance, open space acquisition, etc.).]

4. If an exception is granted to this standard, the applicant shall still be required to meet the basic tree replacement standards identified in SMC [20.50.360](#) for all significant trees removed beyond the minimum allowed per parcel without replacement and up to the maximum that would ordinarily be allowed under SMC [20.50.350\(B\)](#).

5. 4. In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan.

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20.50.360 Tree replacement and site restoration.

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 report, mitigation or restoration plans, 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 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):

a. 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.

b. As defined in SMC 3.01.027 the payment of a fee-in-lieu of planting of all or some of the required replacement trees may be approved by the Director if the following criteria are satisfied *[Note: See previous note about determination of fee]*: ~~e.b.~~—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. The replacement tree(s) exceed the number of trees the site is capable of supporting as determined by an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a registered consulting arborist.

ii. Strict compliance with the provisions of this Code may jeopardize the applicant's ability to achieve the development potential allowed by the Code 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 development complies with the SMC 20.50 Subchapter 7 Landscaping.

v. The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.

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

CM Chang #2: What would an option that considers site-specific evaluation look like?

Seattle can be used as an example of relying on site and project specific evaluation for whether a tree is or is not required to be retained. The following is a link to Seattle Municipal Code 25.11.080.

https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT25ENPRHIP_R_CH25.11TRPR_25.11.080TRPRSIUNDEMICOZO

The Director is allowed to determine administratively what type of tree constitutes an exceptional tree (25.11.050). Removal of exceptional trees is restricted (25.11.040). However, the Director is then allowed to permit the removal of an exceptional tree if the applicant demonstrates the tree cannot be protected (25.11.080)

As far as an option for site specific evaluation that fits neatly into Shoreline's Code, the most logical existing sections would be the "Exceptions" for tree retention (SMC 20.50.350) and tree replacement (SMC 20.50.360 (C) sections.

Exception 20.50.350(B):

- 1. The Director may allow a reduction in the minimum significant tree retention percentage to facilitate preservation of a greater number of smaller trees, a cluster or grove of trees, contiguous perimeter buffers, distinctive skyline features, or based on the City's concurrence with a written recommendation of an arborist certified by the International Society of Arboriculture or by the American Society of Consulting Arborists as a registered consulting arborist that retention of the minimum percentage of trees is not advisable on an individual site; or*
- 2. In addition, the Director may allow a reduction in the minimum significant tree retention percentage if all of the following criteria are satisfied: The exception is necessary because:*

~~There are special circumstances related to the size, shape, topography, location or surroundings of the subject property. The tree(s) required for retention do not~~

- ~~have a reasonable chance of survival once the site is developed.~~

~~Strict compliance with the provisions of this Code may jeopardize the applicant's ability to achieve the development potential allowed by the Code reasonable use of property.~~

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Proposed vegetation removal, replacement, and any mitigation measures are consistent with the purpose and intent of the regulations.

- *The granting of the exception or standard reduction will not be detrimental to the public welfare or injurious to other property in the vicinity.*

3. *If an exception is granted to this standard, the applicant shall still be required to meet the basic tree replacement standards identified in SMC [20.50.360](#) for all significant trees removed beyond the minimum allowed per parcel without replacement and up to the maximum that would ordinarily be allowed under SMC [20.50.350\(B\)](#).*

~~4. In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage. Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise. This provision may be waived by the Director for restoration enhancement projects conducted under an approved vegetation management plan. [Move to 20.50.360(C) where all of the other replacement standards are located.]~~

20.50.360 Tree replacement and site restoration.

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 report, mitigation or restoration plans, 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 under this provision: Deciduous trees shall be at least 1.5 inches in caliper and evergreens six feet in height.

4. In addition, the applicant shall be required to plant four trees for each significant tree removed that would otherwise count towards the minimum retention percentage as defined in SMC 20.50.350(B). Trees replaced under this provision shall be at least 12 feet high for conifers and three inches in caliper if otherwise.

Exception 20.50.360(C):

a. 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.

b. 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. The replacement tree(s) exceed the number of trees the site is capable of supporting as determined by a licensed arborist.~~

ii. ~~Strict compliance with the provisions of this Code may jeopardize the applicant's ability to achieve the development potential allowed by the Code 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.

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

CM Chang #3: Could the staff report also address the upcoming change in the IBC that will allow taller wood frame construction? The Planning Commission thought wood frame was limited to 5 stories, but I'm certain that in the next version of the code, that number is increased, though to what level I don't know. I think this will address questions as to whether we think these incentives will be used.

The Planning Commission expressed doubts about the effectiveness of an incentive for increased height due to the cost of constructing over the current height limit of 70 feet. Staff has researched a new, wood construction product called Cross Laminated Timber (CLT) which the International Code Council (ICC) is currently supporting as a substitute for steel in buildings up to 18 stories. Tall Mass Timber Buildings are growing in popularity because of their strength, resilience and efficiency.

Mass timber buildings are also cost effective and have been built with less disturbance to the surrounding community because of the ease and speed of construction using mass timber components.

Though it will require extra fire blocking standards, it is expected to be much closer in cost to traditional, multi-story wood construction than steel construction. Staff believes that advances such as these will enhance the attractiveness of a height-based incentive. If you would like to learn more about tall mass timber, please visit www.buildtallbuildsafe.com.

CM Chang #4: I am questioning using percentage of significant trees saved to determine how much additional building height one could get. What if the number of significant trees on a lot is small and they save just one or two trees but that is 20%? Seems too generous to give 20 feet of additional height for saving one or two trees. Would it make sense to include an additional parameter such as lot coverage or something like that?

The current incentive is as follows:

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site are retained and up to 90 feet when at least 20 percent of the significant trees on site are retained.

It is true that a site that is already developed might only have 5 or fewer significant trees which would mean that retaining 1 tree to meet 20%.

The incentive could be amended to address this concern by adding in a minimum number of trees.

(12) Base height in the MUR-70' zone may be increased up to 80 feet when at least 10 percent of the significant trees on site **or three significant trees, whichever is greater,** are retained; and up to 90 feet when at least 20 percent of the significant trees on site **or six significant trees, whichever is greater,** are retained. (The number of trees retained were staff estimates – they could be part of the policy discussion by Council.)

CM Chang #5: Finally, could you clarify how the different incentives work together—green building, affordable housing, and maybe tree retention? Are they all additive or is there a hard height limit?

Compilation and Synthesis of Development Code Incentives

The following existing code incentives are a compilation of all incentives within the Development Code that could be used in MUR-70' zone. The key difference between requirements and incentives is that all applicable requirements must be met and all

incentives are optional. However, the Development Code may not always be clear on whether more than one incentive can be used to cumulatively add up their benefits. (See Parking Reduction 20.50.400 F. and G. below where it is clear.) The PC recommended incentives of a MUR-70' development to retain 20% of the significant trees the development could use all three benefits for height bonus, setback reduction, and parking reduction.

Would the Proposed Incentives be Additive or Are there Maximum Limits

The existing incentives in the Code and the proposed incentives would not create an unintended consequence of allowing height in MUR-70' to be increased additively by combining the proposed incentive of 10-20 feet for tree retention + up to 20 feet for Tier 1 Deep Green height bonus + up to 140 feet for a Development Agreement for example to achieve a maximum height of 180 feet. This will be avoided because both the Deep Green incentive and the Development Agreement incentive for height are not given as a right, but are subject to administrative or Council approval and the Code limits height to 140 feet

The proposed addition of tree retention and tree replacement in the MUR-70' to the list of criteria that can be used to reduce parking by a maximum of 25% will not create an unintended consequence of reducing parking requirements by more than 25%. The parking reduction offered in SMC 20.50.400 requires Director approval based on criteria and is limited to up to 25%.

The proposed setback reduction for tree retention is not duplicative of any other incentives.

Below are a compilation of the incentives that have been codified to date.

20.30.355 Development agreement (Type L).

A. Purpose. To define the development of property in order to implement framework goals to achieve the City's adopted vision as stated in the Comprehensive Plan. A development agreement is permitted in all zones and may modify development standards contained in Chapter 20.50 SMC. A development agreement in the MUR-70' zone may be approved to allow increased development potential above the zoning requirements in Chapter 20.50 SMC.

B. Development Agreement Contents (General). A development agreement shall set forth the development standards and other provisions that shall apply to govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement (RCW 36.70B.170). Each development agreement **approved by the City Council** shall contain the development standards applicable to the subject real property. For the purposes of this section, "development standards" includes, but is not limited to:

1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

3. Mitigation measures, development conditions, and other requirements under Chapter 43.21C RCW;

4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping, and other development features;

5. Affordable housing units;

6. Parks and open space preservation;

7. Phasing of development;

8. Review procedures and standards for implementing decisions;

9. A build-out or vesting period for applicable standards;

10. Any other appropriate development requirement or procedure;

11. Preservation of significant trees; and

12. Connecting, establishing, and improving nonmotorized access.

C. Decision Criteria. A development agreement (general development agreement and development agreements in order to increase height above 70 feet) may be granted by the City only if the applicant demonstrates that:

1. The project is consistent with goals and policies of the Comprehensive Plan. If the project is located within a subarea plan, then the project shall be consistent with the goals and policies of the subarea plan.

2. The proposed development uses innovative, aesthetic, energy-efficient and environmentally sustainable architecture and site design.

3. There is either sufficient capacity and infrastructure (e.g., roads, sidewalks, bike lanes) that meet the City's adopted level of service standards (as confirmed by the performance of a transportation impact analysis) in the transportation system (motorized and nonmotorized) to safely support the development proposed in all future phases or there will be adequate capacity and infrastructure by the time each phase of development is completed. If capacity or infrastructure must be increased to support the proposed development agreement, then the applicant must identify a plan for funding their proportionate share of the improvements.

4. There is either sufficient capacity within public services such as water, sewer and stormwater to adequately serve the development proposal in all future phases, or there will be adequate capacity available by the time each phase of development is completed. If capacity must be increased to support the proposed development agreement, then the applicant must identify a plan for funding their proportionate share of the improvements.

5. The development agreement proposal contains architectural design (including but not limited to building setbacks, insets, facade breaks, roofline variations) and site design standards, landscaping, provisions for open space and/or recreation areas, retention of significant trees, parking/traffic management and multimodal transportation improvements and other features that minimize conflicts and create transitions between the proposal site and property zoned R-4, R-6, R-8 or MUR-35'.

6. The project is consistent with the standards of the critical areas regulations, Chapter 20.80 SMC, Critical Areas, or Shoreline Master Program, SMC Title 20, Division II, and applicable permits/approvals are obtained.

D. Development Agreement Contents for Property Zoned MUR-70' in Order to Increase Height Above 70 Feet. Each development agreement **approved by the City Council** for property zoned MUR-70' for increased development potential above the provision of the MUR-70' zone shall contain the following:

1. Twenty percent of the housing units constructed on site shall be affordable to those earning less than 60 percent of the median income for King County adjusted for household size. The units shall remain affordable for a period of no less than 99 years. The number of affordable housing units may be decreased to 10 percent if the level of affordability is increased to 50 percent of the median income for King County adjusted for household size. A fee in lieu of constructing the units may be paid upon authorization of the City's affordable housing program instead of constructing affordable housing units on site. The fee will be specified in SMC Title 3.

2. Entire development is built to LEED Gold standards.

3. Structured parking for at least 90 percent of the required parking spaces for a development. Structured parking includes underground parking, under-building parking and aboveground parking garage. Unstructured parking shall be located interior to the site.

4. An agreement to purchase transfer of development rights (TDR) credits at a rate of \$5,000 per unit up to a maximum of 50 TDRs per development agreement as authorized by the City Council and not to exceed Shoreline's allocation of TDR credits.

5. Applicant shall dedicate park space sufficient to accommodate each projected resident of the development, to be determined by a formula to be established by rule in consultation with the Parks Board. Dedicated space must be open and accessible to the public from a public street.

6. Development agreements in MUR-70' shall include at least two of the following components and may not be combined:
 - a. Entire site uses combined heat and power infrastructure or district energy.
 - b. Commercial space of at least 40,000 square feet.
 - c. Thirty percent of the ground floor area for neighborhood amenities that may include areas open and accessible for the community, office space for nonprofit organizations, an eating or drinking establishment, or other space that may be used for community functions.
 - d. Two percent of the building construction valuation shall be paid by the property owner/developer to the City to fund public parks, open space, art, or other recreational opportunities open and accessible to the public within the station subarea as defined in the City's Parks, Recreation, and Open Space Plan.
 - e. Provide additional off-site frontage improvements (as required by the Engineering Development Manual) that connect a proposed development to amenities near the subject project. Amenities may include transit stops, light rail station, commercial uses, etc.
 - f. Providing street-to-street dedicated public access. Examples include an alley, pedestrian/bicycle path, or other nonmotorized vehicle trail.

SMC 20.50.630 Deep Green Incentive Program

D. Incentives. A project qualifying for the Shoreline Deep Green Incentive Program will be granted the following tiered incentive packages, based on the certification program for which they are applying:

1. A project qualifying for Tier 1 – Living Building Challenge or Living Community Challenge may be granted a waiver of 100 percent City-imposed pre-application and permit application fees. A project qualifying for Tier 2 – Emerald Star or Petal Recognition may be granted a waiver of 75 percent of City-imposed application fees. A project qualifying for Tier 3 – LEED Platinum, 5-Star, or NZEB/Salmon Safe may be granted a waiver of 50 percent of City-imposed application fees.
2. Projects qualifying for the DGIP may be granted a reduced transportation impact fee based on a project-level transportation impact analysis.
3. Departures from Development Code requirements when in compliance with subsection E of this section.
4. Expedited permit review without additional fees provided in Chapter 3.01 SMC.

E. Departures from Development Code Requirements. The following requirements must be met in order to approve departures from Development Code requirements:

3. Departures from the following regulations may be granted for projects qualifying for the Shoreline Deep Green Incentive Program:

b. SMC 20.50.390, Parking requirements (not applicable in R-4 and R-6 zones):

i. Tier 1 – Living Building Challenge or Living Community Challenge Certification: up to 50 percent reduction in parking required under SMC 20.50.390 for projects meeting the full Challenge criteria;

ii. Tier 2 – Emerald Star or Living Building Petal Certification: up to 35 percent reduction in parking required under SMC 20.50.390 for projects meeting the program criteria;

iii. Tier 3 – LEED Platinum, 5-Star, or NZEB/Salmon Safe Certification: up to 20 percent reduction in parking required under SMC 20.50.390 for projects meeting the program criteria.

c. Lot coverage standards, as determined necessary **by the Director**;

d. Use provisions, as determined necessary **by the Director**;

e. Standards for storage of solid-waste containers;

f. Standards for structural building overhangs and minor architectural encroachments into the right-of-way;

g. Structure height bonus of up to 10 feet in a zone with height limit of 35 feet. Height bonus is not available in R-4, R-6, R-8, and MUR-35' zones. Structure height bonus up to 20 feet for development in a zone with a height limit of 45 feet or greater; and

h. A rooftop feature may extend above the structure height bonus provided in SMC 20.50.020 or 20.50.050 if the extension is consistent with the applicable standards established for that rooftop feature within the zone

SMC 20.40.230 and .235 Affordable Housing

20.40.230 Affordable housing.

(Density Bonuses are not applicable in MUR zones because there is no density maximum)

H. A development fee waiver may be approved by the Director for City imposed fees based on the percentage of affordable housing units to be constructed or remodeled that will be affordable to residents whose annual income does not exceed 60 percent

King County Area Median Income. The development fee waiver will be commensurate with the percentage of affordable units in the development.

20.40.235 Affordable housing, light rail station subareas.

B. Affordable housing is voluntary in MUR-35' and mandatory in the MUR-45' and MUR-70' zones. The following provisions shall apply to all affordable housing units required by, or allowed through, any provisions of the Shoreline Municipal Code:

1. The City provides various incentives and other public resources to promote affordable housing. Specific regulations providing for affordable housing are described below:

MUR-70'+

Height may be increased above 70 ft.; no density limits; and may be eligible for 12-year property tax exemption (PTE) pursuant to Chapter 3.27 SMC; permit fee reduction pursuant to SMC 20.40.235(F); and impact fee reduction pursuant to SMC Title 3.

MUR-70'

Entitlement of 70 ft. height; no density limits; and may be eligible for 12-year property tax exemption (PTE) pursuant to Chapter 3.27 SMC; permit fee reduction pursuant to SMC 20.40.235(F); and impact fee reduction pursuant to SMC Title 3.

MUR-45'

Entitlement of 45 ft. height; no density limits; and may be eligible for 12-year property tax exemption (PTE) pursuant to Chapter 3.27 SMC; permit fee reduction pursuant to SMC 20.40.235(F); and impact fee reduction pursuant to SMC Title 3.

MUR-35'

No density limits; and may be eligible for 12-year property tax exemption (PTE) pursuant to Chapter 3.27 SMC; permit fee reduction pursuant to SMC 20.40.235(F); and impact fee reduction pursuant to SMC Title 3.

2. Payment in lieu of constructing any fractional portion of mandatory units is available upon City Council's establishment of a fee in lieu formula. See subsection (E)(1) of this section. Full units are not eligible for fee in lieu option and must be built on site.

3. In order to be eligible for a property tax exemption pursuant to Chapter 3.27 SMC, 20 percent of units must be built to affordability standards.

4. In order to be eligible for permit or impact fee reductions or waivers, units must be affordable to households making 60 percent or less of the King County area median income.

SMC 20.50.350 Tree Protection (existing)

C. Incentives for Higher Levels of Tree Protection. **The Director may grant reductions or adjustments to other site development standards if the protection levels identified in subsection B of this section are exceeded.** On a case-by-case review, the Director shall determine the balance between tree protection that exceeds the established minimum percentage and variations to site development requirements. If **the Director grants** adjustments or reductions to site development standards under this provision, then tree protection requirements shall be recorded on the face of the plat, as a notice to title, or on some other legal document that runs with the property. Adjustments that may be considered are:

1. Reductions or variations of the area, width, or composition of required open space and/or landscaping;
2. Variations in parking lot design and/or any access driveway requirements;
3. Variations in building setback requirements;
4. Variations of grading and stormwater requirements.

20.50.400 Reductions to minimum parking requirements.

A. Reductions of up to 25 percent may be approved by the Director using a combination of the following criteria:

1. On-street parking along the parcel's street frontage.
2. Shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. The number of on-site parking stalls requested to be reduced must match the number provided in the agreement. A record on title with King County is required.
3. Parking management plan according to criteria established by the Director.
4. A City approved residential parking zone (RPZ) for the surrounding neighborhood within one-quarter mile radius of the subject development. The RPZ must be paid by the developer on an annual basis.
5. A high-capacity transit service stop within one-quarter mile of the development property line with complete City approved curbs, sidewalks, and street crossings.
6. A pedestrian public access easement that is eight feet wide, safely lit and connects through a parcel between minimally two different rights-of-way. This easement may include other pedestrian facilities such as walkways and plazas.
7. City approved traffic calming or traffic diverting facilities to protect the surrounding single-family neighborhoods within one-quarter mile of the development.

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E. Reductions of up to 50 percent may be approved **by the Director** for the portion of housing providing low income housing units that are 60 percent of AMI or less as defined by the U.S. Department of Housing and Urban Development.

F. A parking reduction of 25 percent may be approved **by the Director** for multifamily development within one-quarter mile of the light rail station. **These parking reductions may not be combined with parking reductions identified in subsections A, B and E of this section.**

G. **Parking reductions for affordable housing or the Deep Green Incentive Program may not be combined with parking reductions identified in subsection A of this section.**