

6a. SR - MUR-70' Zone Development Code Amendments

Planning Commission Meeting Date: May 19, 2022

Agenda Item: 6a.

PLANNING COMMISSION AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: MUR-70' Zone Development Code Amendments

DEPARTMENT: Planning & Community Development

PRESENTED BY: Andrew Bauer, Planning Manager



Public Hearing



Study Session



Recommendation Only



Discussion



Update



Other

INTRODUCTION

As part of the ongoing discussion of ways to facilitate development in the MUR-70' zone Planning Commission discussed the updated draft Development Code amendments at the April 7, 2022 meeting. The draft amendments relate to expanded parking reductions and revisions to the building height and development agreement requirements.

Tonight, Planning Commission will hold a public hearing on draft code amendments and, if ready to do so, make a recommendation to Council.

BACKGROUND

Discussions have been ongoing over the past several months on how to address development challenges in the MUR-70' zone. The purpose of the draft Development Code amendments is to refine the code to facilitate better development outcomes in the MUR-70' zone without compromising on core elements of the plans which advance the broader citywide goals such as creating housing choices affordable to a range of income levels and supporting sustainability goals.

Previous Planning Commission Discussions

At the December 3, 2020 Planning Commission meeting the 185th Station Subarea Plan Progress Report was presented which included an update on growth within the 185th subarea and key findings. The staff report can be viewed at the following link:

<https://www.shorelinewa.gov/home/showpublisheddocument/50349/637419051635830000>.

On October 25, 2021, a joint meeting was convened between the City Council and Planning Commission to discuss a range of potential Development Code amendments for the MUR-70' zone. The staff report can be viewed at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2021/staffreport102521-8a.pdf>.

At the December 2, 2021 meeting, Planning Commission directed staff to prepare Development Code amendments that would allow further parking reductions as well as

Approved By: **Project Manager:** *AB* **Planning Director:** *RM*

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explore options that would increase the building height allowance and development agreement threshold. The staff report can be viewed at the following link:

<https://www.shorelinewa.gov/home/showpublisheddocument/53473/637733632657730000>.

At the January 20, 2022 meeting, Planning Commission discussed draft Development Code amendments to allow parking reductions of up to 50 percent in the MUR-70' zone and a building height allowance of up to 100 feet without a development agreement.

The staff report can be viewed at the following link:

<https://www.shorelinewa.gov/home/showpublisheddocument/53925/637776876707100000>.

At the April 7, 2022 meeting, Planning Commission discussed the updated draft Development Code amendments. The staff report can be viewed at the following link:

<https://www.shorelinewa.gov/home/showdocument?id=54897>.

PARKING REDUCTIONS

The draft amendments for parking reductions (Attachment A) would establish provisions to reduce off-street parking requirements up to 50%, with approval of a Transportation Demand Management (TDM) Plan. Table 1 below summarizes the current regulation and the proposed regulations.

Table 1 – Parking Reductions

Current Regulation	Proposed Draft Regulation
25% parking reduction for sites within ¼ mile of high capacity transit stop (e.g. light rail, bus rapid transit)	New developments within MUR-70' with 100+ dwelling units or 10,000 sq ft of commercial can get up to 50% parking reduction with approval of a Transportation Demand Management Plan (TDM)

BUILDING HEIGHT AND DEVELOPMENT AGREEMENT PROCESS

The draft amendments would allow for buildings to achieve the maximum allowable height of 140 feet, subject to a neighborhood meeting, Administrative Design Review (ADR) approval, and additional development standards; whereas the current process to achieve the maximum allowable height requires a development agreement (Council decision). The maximum allowable height is unchanged, rather it is the process by which the maximum height may be achieved that is proposed to be changed. Table 2 below summarizes the current regulation and the proposed regulations.

Table 2 – Height and Development Agreement Amendments

Current Regulation	Proposed Draft Regulation
70' – base height	70' – base height
80' – 10% significant trees retained	80' – 10% significant trees retained
90' – 20% significant trees retained; OR Deep Green Incentive Program	90' – 20% significant trees retained; OR Deep Green Incentive Program

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<p>140' – Development Agreement required:</p> <ul style="list-style-type: none"> • 20% units affordable at 60% AMI; OR 10% units affordable at 50% AMI • LEED Gold development • 90% of parking within structure • Agreement to purchase Transfer of Development Rights (TDR) credits • Park space dedication • Two of the following: <ul style="list-style-type: none"> ○ Site utilizes combined heat and power infrastructure or district energy ○ 40,000 sq ft commercial ○ 30% ground floor devoted to neighborhood amenities ○ 2% building valuation contributed toward parks, open space, art, or recreation ○ Off site frontage improvements to connect nearby amenities ○ Street-to-street public access such as alley or path 	<p>140' – subject to a neighborhood meeting and ADR review and the following:</p> <ul style="list-style-type: none"> • 20% units affordable at 60% AMI; OR 10% units affordable at 50% AMI • 10,000 sq ft commercial; OR 30% ground floor devoted to neighborhood amenities • 1% of building valuation contributed toward art/placemaking open and accessible to the public • Off site infrastructure improvements or added amenities such as wayfinding, lighting, transit shelter
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Requirements to Achieve Maximum 140 Feet Height

As noted above, the draft amendments would require a neighborhood meeting and ADR process to achieve the maximum 140 feet. The existing additional requirements for the maximum height are proposed to be revised and incorporated as development standards (without a development agreement). Some of the requirements are proposed to be removed entirely.

Below are the development agreement requirements that are proposed to be removed, or revised, and a brief explanation of the changes:

1. Affordable Housing: The requirements for affordable housing are unchanged. They now reference the existing provisions in SMC 20.40.235.
2. LEED Gold: The requirement the entire development be built to LEED Gold standards is proposed to be removed. This standard is duplicative because development in the MUR-70' zone must meet the Built Green 4-Star certification, which is a roughly equivalent (if not slightly higher) green certification (SMC 20.40.046.D).
3. Structured Parking: The requirement that at least 90 percent of parking be within a structure is proposed to be removed. The development being proposed are incorporating structured parking even without this requirement. In addition, existing design standards should adequately address the placement and screening of any surface parking stalls.

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4. Provision for Park Space: The requirement for dedication of park space is proposed to be revised to include park, recreation, open space, or plaza area and clarifies this area is in addition to what is already required within the commercial and multifamily design standards. Furthermore, the existing requirement was adopted in 2015 (Ord. No. 706), prior to the adoption of Park Impact Fees in 2017 (Ord. No. 786). Park impact fees are now collected per development and are used to fund parks acquisitions and improvements throughout the City.
5. Purchase of TDR Credits: The requirement to purchase transfer of development rights (TDR) credits is proposed to be removed. Future amendments will establish a TDR program within the City and at that time it is possible TDR requirements could be included once again as a requirement. However, at this time the City's TDR program is not in a position to manage a transaction.
6. District Energy: The requirement for the use of district energy or combined heat and power infrastructure is proposed to be removed. This option is unlikely to be utilized as it requires large-scale developments to be coordinated and planned at the outset to incorporate integrated energy solutions. The existing context in the MUR-70' zone presents a challenge with the need to aggregate not only multiple lots for one development but many developments to make district energy feasible. The requirement is proposed to be removed, however, there would be no restrictions to preclude a development utilizing these technologies on their own or as part of a green building certification associated with the City's Deep Green Incentive Program.
7. Commercial Space: The requirement for 40,000 square feet of commercial space has been revised down to 10,000 square feet. For context, a drug store or specialty grocer (example Trader Joe's) typically range in size from 10,000-15,000 gross square feet in size.

While creating new commercial space remains a goal for the MUR-70' zones, there is economic analysis to suggest a lack of market demand for commercial space, particularly in the early stages of the subarea's transformation. Requiring too much commercial space and too soon could have negative outcomes and negatively impact the viability of a development. Providing commercial space would be one of the two available options to achieve the maximum building height.

8. Ground Floor Amenities: There are no substantive changes to the requirement for 30 percent of the ground floor area be devoted to neighborhood amenities requirement. Clarification has been included to note the ground floor amenity space should be located at-grade and adjacent to the sidewalk or pathway. Providing a ground floor amenity would be one of the two available options to achieve the maximum building height.
9. Financial Contribution to Parks: The requirement to provide two percent of the building construction valuation toward parks or open space has been revised. As noted above, the City now has a Park Impact Fee assessed on new development

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which was not in place at the time this provision was originally adopted in 2015. This requirement instead has been revised to assess a one percent fee on the building construction valuation to be contributed toward art or place making amenities.

A recent seven story building listed the permit valuation at approximately \$44M, or \$6.29M per story. Using the per story breakdown, an 11 story building would be valued at more than \$69M (change in the more expensive construction type is not accounted for). In this example, the applicant would need to provide \$690,000 (1 percent of the valuation) to art and placemaking amenities.

10. Off-Site Improvements: The requirement for off site improvements to amenities is proposed to be revised to more broadly encompass a range of potential improvements a development could propose that would provide a public benefit to the subarea.

Taken together, the draft amendments are intended to remove regulatory barriers to high rise construction and facilitate growth that allow more people to live in proximity to the light rail stations. The additional requirements to achieve the added height are intended to be important components of creating a complete neighborhood with housing affordable to a range of households, parks/open space, art, and the infrastructure to support it.

A cleanup amendment in SMC 20.40.235 is also included to reference the recently-adopted 20-year option in the multifamily property tax exemption (MFTE) program. This amendment has already been adopted (Ordinance No. 944) and simply references the different options within the MFTE program.

ANALYSIS

In accordance with SMC 20.30.350.A, an amendment to the Development Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

The Planning Commission may recommend to the City Council to approve or approve with modifications an amendment to the Development Code if all of the following are satisfied:

1. *The amendment is in accordance with the Comprehensive Plan*

The proposed amendments are consistent with the following goals and policies of the Comprehensive Plan:

- Framework Goal FG14: Designate specific areas for high-density development, especially along major transportation corridors.
- Land Use Goal LU II: Establish land use patterns that promote walking, biking and using transit to access goods, services, education, employment, recreation.

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- Land Use Goal LU III: Create plans and strategies that implement the City's Vision 2029 and Light Rail Station Area Planning Framework Goals for transit supportive development to occur within a ½ mile radius of future light rail stations.
- Land Use Policy LU35: Allow and encourage uses in station areas that will foster the creation of communities that are socially, environmentally, and economically sustainable.
- Land Use Policy LU55: Parking requirements should be designed for average need, not full capacity. Include regulatory provisions to reduce parking standards, especially for those uses located within ¼ mile of high-capacity transit, or serving a population characterized by low rates of car ownership. Other parking reductions may be based on results of the King County Right-Sized Parking Initiative.
- Housing Policy H8: Explore a variety and combination of incentives to encourage market rate and non-profit developers to build more units with deeper levels of affordability.
- Economic Development Policy ED4: Use incentives and development flexibility to encourage quality development.
- Economic Development Policy ED9: Promote land use and urban design that allows for smart growth and dense nodes of transit-supportive commercial activity to promote a self-sustaining local economy.
- Natural Environment Policy NE1: Promote infill and concurrent infrastructure improvements in areas that are already developed in order to preserve rural areas, open spaces, ecological functions, and agricultural lands in the region.

2. *The amendment will not adversely affect the public health, safety or general welfare*

If approved, the amendments would allow parking reductions of up to 50% with an approved TDM plan. The TDM plan would be a site-specific plan to reduce overall parking demand and mitigate potential parking impacts on nearby streets and properties. The amendments would also require the TDM plan be regularly monitored and revised as necessary to adapt to changing parking demand over time.

The amendments would also change the mechanisms by which a development could achieve the maximum building height of 140 feet. However, the development would be required to hold a neighborhood meeting, go through the Administrative Design Review process, and meet additional development requirements such as additional affordable housing, neighborhood amenities, and open space.

The amendments will not adversely affect the public health, safety or general welfare.

3. *The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.*

The amendments are intended to better facilitate and remove barriers to development in the MUR-70' zone to advance the vision for the light rail station subarea plans as

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created by the community and adopted by Council. The amendment is not contrary to the best interest of the citizens and property owners of the City.

PUBLIC OUTREACH AND NOTIFICATION

The topic of MUR-70' zone redevelopment barriers and potential code amendments was discussed at the June 10, 2021 Developer Stakeholder Meeting. Information received at that meeting was shared at the Joint Council-Planning Commission meeting held on October 25, 2021. The draft code amendments were shared with the Developer Stakeholder Group and presented at their March 17, 2022 meeting.

In addition, addenda to the 145th and 185th Station Subarea Plans Final Environmental Impact Statements (FEIS) were issued on May 5, 2022. Notice was provided pursuant to the City's SEPA rules and included filing with the Department of Ecology, publication in the newspaper, and sending notification to agencies.

NEXT STEPS

The next steps are as follows:

- Planning Commission holds public hearing and issues recommendation to Council.
- City Council consideration and final action. The amendments are tentatively scheduled for the June 6, 2022 Council meeting, pending a recommendation by the Commission.

RECOMMENDATION

Staff recommends the Planning Commission forward to Council a recommendation to approve the MUR-70' zone amendments in Attachments A.

ATTACHMENTS

Attachment A – Draft Development Code Amendments for Parking Reductions; Height and Development Agreements

Att. A - Revised MUR 70' Zone Draft Development Code Amendments
Draft Development Code Amendments – MUR-70' Zone

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(revision shown in highlight)

PARKING REDUCTION AMENDMENTS:

SMC 20.50.400 Reductions to minimum parking requirements.

- A. Reductions of up to 25 percent may be approved by the Director when subsection (A)(1) of this section is met, or when a combination of two or more of the following subsections (A)(2) through (9) of this section is met:
1. A high-capacity transit service stop (e.g., bus rapid transit, light rail) is within one-quarter mile of the development's property line. This provision applies to developments seeking reductions prior to and after commencement of revenue service at new stops.
 2. A parking demand analysis prepared by a qualified professional demonstrates that parking demand can be satisfied with a reduced parking requirement.
 3. There is a shared parking agreement with nearby parcels within reasonable proximity where land uses do not have conflicting parking demands. A record on title with King County is required.
 4. A parking management plan is prepared by the applicant according to criteria established by the Director.
 5. A City-approved residential parking zone (RPZ) is established for the surrounding neighborhood within a one-quarter mile radius of the development's property line. The management cost for the RPZ must be paid by the applicant and/or property owner on an annual basis.
 6. A public access easement that is a minimum of eight feet wide, safely lit, and connects through a parcel between at least two different rights-of-way. The access easement shall be developed with a sidewalk or shared use path that complies with the Engineering Design Manual. This easement may include other pedestrian facilities such as plazas and bike facilities.
 7. Retention of at least 20 percent of the significant trees on a site zoned MUR-70'.
 8. Replacement of all significant trees removed on a site zoned MUR-70' as follows:
 - a. 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.

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- b. Each additional three inches in diameter at breast height equals one additional new tree, up to three trees per significant tree removed.
 - c. Minimum Size Requirements for Replacement Trees Under this Subsection. Deciduous trees shall be at least one and one-half inches in caliper and evergreens at least six feet in height.
 - 9. On-site dedicated parking spaces for a car-sharing service with an agreement with the provider(s).
- B. Parking reductions for Deep Green Incentive Program projects are set forth in SMC 20.50.630. Reductions granted under the Deep Green Incentive Program shall not be combined with the parking reductions in subsections A and C of this section.
- C. Parking reductions of up to 50 percent may be approved for new residential, mixed-use, and commercial development in the MUR-70' zone containing 100 dwelling units or more, or 10,000 gross square feet of commercial floor area or more, provided the following criteria are satisfied:
 - 1. A Transportation Demand Management Plan is prepared by a qualified professional and shall:
 - a. Assess actual parking demand based on proposed land uses and the existing and future neighborhood land use context;
 - b. Identify project-specific strategies, which may include strategies on a list established and maintained by the Director, that will be implemented to reduce the development's parking demand; and
 - c. Establish clear performance objectives and a mechanism for ongoing monitoring and adjustment of the TDM strategies to adapt to changing conditions throughout the life of the development.
 - 2. Upon request by the City, the owner shall provide parking utilization data for the development and an assessment of the TDM Plan's performance and whether it is meeting objectives. If deficiencies in meeting objectives are found, the owner shall revise the plan and it shall be reviewed pursuant to subsection (C) of this section.
- ~~C~~D. A request for a parking reduction shall be processed as a Type A action, as set forth in SMC 20.30, Subchapter 2.
- ~~D~~E. When granting a parking reduction, the Director may impose performance standards and conditions of approval on a project, including a financial guarantee.
- ~~E~~F. 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. This parking

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reduction may be combined with parking reductions identified in subsection A of this section.

- F. ~~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.~~

BUILDING HEIGHT AND DEVELOPMENT AGREEMENT PROCESS AMENDMENTS:

SMC 20.30.297 Administrative Design Review (Type A).

A. Administrative design review approval of departures from the design standards in SMC 20.50.160 through 20.50.190, 20.50.220 through 20.50.250, 20.50.450 through 20.50.510 and SMC 20.50.530 through 20.50.620 shall be granted by the Director upon their finding that the departure is:

1. Consistent with the purposes or intent of the applicable subsections; or
2. Justified due to unusual site constraints so that meeting the design standards represents a hardship to achieving full development potential.

B. Projects applying for the Deep Green Incentive Program by certifying through the Living Building or Community Challenge, Petal Recognition, Emerald Star, LEED-Platinum, 5-Star, 4-Star, PHIUS+, PHIUS+ Source Zero/Salmon Safe, or Zero Energy/Salmon Safe programs may receive departures from development standards under Chapters 20.40, 20.50, 20.60, and/or 20.70 SMC upon the Director's finding that the departures meet subsections (A)(1) and/or (2) of this section, and as further described under SMC 20.50.630. Submittal documents shall include proof of enrollment in the programs listed above.

C. Developments in the MUR-70' zone exceeding the base height and which are not utilizing the significant tree retention height incentive in Table 20.50.020(2), footnote 12, or the height incentive within the Deep Green Incentive Program in SMC 20.50.630, shall be subject to Administrative Design Review approval. The Director shall grant approval of developments up to 140 feet in height upon their finding that the development:

1. Is consistent with the goals and policies of the Comprehensive Plan; and
2. Will be supported by adequate infrastructure, facilities, and public services to serve the development; and
3. Conducts a neighborhood meeting, in accordance with SMC 20.30.090, prior to application.

SMC 20.40.046 Mixed-use residential (MUR) zones.

A. The purpose of the mixed-use residential (MUR) zones (MUR-35', MUR-45', and MUR-70') is to provide for a mix of predominantly multifamily development ranging in height from 35 feet

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to 70 feet in appropriate locations with other nonresidential uses that are compatible and complementary.

B. Specific mixed-use residential zones have been established to provide for attached single-family residential, low-rise, mid-rise and high-rise multifamily residential. The mixed-use residential zones also provide for commercial uses, retail, and other compatible uses within the light rail station subareas.

C. Affordable housing is required in the MUR-45' and MUR-70' zone and voluntary in the MUR-35' Zone. Refer to SMC 20.40.235 for affordable housing light rail station subarea requirements.

D. Construction in MUR zones must achieve green building certification through one of the following protocols: Built Green 4-Star or PHIUS+. If an affordable housing or school project is required to certify through the Evergreen Sustainable Development Standard, this protocol shall fulfill the requirement. If a project utilizes a more stringent certification protocol through the Deep Green Incentive Program, this shall fulfill the requirement.

E. All development within the MUR-70' zone that seeks additional height and alternative development standards shall be governed by a development agreement as provided in SMC 20.30.355.

SMC 20.50.020 Dimensional requirements.

A. Table 20.50.020(1) – Densities and Dimensions in Residential Zones.

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

Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac	Based on bldg. bulk limits
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac	Based on bldg. bulk limits
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft	N/A
Min. Lot Area (2) (13)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	N/A
Min. Front Yard Setback (2) (3) (14)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft	10 ft

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Residential Zones								
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48	TC-4
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min.	5 ft min.	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height (9)	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (16)	35 ft (40 ft with pitched roof) (8) (16)	35 ft (16)
Max. Building Coverage (2) (6)	35%	35%	45%	55%	60%	70%	70%	N/A
Max. Hardscape (2) (6)	45%	50%	65%	75%	85%	85%	90%	90%

Table 20.50.020(2) – Densities and Dimensions in Mixed Use Residential Zones.

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

STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Base Density: Dwelling Units/Acre	N/A	N/A	N/A
Min. Density	12 du/ac (17)	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 (15)	15 ft if located on 185th Street (15) 0 ft if located on an arterial street 10 ft on nonarterial street 22 ft if located on 145th Street (15)	15 ft if located on 185th Street (15) 22 ft if located on 145th Street (15) 0 ft if located on all other streets
Min. Rear Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft (20)
Min. Side Yard Setback (2) (4) (5)	5 ft	5 ft	5 ft (20)
Base Height (9) (16)	35 ft	45 ft	70 ft (11) (12) (13)

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STANDARDS	MUR-35'	MUR-45'	MUR-70' (10)
Max. Building Coverage (2) (6)	N/A	N/A	N/A
Max. Hardscape (2) (6)	85%	90%	90%

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

(1) Repealed by Ord. 462.

(2) These standards may be modified to allow unit lot developments, mixed single-family attached developments and zero lot line developments. Setback variations apply to internal lot lines only. Overall site must comply with setbacks, building coverage and hardscape limitations; limitations for individual lots may be modified.

(3) For single-family detached development exceptions to front yard setback requirements, please see SMC 20.50.070.

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

(5) For developments consisting of three or more dwellings located on a single parcel, the building setback shall be 15 feet along any property line abutting R-4 or R-6 zones. Please see SMC 20.50.160.

(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, except when a single lot is divided by a zone boundary. Refer to subsection (D)(2)(a) of this section for calculation of density when a single lot is divided by a zone boundary.

(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 public and private K through 12 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.~~ Repealed

(11) Developments that exceed the base height and do not qualify for a height bonus within the Deep Green Incentive Program in SMC 20.50.630, or the significant tree retention bonus in footnotes 12 below, or the allowable exceptions to height in SMC 20.50.050, may develop to the maximum allowable height of 140 feet, subject Administrative Design Review approval and to

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~~the following: The maximum allowable height in the MUR-70' zone is 140 feet with an approved development agreement.~~

a. The affordable housing requirements for MUR-70'+ in SMC 20.40.235 are satisfied;

b. One of the following are provided:

1. The development provides commercial space of at least 10,000 square feet; or

2. Thirty percent of the ground floor area within the development is devoted to neighborhood amenities that 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. The neighborhood amenity area should be at grade and adjacent to sidewalks or pedestrian paths.

c. The development shall provide park, recreation, open space, or plaza area open and accessible to the public. The area shall be in addition to the requirements for Public Places and Multifamily Open Space in SMC 20.50.240 subsection (F) and (G);

d. The development shall provide one percent of the building construction valuation to be paid by the applicant for contribution toward art or placemaking amenities that are open and accessible to the public; and

e. The development shall provide subarea improvements such as utility infrastructure system improvements, off-site frontage improvements (consistent with the Engineering Development Manual), or installation of amenities such as transit stop shelters, lighting, or wayfinding signage.

(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.

(15) 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.

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

(17) 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 feet on a nonarterial street if 20 percent of the significant trees on site are retained.

(19) The maximum hardscape for public and private kindergarten through grade 12 schools is 75 percent.

(20) Setback may be reduced to zero feet when a direct pedestrian connection is provided to adjacent light rail transit stations, light rail transit parking garages, transit park and ride lots, or transit access facilities.

SMC 20.30.255 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;

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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.

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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 any fractional portion of mandatory units is based on the adopted fee schedule (Chapter 3.01 SMC). Full units are not eligible for the fee in lieu option and must be built 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

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~~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.~~

ED. Development Agreement Approval Procedures. The City Council may approve development agreements through the following procedure:

1. A development agreement application incorporating the elements stated in subsection B of this section may be submitted by a property owner with any additional related information as determined by the Director. After staff review and SEPA compliance, the Planning Commission shall conduct a public hearing on the application. The Planning Commission shall then make a recommendation to the City Council pursuant to the criteria set forth in subsection C of this section and the applicable goals and policies of the Comprehensive Plan. The City Council shall approve, approve with additional conditions, or deny the development agreement. The City Council shall approve the development agreement by ordinance or resolution;
2. **Recorded Development Agreement.** Upon City Council approval of a development agreement under the procedure set forth in this subsection E, the property owner shall execute and record the development agreement with the King County Recorder's Office to run with the land and bind and govern development of the property.

SMC 20.40.235 Affordable housing, light rail station subareas.

A. The purpose of this index criterion is to implement the goals and policies adopted in the Comprehensive Plan to provide housing opportunities for all economic groups in the City's light rail station subareas. It is also the purpose of this criterion to:

1. Ensure a portion of the housing provided in the City is affordable housing;
2. Create an affordable housing program that may be used with other local housing incentives authorized by the City Council, such as a multifamily tax exemption program, and other public and private resources to promote affordable housing;
3. Use increased development capacity created by the mixed-use residential zones to develop voluntary and mandatory programs for affordable housing.

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:

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	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
Mandatory Participation	Yes	Yes	Yes	No
Incentives (3) (4)	Height may be increased above 70 ft.; no density limits; and may be eligible for 12-year, <u>or 20-year</u> 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.	Entitlement of 70 ft. height; no density limits; and may be eligible for 12-year, <u>or 20-year</u> 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.	Entitlement of 45 ft. height; no density limits; and may be eligible for 12-year, <u>or 20-year</u> 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.	No density limits; and may be eligible for 12-year, <u>or 20-year</u> 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.
Studio, 1 bedroom (3) (4)	20% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 50% or less of the median income for King County adjusted for household size.	20% of rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of rental units shall be affordable to households making 60% or less of the median income for King County adjusted for household size.		
2+ bedrooms (3) (4)	20% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making	20% of the rental units shall be affordable to households making 80% or less of the median income for King County adjusted for household size; or 10% of the rental units shall be affordable to households making 70% or less of the median income for King County adjusted for household size.		

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	MUR-70'+	MUR-70'	MUR-45'	MUR-35'
	60% or less of the median income for King County adjusted for household size.			

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.

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