



## SHORELINE PLANNING COMMISSION REGULAR MEETING AGENDA

Thursday, October 20, 2022

Council Chamber – Shoreline City Hall

7:00 p.m.

<https://us02web.zoom.us/j/84842956925?pwd=MVJ4czlmakhJdjNnNWoZFo2alNuUT09>  
253-215-8782 | Webinar ID: 848 4295 6925 Passcode: 597228

*This meeting is conducted in a hybrid manner with both in-person and virtual options to attend.*

	<u>Estimated Time</u>
1. CALL TO ORDER	7:00
2. ROLL CALL	7:01
3. APPROVAL OF THE AGENDA	7:02
4. APPROVAL OF THE MINUTES FROM:	7:03
a. <a href="#">October 6, 2022 – Draft Minutes</a>	
5. GENERAL PUBLIC COMMENT	7:04

*The Planning Commission provides several options for public comment: in person in the Council Chamber; remote via computer or phone; or through written comment. Members of the public may address the Planning Commission during regular meetings for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's comments are being recorded.*

**The Planning Commission is providing opportunities for public comment by submitting written comment or by joining the meeting webinar (via computer or phone) to provide oral public comment:**



**[Sign-Up for Remote Public Comment](#)** Pre-registration is required by 6:30 p.m. the night of the meeting.



**[Submit Written Public Comment](#)** Written comments will be presented to Council and posted to the website if received by 4:00 p.m. the night of the meeting; otherwise, they will be sent and posted the next day.

6. STUDY ITEMS	
(a) <a href="#">Transfer of Development Rights Program and Landscape Conservation and Local Infrastructure Program Implementation Discussion</a>	7:05
7. UNFINISHED BUSINESS	7:50
8. NEW BUSINESS	7:56
9. REPORTS OF COMMITTEES & COMMISSIONERS/ANNOUNCEMENTS	7:57
10. AGENDA FOR NEXT MEETING: November 3, 2022	7:58
11. ADJOURNMENT	8:00

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

**DRAFT**  
**CITY OF SHORELINE**

**SHORELINE PLANNING COMMISSION**  
**MINUTES OF PUBLIC HEARING**

October 6, 2022  
7:00 P.M.

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**Commissioners Present**

Chair Pam Sager  
Vice Chair Julius Rwamashongye  
Commissioner Leslie Brinson  
Commissioner Janelle Callahan  
Commissioner Andy Galuska  
Commissioner Mei-shiou Lin  
Commissioner Christopher Mosier

**Staff Present**

Steve Szafran, Senior Planner  
Andrew Bauer, Planning Manager  
Julie Ainsworth-Taylor, Assistant City Attorney  
Carla Hoekzema, Planning Commission Clerk

**CALL TO ORDER**

Chair Sager called the public hearing of the Shoreline Planning Commission to order at 7:00 p.m.

**ROLL CALL**

Ms. Hoekzema called the roll.

**APPROVAL OF AGENDA**

The agenda was accepted as presented.

**APPROVAL OF MINUTES**

The minutes of August 18, 2022 and September 1, 2022 were accepted as presented.

**GENERAL PUBLIC COMMENT**

There were no general public comments.

**PUBLIC HEARING: 2022 COMPREHENSIVE PLAN AMENDMENTS**

Chair Sager reviewed the purpose and procedures of the hearing. The public hearing was opened at 7:02 p.m.

Staff Presentation: Senior Planner Szafran presented the annual Comprehensive Plan Amendments for 2022. These were previously reviewed by the Planning Commission. Amendment #3 is a site-specific rezone and Comprehensive Plan amendment and rezone that was reviewed by the Hearing Examiner. The Hearing Examiner will make a recommendation to the Council on that particular amendment.

Amendments:

1. Replace the current Transportation Element with a new Transportation Element and remove the Transportation Master Plan as a supporting analysis for the Transportation Element. The Transportation Element creates the overall transportation vision for the City which translates into transportation-related goals and policies including those related to climate resiliency and community vibrancy. It also includes pedestrian plans, bicycle levels of service and other bicycle plans. There are shared use mobility modal plans within the Transportation Element as well as preferred locations for shared mobility hubs. It also contains a fiscally constrained list of projects that are based on a prioritized project list.
2. 2024 Comprehensive Plan Major Update. Mr. Szafran reviewed the general timeline of the update over the next two years. Three key themes have been identified – climate, equity and social justice, and housing. Staff will also be focused on middle housing, planning for jobs, utilities, and livability. There is no recommendation for this item.
3. Site Specific Comprehensive Plan Amendment and Rezone for the King County Park and Ride site. The Hearing Examiner will make the recommendation to Council.
4. Privately initiated proposal to add a new land use policy to the Land Use Element. The original proposed policy said: “Housing development and preservation of significant trees can co-exist with the goal of maintaining and increasing Shoreline’s urban tree canopy.” Staff worked with the applicant to include a revised policy that would say: “Develop regulations to maintain and increase Shoreline’s urban tree canopy with the goal of encouraging tree retention and protection while also increasing housing opportunities and choice.”
5. Amend the Land Use Element to explicitly allow duplexes and triplexes and allow with conditions other dwelling types that are similar in scale with single family detached homes, in low density residential zones. This amendment was added by Council. Staff is recommending that this be carried over and incorporated into the major update of the Comprehensive Plan. This would allow greater community engagement and also allow staff to stay on schedule with other work that is going on.
6. Map amendments – This would update one parcel at Richmond Beach Saltwater Park from Public Facility to Public Open Space. It would also be shown on the City’s Comprehensive Plan map.

Staff is recommending approval of Amendments 1, 4, and 6 for the Commission and approval of Amendment 3 by the Hearing Examiner. Staff is recommending that Amendment 5 be carried over to the 2023 docket.

Questions from the Planning Commission:

Commissioner Lin asked for more information about the reason for the recommendation to carry over Amendment 5. Mr. Szafran reviewed possible scenarios for item. Planning Manager Bauer added that staff is developing a detailed work plan around middle housing right now. A good portion of that work will be funded by a Department of Commerce grant. There will be some public engagement in the first quarter of next year around the topic of middle housing. Staff will develop draft policies and involve the Planning Commission in the process of drafting policies. It will likely not be ready for adoption next year. By carrying this amendment over it is acknowledging that there is work to be done and that it is a very big topic which will be folded holistically into the bigger plan update.

**Public Testimony:**

The public testimony portion of the public hearing was opened at 7:15 p.m. Written testimony was received prior to the meeting and can be found on the [City Website](#). Public comments were solicited.

Suzanne Tsoming, Shoreline resident, commented on the statement under agenda item 6a in the staff report regarding Amendment 3. She disagrees with the assumption that the Shoreline Park and Ride property “becomes less utilized once light rail service commences.” She believes the opposite will happen. With the expected increase in the City’s population and a car or two per household, there will be a need for more, instead of fewer, parking spaces at the Shoreline Park and Ride. She spoke in support of Option A, a standalone transit garage with 401 dedicated transit stalls, as shown in tonight’s agenda as Attachment F of the King County Metro TOD study.

Kathleen Russell, Shoreline resident on behalf of Save Shoreline Trees, referred to Amendment 4 recommended by staff. She pointed out that the Planning Commission has previously expressed concern about the tree canopy given the increased development in Shoreline. Tree retention is important to everyone for the many benefits that trees provide. She believes if there is just one developer building in Shoreline who retains even peripheral trees then this amendment will be successful. She indicated that Save Shoreline Trees would like to publicly acknowledge the efforts of any developer that works to retain trees. She asked the Planning Commission to promote awareness of Shoreline’s established trees by recommending this amendment to Council.

Tom McCormick, Shoreline resident, spoke regarding Amendment 6 which he had proposed. He explained how he had discovered that the City owns most of the tidelands north of the Saltwater Park and he had encouraged King County to correct their maps. The proposed amendment, which staff supports, would revise the City’s maps to reflect city ownership of the tidelands north of the park. It would make the City’s maps align with the recently revised King County maps. He encouraged the Planning Commission to recommend approval of this amendment to the City Council. He added that the City Council adopted Ordinance 967 in June authorizing acquisition of the last 400 feet before the bulkhead. Once this is acquired, the Saltwater Park tidelands will go all the way to the bulkhead. He also referred to Amendment 5 regarding duplexes and triplexes. He agreed that this item should be carried over to the major update but spoke against the concept of allowing duplexes and triplexes into low density residential zones. He asserted that it is not needed at this point. With all the projects in the pipeline the City has already pretty much met its 2044 growth targets. He recommended waiting and revisiting this issue in ten years. He thanked the Planning Commission for all the work they are doing.

Seeing no further comments, the public testimony portion of the public hearing was closed at 7:24 p.m.

**COMMISSIONER CALLAHAN MOVED THAT THE CITY COUNCIL ADOPT THE 2022 COMPREHENSIVE PLAN AMENDMENTS AS WRITTEN IN THE STAFF REPORT DATED OCTOBER 6, 2022. VICE CHAIR RWAMASHJONGYE SECONDED THE MOTION.**

Commissioner Callahan commended staff's work on these topics. Chair Sager concurred.

**THE MOTION WAS UNANIMOUSLY APPROVED.**

The public hearing was closed at 7:25 p.m.

**AGENDA FOR NEXT MEETING**

Staff reviewed the agenda for the next meeting which is scheduled for October 20, 2022.

**ADJOURNMENT**

The meeting was adjourned at 7:27 p.m.

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Pam Sager  
Chair, Planning Commission

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Carla Hoekzema  
Clerk, Planning Commission

**PLANNING COMMISSION AGENDA ITEM**

CITY OF SHORELINE, WASHINGTON

**AGENDA TITLE:** Transfer of Development Rights Program and Landscape Conservation and Local Infrastructure Program Implementation Discussion

**DEPARTMENT:** Planning & Community Development

**PRESENTED BY:** Steven Szafran, AICP, Senior Planner

Public Hearing  
 Discussion

Study Session  
 Update

Recommendation Or  
 Other

**INTRODUCTION**

The Landscape Conservation and Local Infrastructure Program (LCLIP) was passed into State Law in 2011. LCLIP creates incentives for both land conservation within the county and infrastructure improvements in cities. The purpose of the program is to encourage the Transfer of Development Rights (TDR) with a public infrastructure financing tool called tax increment financing (TIF). This program seeks to credit added development potential in exchange for preservation of natural and rural lands in the county, while providing greater assessed tax revenues for the City to pay for improvements, such as plazas, parks, sidewalks, bike lanes, that encourage vibrant, livable cities. The Council has directed staff to take necessary steps to implement the LCLIP program in the City.

To take advantage of the tax incentives provided through the LCLIP program, the City must adopt a Transfer of Development Rights (TDR) program to implement the sale and transfer of TDR credits. At tonight's meeting the City's consultant, Forterra, will explain how TDRs are utilized and how LCLIP creates incentives for both land conservation in the county and infrastructure improvements in the city. This presentation is intended to introduce the topic before draft Development Code amendments are considered by the Planning Commission in the coming months.

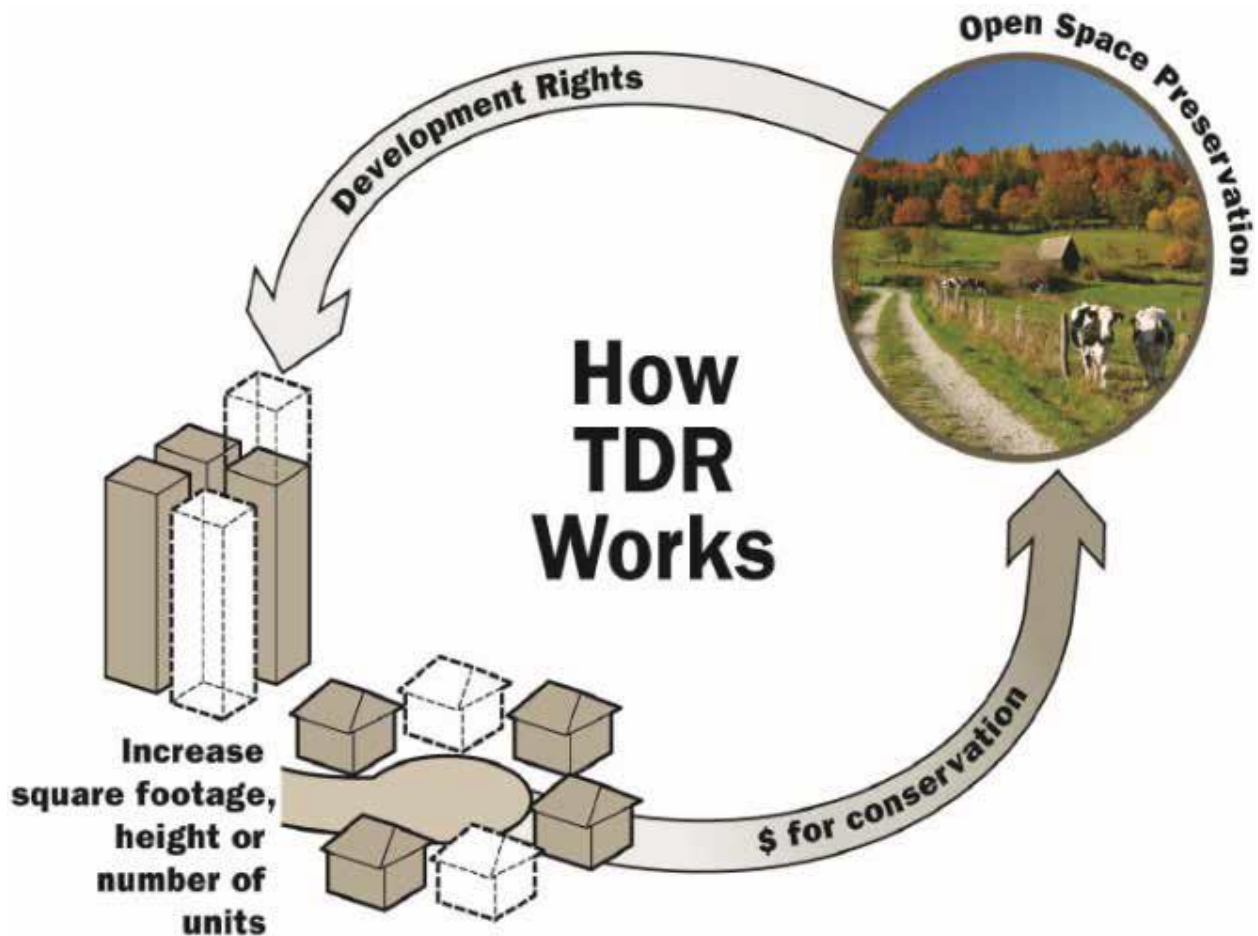
**BACKGROUND**

The Landscape Conservation and Local Infrastructure Program (LCLIP) was passed into State Law in 2011. LCLIP creates incentives for both land conservation in the county and infrastructure improvements in the city. The purpose of the program is to encourage the Transfer of Development Rights (TDR) with a public infrastructure financing tool called tax increment financing (TIF).

**Approved By:** Project Manager \_\_\_\_\_ Planning Director \_\_\_\_\_

## 6a. Staff Report TDR & LCLIP Programs - Implementaion Discussion

A TDR is considered a unit of development. Instead of prime rural farm, forests, and open space lands being developed with new residential units, those units are relocated to urban areas with services that can support increased densities. Developers may pay property owners of rural resource lands for those TDRs and cities can provide an incentive for doing so. Incentives can come in many forms and are addressed later in this staff report.



### DISCUSSION

The City received a \$42,060 grant to study the feasibility of applying LCLIP in the 145th and 185th light rail station subareas, Town Center, and the Community Renewal Area (Aurora Square) by facilitating the sale of TDRs in certain areas of the city. Forterra, in cooperation with ECONorthwest, drafted a LCLIP Feasibility Analysis which evaluated if a TDR program and LCLIP could work in the city. The LCLIP Feasibility analysis is

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included as **Attachment A**. The Council requested supplemental information based on certain scenarios in the feasibility report which is included as **Attachment B**.

The City began looking at the LCLIP program as a way to include TDRs into the light rail station subareas. In exchange for accepting development rights, the City will have access to financing for revitalizing designated districts. The City will also be able to bond against the future tax revenue generated by the development projects to make essential infrastructure improvements.

In addition to looking at the two station areas, Forterra also looked at getting more TDRs in Town Center, the Aurora Square Community Renewal Area (CRA), and the Aurora Corridor. As part of this study, staff is looking at ways to encourage more TDRs through incentives when developing new mixed-use and multifamily buildings in areas designated by the City Council. The areas where TDRs should be encouraged and where infrastructure improvements will be made is called the Local Improvement Project Area (LIPA). A map of the LIPA area is shown in **Attachment C**.

### **Goals of the Program**

It is important to point out that Transfer of Development Rights have been part of the City's Comprehensive Plan Goals since at least 2005. Goals NEI, NEII, NEIV, and NEV speak to preservation of natural areas and Land Use Policy LU58 specifically supports TDR programs throughout the City. It reads:

***LU58:** Support regional and state Transfer of Development Rights (TDR) programs throughout the city where infrastructure improvements are needed, and where additional density, height and bulk standards can be accommodated.*

The Council's policy has been, through support of the City's Comprehensive Plan, to support the preservation of rural land by increasing density within urban areas and support regional partnerships with King County and the Puget Sound Regional Council.

Other goals of the program include money for public improvements within designated areas assigned by Council. The future light rail stations at 185<sup>th</sup> and 148<sup>th</sup> will require street improvements including pedestrian and bicycle facilities. More density around the stations will require more park space, open space, and recreational facilities. Density increases will also require utility upgrades including stormwater, sanitary sewer and water lines.

LCLIP will be one way the City can divert the County portion of property taxes to fund these improvements that will be needed in the future. In addition to the King County portion of the taxes, the County has expressed a willingness to provide park and/or open space to the City in the area of the 185<sup>th</sup> light rail station.

The study found that there is a strong policy case for LCLIP in Shoreline. Specifically, the study states:

*The analysis shows a range of situations in which LCLIP could succeed. In a scenario assuming that half of the City's PSRC 2035 growth target occurs in the Study Area, LCLIP could generate net revenue of \$4.4 million (net present value, or \$8.5 million in*



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*nominal terms) for infrastructure in Shoreline. Should the City exceed that growth, the net revenue would increase to \$7.3 million (net present value, or \$13.9 million in nominal terms).*

*LCLIP will likely be a successful proposition as the local market continues to evolve. Conditions in Shoreline will support use of LCLIP through redevelopment in the Study Areas. This analysis shows that growth, if in line with projections, is sufficient to make LCLIP a success. At minimum the City would receive new revenue for infrastructure that it otherwise could not access and at best that revenue would exceed \$13.9 million. Under such a growth scenario, the Study Areas could support approximately 33 multifamily projects and 32 new retail office projects over a 25-year period.*

Following a presentation to Shoreline City Council on July 27, 2020, on the revised LCLIP Study (Attachment A), Councilmembers requested additional context and examples to illustrate a wider range of potential scenarios under which the City could implement LCLIP. Based on requests from Councilmembers, the consultant team prepared a supplemental analysis (Attachment B) that demonstrates a more graduated array of options for how LCLIP could work based on a range of factors. These scenarios provide additional detail to inform decision-makers on how to proceed with LCLIP, noting that the consultants' recommendations remain consistent with those in the main body of this report. The primary recommendation is that Shoreline will gain the most value and achieve the most conservation through the program by using it to the fullest potential by accepting the full 231 TDR credit allocation.

The following scenarios reflect three different configurations of how Shoreline might implement LCLIP based on Council direction and preferences. As a reminder of the dynamics of LCLIP, revenue is a function of three factors:

1. Geography. The more assessed value a city includes in the program (up to a maximum of 25%), the more revenue it will generate.
2. TDR use. The more credits a city commits to placing, the more revenue it will generate.
3. Growth. The more new construction that occurs, the more revenue it will generate.

The three scenarios, which are summarized below, represent small, medium, and large choices in terms of scale of utilization. It is also helpful to know the definition of building types used in the scenarios below and in the addendum. The three building types are:

1. **Stacked-flat.** This type of building refers to a multifamily or mixed-use building that is purely wood construction between two and five stories.
2. **Podium.** This type of building refers to a multifamily or mixed-use building that is wood-framed construction over a base of concrete. These types of building typically consist of five stories of wood framed construction over one or two stories of concrete and can be up to 85 feet high.
3. **Midrise.** This type of building fills the gap between podium buildings and high-rise buildings. In Shoreline's case, a midrise building is between 85 feet and 140

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feet high, which is the maximum height allowed in the MUR-70' zone with an approved Development Agreement.

Each scenario also provides an “Example Revenue Benefits” section that helps to illustrate the value of the funds generated by presenting examples of some actual projects that could be supported by the additional revenue. Actual projects and work funded would be identified as part of the plan for development of public infrastructure within the Local Infrastructure Project Area (LIPA).

### **Scenario One – Station Emphasis**

This scenario limits the LCLIP program to the light rail station subareas (MUR-70' and MUR-45' zones), which represents 5% of the City's total assessed value. The incentives offered include additional building height, parking reduction, and multifamily tax exemptions (MFTE). In this scenario, a single midrise project would place 14 TDR credits, netting a return on investment of approximately \$420,000. A stacked flat project would place two TDR credits, netting a return of approximately \$58,000.

If Shoreline commits to half of its total TDR allocation – 115 credits – then the City could achieve this placement through a combination of six midrise projects and 15 stacked flat projects over a 20-year period. In other words, each station area might see three midrise projects and seven or eight stacked flat projects. With this combination of TDR placement, geography, and growth, LCLIP would generate between \$3.2 million and \$6.3 million over the term of the program, or \$1.9 million to \$3.8 million net present value (the amount for which the City could bond for should it choose that revenue stream).

If the City commits to its full TDR allocation – 231 credits – it could achieve this placement through a combination of 12 midrise projects and 29 stacked flat projects over a 20-year period. In other words, each station area might see six midrise projects and 14 or 15 stacked flat projects. This scenario would generate \$6.3 million to \$12.6 million over the duration of the program, or \$3.8 million to \$7.5 million net present value (NPV).

### **Example Revenue Benefits:**

1. Fund parks repair and replacement, playground replacement, and turf and lighting repair.
2. Fund Sidewalk Rehabilitation Program through 2022 and install new sidewalks on 1<sup>st</sup> Avenue NE from N 145<sup>th</sup> Street to N 155<sup>th</sup> Street and from N 192<sup>nd</sup> Street to NE 195<sup>th</sup> Street.

### **Incentives Needed:**

1. One additional story in MUR-45'.
2. Parking reduction for TDR placement.
3. 8-year MFTE.

### **Scenario Two – Expanded Emphasis**

This scenario broadens program use to a geography containing zones in the light rail station subareas (MUR-70' and MUR-45') as well as Town Center zones (TC-1, 2, and 3), which represents 15% of the City's total assessed value. The types of construction

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suited for these zones are midrise – potentially constructed from cross-laminated timber – podium, and stacked flats. In this scenario, a single midrise project would place 14 TDR credits, netting a return on investment of approximately \$420,000. A podium project would place six credits, netting a return of approximately \$186,000. A stacked flat project would place two TDR credits, netting a return of approximately \$58,000.

If Shoreline commits to half of its total TDR allocation – 115 credits – then the City might achieve this placement through a combination of four midrise projects, eight podium projects, and 12 stacked flat projects over a 20-year period. In other words, each station area might see two midrise projects, four podium projects, and six stacked flat projects. With this combination of TDR placement, geography, and growth, LCLIP would generate between \$6.3 million and \$9.5 million over the term of the program, or \$3.8 million to \$5.7 million net present value.

If the City commits to its full TDR allocation – 231 credits – it could achieve this placement through a combination of eight midrise projects, 16 podium projects and 16 stacked flat projects over a 20-year period across both light rail station areas and Town Center. This permutation would generate \$12.6 million to \$18.9 million over the duration of the program, or \$7.5 million to \$8.2 million NPV.

### Example Revenue Benefits:

1. Fund improvements to pedestrian and bike connectivity along N 195<sup>th</sup> Street from 5<sup>th</sup> Avenue NE to the I-5 pedestrian bridge, as well as citywide surface water projects and park restroom improvements.
2. Fill the existing funding gap for constructing the 148<sup>th</sup> Street Non-Motorized Bridge.

### Incentives Needed:

1. One additional story in MUR-45' and Town Center zones.
2. Parking reduction for TDR placement.
3. 8-year MFTE.

### Scenario Three – Full Utilization

This scenario broadens program use to a geography containing zones in the light rail station subareas (MUR-70' and MUR-45') as well as Town Center zones (TC-1, 2, and 3), plus multifamily and commercial zones (Mixed-Business, Neighborhood Business, Community Business, and R-48) which represents 23% of the city's total assessed value. This geography strikes a balance of demonstrable nexus between growth and infrastructure need with the potential to generate revenue and achieve conservation.

If Shoreline commits to half of its total TDR allocation – 115 credits – then the City might achieve this placement through a combination of four midrise projects, eight podium projects, and six stacked flat projects over a 20-year period across the program geography. In other words, each station area might see two midrise projects and four podium projects, while the stacked flat projects are distributed across the MUR-45', TC-1, 2, and 3, commercial zones, and R-48 zones. With this combination of TDR placement, geography, and growth, LCLIP would generate between \$9.5 million and \$12.6 million over the term of the program, or \$5.7 million to \$7.5 million NPV.

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If the City commits to its full TDR allocation – 231 credits – it could achieve this placement through a combination of eight midrise projects, 16 podium projects and 11 stacked flat projects over a 20-year period. A development pattern might look like four midrise buildings and four podium projects in each light rail station area, eight podium projects in Town Center, and the stacked flats spread across the commercial zones and R-48. This scenario would generate \$18.5 million to \$25.2 million over the duration of the program, or \$8.2 million to \$15.1 million NPV.

### **Example Revenue Benefits:**

1. Fund improvements to the Westminster Way N and N 155<sup>th</sup> Street intersection, as well as upgrades to surface water pump stations 26 and 30.
2. Fund most of the cost of improvements to the I-5 and NE 145<sup>th</sup> Street interchange.

### **Incentives Needed:**

1. One additional story in MUR-45', Town Center zones, commercial zones, and R-48.
2. Parking reduction for TDR placement.
3. 8-year MFTE.

### **TDR Incentive Recommendations**

As you have read above, the addendum recommends three incentives be added to the Development Code to make placement of TDR credits work in the City of Shoreline. These incentives are building height, parking reduction, and MFTE. These incentives are analyzed below.

### **Additional Building Height:**

Purchase of TDR credits will allow developers to build above the base zoning height limits in certain zones up to a defined maximum height. The addendum identifies adding an additional 10 feet of building height in the MUR-45', Town Center zones, commercial zones, and the R-48 zones. The Development Code already has provisions for additional building height in the Residential R-48, Mixed Use Residential (MUR)-35', MUR-45', MUR, 70', Neighborhood Business (NB), Community Business (CB), Town Center (TC)-1, 2, and 3, and Mixed-Business (MB) zones. For example:

1. MUR-70' allows up to a 20-foot height increase if 20 percent of the significant trees onsite are retained.
2. The CB zone allows an 18-foot height increase if restaurant ready spaces are constructed in the North City and Ridgecrest Neighborhoods.
3. Buildings in the commercial zones (MB, CB, and NB) can add up to 15 feet of building height if providing roof-top amenity spaces.

Council may want to consider the competing incentives for additional building height. Council could choose to allow the combination of incentives in order to encourage TDR placement. For example, a developer could save 10 percent of the significant trees on an MUR-70' site (adds 10-feet) and purchase TDR credits (adds 10 feet) for an additional 20 feet of building height. This scenario may be appropriate in the MUR-70' zone as these zones are near the light rail stations and are anticipated to be more intense.

## **6a. Staff Report TDR & LCLIP Programs - Implementaion Discussion**

### **Parking Reduction:**

Purchase of TDR credits could allow developers to build fewer parking stalls in certain projects. Parking reductions are a valuable incentive as the price of a typical structured parking space now exceeds \$60,000, whereas an average TDR credit costs \$30,000. In the scenarios presented in the addendum, one TDR credit is roughly worth one structured parking space or up to seven (7) surface parking spaces.

The parking incentive can be restricted by the number of parking space reductions per project, areas of where reductions may occur (near light-rail station or other high-capacity transit areas), or a cap on the total reductions citywide. The City has conducted a parking study in the Station Subareas (185<sup>th</sup> and 145<sup>th</sup> Streets) and has concluded there is capacity for on-street parking for at least the next 10 years. This could be justification for allowing parking reductions near the light-rail stations in the MUR-70' and MUR-45' zones as suggested by the LCLIP study and addendum.

### **Multifamily Property Tax Exemption (MFTE):**

Council may authorize an 8-year MFTE for mixed-use projects with no affordability requirement for developers that purchase TDR credits. This is a valuable incentive to developers when paired with additional incentives of building height and parking reductions. The study shows this will be an effective driver of TDR placement credit. For example, an 8-year MFTE on a mixed-use building saves a property owner an estimated \$500,000 on taxes over eight years. In return, a developer may purchase for example, four TDR credits at a cost of \$120,000, saving a developer \$380,000 over the eight years. The City does not have an 8-year MFTE program in place at this time and would require Council to create one.

While the 8-year MFTE may encourage TDR placement, the City may lose out on new affordable housing units if developers choose to take advantage of the 8-year MFTE program instead of the City's current 12-year MFTE program. TDR credits will compete with affordable housing units until all 231 credits are extinguished. The Comprehensive Plan, Council Goals, and the Development Code encourage and mandate affordable housing to create housing for all economic segments of the population. Trading TDRs for affordable housing could delay the creation of a certain number of affordable housing units.

Another issue a developer, and the City, may face in the MUR-45' and MUR-70' zones is the requirement to provide 20% of the multifamily rental units as affordable. Because affordable housing is required to be developed in the MUR-45' and MUR-70' zones, a developer will most likely choose to take advantage of the 12-year MFTE program, making the placement of TDRs in the MUR-45' and MUR-70' zones unlikely. Staff have also heard from developers that the 12-year MFTE program is not long enough to support the reduced rents of the 99-year requirement to maintain the affordable housing unit. It's for this reason that developers are seeking legislative changes to extend the MFTE program to 20-years. The scenarios described above did not extinguish the affordability requirement in the MUR-45' and MUR-70' zone when building up to 70-foot high. The scenarios did exempt buildings over 70-foot high from the affordability requirement. Buildings between 70-feet and 140-feet would be exempt from providing affordable housing units but would be required to place TDR credits through the approval of a Development Agreement by Council.

## **6a. Staff Report TDR & LCLIP Programs - Implementaion Discussion**

### **Implementation Road Map**

Council has directed staff to move forward on the implementation of a TDR program and staff has begun working on the following implementation road map next steps (dates are tentative and subject to change):

#### **1. Hold a public hearing on the proposed formation of the LIPA and adopt an ordinance or resolution creating the LIPA.**

Notice of the City's intent to create the area must be provided to the county assessor, county treasurer, and county within the proposed LIPA. Notice must be provided at least *180 days* in advance of the public hearing. Since the notice of public hearing must be 180 days in advance of the hearing, the public hearing would not occur until after the six-month noticing period.

The ordinance or resolution creating the LIPA must:

- Describe the proposed public improvements.
- Describe the boundaries of the proposed LIPA (currently this includes the Aurora corridor, Light Rail station areas, and commercial nodes in Hillwood and Echo Lake).
- Provide the date when the use of local property tax allocation revenues will commence and a list of the participating tax districts (the city and county).
- A certified copy of the adopted ordinance or resolution must be delivered to the county assessor, county treasurer and each participating tax district.

Staff has provided notice of intent to create the LIPA area in Shoreline to King County Assessor, King County Treasurer, the King County Executive. Council will hold a public hearing to adopt the LIPA area as shown in Attachment C in 2023.

#### **2. Adopt a plan for development of public infrastructure within the LIPA.**

The public infrastructure plan must:

- Utilize at least 20% of the City's allocated share of transferable development rights.
- Be developed in consultation with the Department of Transportation and the county where the LIPA is located.
- Be consistent with any transfer of development rights policies or development regulations adopted by the city.
- Specify how the public improvements will be financed.
- Estimate the number of transferable development rights that will be used.
- Estimate the cost of the public improvements.

This plan will be developed and approved by the Public Works Department ideally during the public noticing period for the LIPA. The Public Works Department may need to amend the Capital Improvement Plan/Transportation Master Plan and possibly the Engineering Development Manual. Discussions with Public Works indicate that they would recommend that Council use the money generated from LCLIP for ongoing sidewalk maintenance within the LIPA Areas as well as a portion of infrastructure maintenance in order to address the fact that the City's new construction property tax

## **6a. Staff Report TDR & LCLIP Programs - Implementaion Discussion**

growth in the LIPA areas that is currently general revenues will now have restrictions matching the King County LCLIP revenues.

### **3. Accept responsibility for all or a share (a “specified portion”) of the transferable development rights allocated from the Puget Sound Regional Council to the City.**

As noted above, Shoreline’s share of TDRs is 231 credits. Council can specify how many TDR credits the City is willing to accept through the Resolution adopting the TDR program. Potential revenue is impacted by any reduction in the number of TDR credits accepted. Council could also consider whether to include any TDRs from another city through an interlocal agreement.

### **4. Adopt transfer of development rights policies and/or implement development regulations.**

Adoption of transfer of development rights policies and/or implementation of development regulations must:

- Comply with the Growth Management Act.
- Designate a receiving area(s).
- Adopt developer incentives, which should be designed, at the City’s election, to:
  - Achieve the densities or intensities in the City’s plan.
  - Include streamlined permitting strategies.
  - Include streamlined environmental review strategies.
- Establish an exchange rate, which should be designed to:
  - Create a marketplace where transferable development rights can be bought and sold.
  - Achieve the densities or intensities in the city’s plan.
- Provide for incentives in addition to residential density (e.g., building height, commercial floor area, parking ratio, impervious surface, parkland and open space, setbacks and floor area ratio).
- Allow for appropriate exemptions from land use and building requirements
  - Require that the sale of the transferable development rights be evidenced by its permanent removal from the sending site (such as through a conservation easement on the sending site).
  - Not be based on a downzone within the receiving area.

Adoption of the TDR Development Code amendments will be the Planning Commission’s primary involvement in Implementation Roadmap for LCLIP. Staff would propose to bring back Development Code amendments that include developer incentives to encourage the selling of TDR credits, a fee schedule addition to indicate the pricing for TDRs, proposed program mandates (for example, you must buy one TDR for every 10 units developed), and other incentives proposed in the LCLIP Study. Staff would coordinate the proposed Ordinance to amend the Development Code with the Ordinance for the LIPA and the Ordinance establishing the TDR Program at the same time for Council review and consideration. The City may also elect to adopt an optional Comprehensive Plan element and optional Development regulations that apply within the LIPA.

## **6a. Staff Report TDR & LCLIP Programs - Implementaion Discussion**

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### **DISCUSSION QUESTIONS**

1. Is there additional information or background the Planning Commission would like to see on the topic of TDR/LCLIP?
2. Does the Planning Commission have initial ideas or topics that could be considered for incentives as part of the TDR program (e.g. parking reductions, building height, etc.)?

### **NEXT STEPS**

Staff will continue to work with Forterra to bring a package of Development Code amendments to Planning Commission for discussion and eventual recommendation to the City Council. Tentative timing for the TDR Development Code amendments is January 2023.

### **ATTACHMENTS**

Attachment A – LCLIP Feasibility Study  
Attachment B – LCLIP Feasibility Study Addendum  
Attachment C – LIPA Map



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# Shoreline LCLIP

## Findings and Recommendations

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2020 update to 2015 report

Prepared for:  
City of Shoreline

***Final Report***

For Discussion Only. Do Not Cite or Quote.



## Contact Information

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Morgan Shook (ECONorthwest) and Nick Bratton (Forterra) prepared this report.

ECONorthwest specializes in economics, planning, and finance. Established in 1974, ECONorthwest has over three decades of experience helping clients make sound decisions based on rigorous economic, planning and financial analysis. For more information about ECONorthwest, visit our website at [www.econw.com](http://www.econw.com).

Forterra is dedicated to regional sustainability in all its dimensions – environmental, social and economic. Since 1989 Forterra has been at the forefront of landscape-scale conservation, restoration, and community-building efforts to help secure a positive future. For more information, visit [www.forterra.org](http://www.forterra.org).

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# Executive Summary

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## Purpose of Report

This report reflects an update to a body of work originally completed in 2015. The need for an update reflects several factors:

- Changes in the real estate market and demand for growth in Shoreline since the initial study,
- A more imminent approach of light rail service opening in the City, and
- A growing need for infrastructure funding to pay for capital facilities that support current and future growth.

This revised version contains findings and recommendations that are based on analysis of the most recent data. The intent is to inform decision making around land use policy and development regulations in areas of the city where growth is desired and to present a refreshed picture of a new funding option that can pay for infrastructure improvements.

## Why is the City of Shoreline undertaking this study?

The City is exploring the viability of the Landscape Conservation and Local Infrastructure Program (LCLIP) for the 185<sup>th</sup> and 145<sup>th</sup> Street light rail station subareas, Town Center, Aurora Square, and parts of the Ballinger and Hillwood neighborhoods, collectively referred to herein as the Study Areas. The City has created a compelling vision for the Study Areas through recent and ongoing planning efforts that promotes higher levels of activity through mixed-use, high-density development. The growth and development envisioned for the Study Areas can support the City in achieving its broader community goals, such as economic development, fiscal sustainability, environmental conservation, and higher quality of life for its current and future residents.

To catalyze and support growth in the Study Areas, the City will need to make substantial investments in infrastructure. While funding for these capital needs will come from a variety of sources, the City will likely need to contemplate pursuing innovative funding tools beyond those already identified to address potential funding gaps. One funding tool the City is exploring the use of is LCLIP, a form of tax increment financing.

## What is LCLIP?

LCLIP is a form of tax increment financing enacted in 2011. The program gives cities access to a new form of revenue in return for acceptance of development rights transferred from regional farms and forests. These transfers are typically conducted as private real estate transactions but can also be conducted by local governments.

In exchange for the placement of development rights in designated districts, the jurisdictional county (in this case King County) agrees to contribute a portion of its regular property tax collected on all new construction in the designated districts to the sponsoring city for use for a period of up to 25 years. Cities may use this revenue to fund infrastructure improvements that support infill growth and redevelopment. The program is only available to the 35 largest cities in the central Puget Sound counties of King, Pierce, and Snohomish.

## What did the study find?

The analysis shows a range of situations in which LCLIP could succeed. In a scenario if half of the City's PSRC 2035 growth target occurs in the Study Area, LCLIP could generate net revenue of \$8.5 million (net present value, or \$14.4 million in nominal terms) for infrastructure in Shoreline. Should the City exceed that growth, the net revenue would increase to \$12.8 million (net present value, or \$21.6 million in nominal terms).

The future light rail station areas can play a role in the city meeting its growth targets. Following the adoption of subarea plans, the 185<sup>th</sup> Street station area has the capacity to accommodate a sizable amount of population and employment growth and already includes a mechanism for using the transfer of development rights (TDR). The 145<sup>th</sup> Street station area offers similar possibilities, while developer agreements in Aurora Square and multifamily projects in Town Center and business zones could drive TDR use and generate revenue. The City has identified a range of infrastructure improvements, many involving improved mobility and access to transit, in which LCLIP can finance investments that will support redevelopment.

*LCLIP will likely be a successful proposition as the local market continues to evolve.*

Conditions in Shoreline will support use of LCLIP through redevelopment in the Study Areas. This analysis shows that growth, if in line with projections, is enough to make LCLIP a success. At minimum the City would receive new revenue for infrastructure that it otherwise could not access and at best that revenue would exceed \$13.9 million.

## What is the path forward for LCLIP?

Redevelopment of the Study Areas with more intensive mixed-use development represents a departure from historical growth patterns for some of the areas, particularly those around future light rail stations. The subarea plans adopted for the light rail station areas encourage more mixed-use residential growth near the stations. This change in zoning and potential expansion of uses represents a timely opportunity for the City to finance infrastructure investments that will support that redevelopment. Meanwhile, continued redevelopment of Town Center and other neighborhoods highlights other areas in the City that could both support the City's use of LCLIP and benefit from public improvements – particularly around mobility and connectivity. Finally, redevelopment of Aurora Square could be a variable, and potentially influential, contributor to the success of LCLIP in Shoreline.

The 2015 analysis showed that while (1) even with moderate growth estimates the City may net \$4.4 million (NPV, or \$8.5 million nominal) in new revenue, and (2) a simple and desirable market mechanism can drive the use of TDR. Uncertainty remains around the timing and amount of demand for redevelopment in the Study Areas. However, by taking no action in the near term the City may miss the opportunity to capture value from redevelopment until after the process has already started, thereby passing up potential revenue from LCLIP.

The 2020 updated analysis shows, assuming a 100% specified ratio (the City commits to all 231 credits), the program could generate \$8.5 to \$12.4 million (net present value, \$14.4 to \$21.6 million in nominal terms) over the 25-year period.

Shoreline can pursue a range of actions to maximize the benefits of LCLIP while minimizing the risks of not meeting performance milestones. In thinking about using LCLIP, the City should consider a suite of actions that collectively would take advantage of conditions for the program to succeed. The following is a course of action that the city can pursue to further integrate TDR and set the stage for LCLIP implementation.

*Set the stage for LCLIP success with a sound TDR framework*

This is the first of two steps for using LCLIP. Before proceeding to LCLIP adoption, Shoreline could pursue policy and code changes outlined in this (updated) report to create a viable TDR program. This would give the City a solid foundation with a complete set of mechanics and the administrative structure for using the tool. With a TDR program in place that is designed to anticipate the demand for growth that should accompany expanded regional transit service, Shoreline will be positioned to adopt LCLIP when the conditions are best suited for success.

*Prepare LCLIP legislation and identify conditions for adoption*

Secondly, subsequent to (or concurrent with) TDR program creation, Shoreline can prepare legislation for adopting LCLIP. The City could draft an ordinance containing all the components specified by the statute (see Implementation Road Map below) and keep it ready for introduction when development conditions are prime for adoption. This would be the opportune time to negotiate an interlocal agreement with King County, so it is also ready for adoption. In this approach all legislation and agreements are ready for consideration on short notice, giving Shoreline the ability to act quickly when the timing is ideal for starting LCLIP.

The 25-year clock begins on the effective date of a city's LCLIP ordinance. It is inefficient to start the clock in the absence of new construction or TDR credit placement – the program would neither generate revenue nor achieve conservation for an unknown period. In order to take full advantage of LCLIP's benefits, Shoreline should set the program in motion when a developer proposes a project in a LIPA that would place TDR credits. This way the City begins LCLIP with progress towards TDR credit placement goals and new construction generating revenue from the outset. Implementing this adoption strategy would require a specific sequence of actions:

1. Design and adopt TDR program framework
2. Draft LCLIP implementing ordinance
3. Negotiate interlocal agreement with King County
4. Track development activity in proposed LCLIP areas
5. When a development comes forward that would use TDR, bring LCLIP ordinance (and interlocal agreement, if applicable) through the legislative process for adoption

**Summary recommendations for path to LCLIP implementation**

- Create a TDR program first.
- Commit to all 231 credits to maximize revenues.
- Establish LIPAs that encompass the revised study area geography to include the widest possible growth potential and increase the opportunity for TDR placement.

- Prepare all the groundwork for adoption of LCLIP so the City may start the program on short notice as conditions change.
- Time the start of the program in conjunction with a project that would use TDR.
- Make the necessary code changes to implement TDR within the development code.

Furthermore, in moving forward the City should monitor the following conditions:

- Indications that confirm market interest in TDR, such as development applications that have been or are expected to be proposed that will need TDR credits in different zones.
- Analysis of the expected use of TDR credits confirms a reasonably high likelihood of meeting threshold requirements for TDR use in the LCLIP district.
- Infrastructure projects have been identified that qualify under the LCLIP program.
- As needed, a shared strategy approach with King County or another partner agency should be included in an approach to retiring TDR credits.

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# 1 Project Overview

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In 2014 the City of Shoreline applied for and won a grant through the Environmental Protection Agency's National Estuary Program, administered by the Washington State Department of Commerce. This grant funded a study exploring the viability of the Landscape Conservation and Local Infrastructure Program (LCLIP) for the future light rail station areas at 145<sup>th</sup> and 185<sup>th</sup> Streets, Town Center, and Aurora Square, collectively referred to herein as the Study Areas. The City has created a compelling vision for the Study Areas through recent planning efforts that promotes higher levels of activity through mixed-use, high-density development. The growth and development envisioned for the Study Areas can support the City in achieving its broader community goals, such as economic development, fiscal sustainability, environmental conservation, and higher quality of life for its current and future residents.

The 2020 update to this study expands the geography of the Study Areas to include more of Aurora Avenue, an extension of the 145<sup>th</sup> station area to the east, and portions of the city zoned for business and higher intensity residential use. Section 3 covers this in greater detail.

In order to catalyze and support growth in these areas, the City will need to make substantial investments in infrastructure. While funding for these capital needs will come from a variety of sources, the City will likely need to contemplate other innovative funding tools to address potential funding gaps. The City is exploring the use of the LCLIP, a form of tax increment financing (TIF) enacted in 2011 (RCW 39.108). This program allows cities to access incremental county property tax revenues to fund and finance public improvements within designated LCLIP districts of their choosing. In exchange for retaining a portion of county revenues, cities agree to accept several regional development rights of their choosing through a transfer of development rights program (TDR). This program creates a new revenue stream for cities to help pay for infrastructure and is designed to be flexible to suit a wide range of city needs and objectives. The intent is to achieve a nexus among encouraging growth where it is desired, investing in public improvements, and conserving important resource lands.

This report provides a series of findings and recommendations for a potential LCLIP program for the City of Shoreline based on:

- LCLIP legislation and program features.
- The City's zoning and potential TDR mechanisms.
- Historical development trends, projections on future growth and estimates of TDR use.
- Estimates of LCLIP funding potential.

## 1.1 Why Use TDR and LCLIP in Shoreline

The Puget Sound Regional Council's (PSRC) Vision 2050 is the region's strategy for accommodating future growth through the next 30 years. The strategy focuses on concentrating population and employment growth in cities that are best suited for growth and have the infrastructure, parks, schools,

transit, and services to support it. Individual cities implement the goals of the Vision through their comprehensive plans and zoning regulations in accordance with the Growth Management Act (GMA).<sup>1</sup>

The GMA encourages “innovative land use management techniques” such as TDR to help local governments achieve their planning goals.<sup>2</sup> TDR programs are a tool for implementing growth and planning goals that goes beyond traditional zoning by giving landowners other real estate options, by protecting resource lands from development in perpetuity, and by engaging the market to generate private funding for land conservation.

As mandated by VISION 2050 and by the King County Population and Employment Allocations, the City of Shoreline has adopted population and employment planning targets as part of its comprehensive plan and must act to accommodate that growth within the City over the planning horizon. In addition, the comprehensive plan envisions much of this new growth being directed to the future light rail station areas, Town Center, and Aurora Square.

The Study Areas are anticipated to play a central role in accommodating new growth. These areas have the capacity to accommodate a large amount of population and employment; however, each need infrastructure improvements. The City has limited capacity to pay for all the desired projects through the general fund and existing infrastructure funding sources. As an alternative, LCLIP could help to support future growth in accordance with the City’s comprehensive plan by generating revenue to fund improvements that are needed to accommodate that growth and realize the City’s vision.

## 1.2 Key Questions

This report outlines a series of considerations relating to the use of LCLIP to inform Shoreline’s decisions on program participation. These considerations will also help the City to understand how to optimize use of the tool in a way that best advances its infrastructure, growth, and conservation objectives. The key questions for this analysis cover:

- What is the policy basis for using LCLIP and broader community goals?
- What are the key LCLIP program issues for how the City may construct its LCLIP program?
- What is the structure of the City’s incentive zoning program and how would implementing a TDR program fit within that structure?
- Under current market and development conditions, how might development projects use TDR to access additional building capacity?
- What range of LCLIP revenues might be possible?
- Based on the cumulative understanding of the questions above, how might the city think about moving forward with an LCLIP program?
- Added in the 2020 update: clarify the City’s obligations, risks, and constraints under the program.

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<sup>1</sup> Washington State Department of Commerce. Website accessed July 2015.

<sup>2</sup> RCW 36.70A.090

## **1.3 Report Organization**

The report is organized into six subsequent sections that provide an analysis of the feasibility of LCLIP in the study area and recommendations for moving forward with a Landscape Conservation and Local Infrastructure Program. The main sections of the report are:

- **LCLIP Program Review:** This section reviews the LCLIP legislation and identifies a framework for thinking about incentive zoning, TDR, and LCLIP program choices.
- **Incentive Zoning and TDR Policy Review:** This section reviews mechanisms for TDR within the Study Area.
- **Incentive Zoning and TDR Assessment:** This section summarizes the capacity for redevelopment in the Study Areas and provides an assessment of the feasibility of TDR under current development economics and offers some insight on its potential use. A 2020 addition is a deeper discussion of incentives and recommended framework for implementing the TDR portion of the program.
- **LCLIP Revenue Assessment:** This section reviews development trends in the study area, projects development over the next 25 years. This section then assesses the revenue potential of an LCLIP program under different growth and TDR absorption scenarios.
- **Program Findings and Recommendations:** This section summarizes the key findings from previous sections and provides recommendations for using LCLIP based on those findings.
- **Implementation Road Map:** Lastly, this section outlines the steps necessary should the City decide to establish a TDR program and participate in the Landscape Conservation and Local Infrastructure Program.

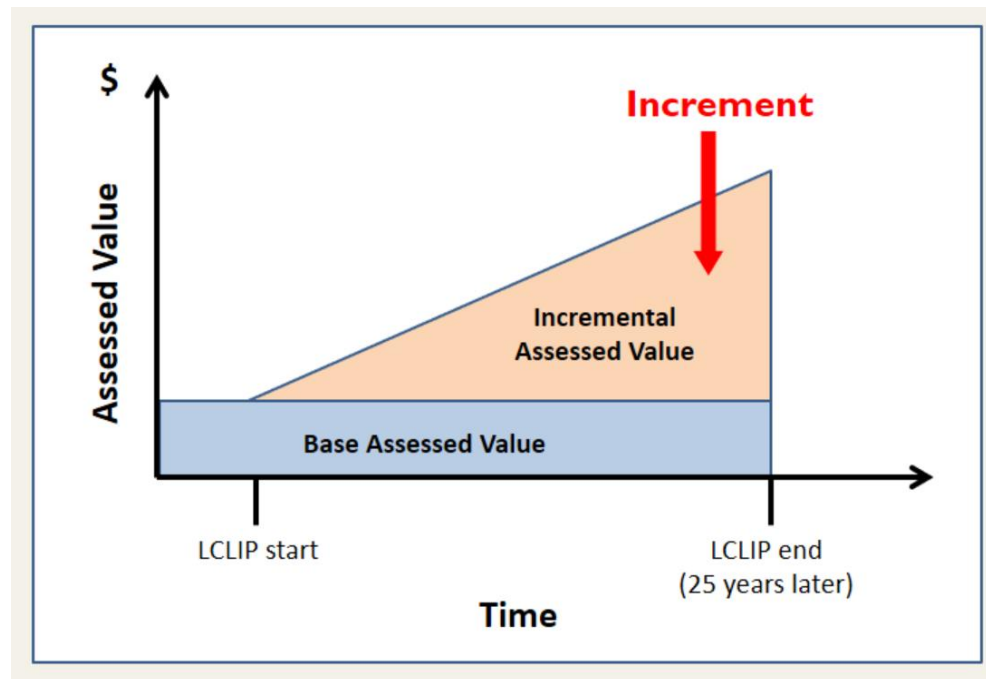
## 2 LCLIP Program Review

### 2.1 Program Overview

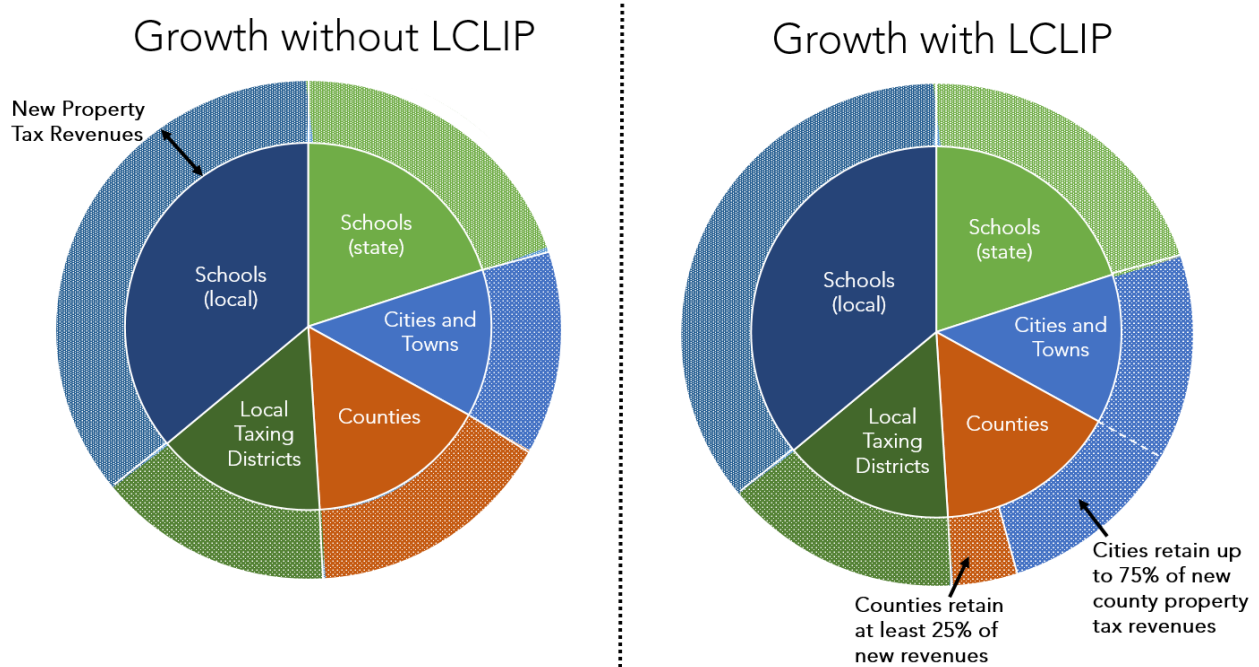
LCLIP is a form of tax increment financing combined with transfer of development rights. The program was enacted in 2011 (RCW 39.108) and is the only one of its kind in the country. The Washington State legislature created the program based on its finding that:

*The state and its residents benefit from investment in public infrastructure that is associated with urban growth facilitated by the transfer of development from agricultural and forest lands of long-term commercial significance. These activities advance multiple state growth management goals and benefit the state and local economies. It is in the public interest to enable local governments to finance such infrastructure investments and to incentivize development right transfer in the central Puget Sound through this chapter.*

The program gives the cities access to a new funding source by allowing them to retain a portion of the county’s regular property tax on all new construction in a defined area for a limited time. In return, cities must create a mechanism to place development rights and commit to the acceptance of a specified amount of regional development rights. In exchange for the placement of development rights in LCLIP districts, the jurisdictional county (King County in this case) agrees to contribute a portion of its regular property tax revenue to the City for a period of up to 25 years. The City benefits from the additional revenue, King County benefits from the conservation of resource lands as a result. Thirty-five cities in King, Pierce, and Snohomish Counties are eligible to participate in the program. The following graphic shows how LCLIP generates revenue from new construction over time. The incremental assessed value is the portion of revenue that cities retain.



LCLIP involves only a portion of the incremental property taxes generated from new development within the defined program geography. This is not a new tax to residents or businesses. The remaining portion of the property tax still accrues to the City and to the jurisdictional county. Existing and incremental revenues flowing from sales, business and occupation, and utility taxes still accrue to the City, as well as other capital restricted revenues. The following graphic illustrates how property tax revenues are distributed with and without LCLIP:



## 2.2 Use of LCLIP Funds

As defined by the statute, cities can use LCLIP-generated funds to pay for public improvements in the program district as follows:

- Street, road, bridge, and rail construction and maintenance;
- Water and sewer system construction and improvements;
- Sidewalks, streetlights, landscaping, and streetscaping;
- Parking, terminal, and dock facilities;
- Park and ride facilities of a transit authority and other facilities that support transit-oriented development;
- Park facilities, recreational areas, bicycle paths, and environmental remediation;
- Storm water and drainage management systems;
- Electric, gas, fiber, and other utility infrastructures;
- Expenditures for facilities and improvements that support affordable housing as defined by WA law;
- Providing maintenance and security for common or public areas; and
- Historic preservation activities authorized under WA law.

LCLIP is different from previous versions of tax increment financing in Washington in that it provides more flexibility on how the funds may be used. Specifically, LCLIP enables funding for more than just capital improvements and can support some operational activities related to the maintenance and security of public areas.

## **2.3 Determinants of LCLIP Revenues**

### **LCLIP District Revenue Calculation**

LCLIP generates revenues from new construction so existing buildings and revaluation do not count towards calculations. It is important to note that revenues come from all new construction in the program areas, not just from development projects using TDR. These revenues derive from the allocation of a portion of the City's and County's regular property tax (e.g. current expense levy) to the LCLIP district. Upon creating a district, the City retains a portion of the County's share of property taxes – up to 75% of the assessed value of new construction. How close to 75% depends on how many TDR credits the City commits to accept – see next section.

The calculation of LCLIP district assessed value basis starts at the time that the district(s) is created. The dedication of city and county property tax revenues to the district commence the second year after the district is established, although accrual of these revenues commences upon LCLIP adoption. The program can run for a maximum of 25 years on the condition that cities meet performance milestones (explained below).

For example, suppose a newly constructed building generates \$1,000 in regular property tax revenues on a property tax rate of \$1.00. If this same building is valued at \$1,000,000 for the purposes of new construction, then 75% of the new construction would place \$750,000 in the LCLIP assessed value base and lead to the distribution of \$750 of the \$1,000 paid in regular property tax to the LCLIP area. The remaining \$250 would still go to the jurisdiction's general fund. This example assumes that a city commits to accepting its full complement of TDR credits.

### **TDR Credit Commitment**

In adopting LCLIP, a city must select a specific number of TDR credits to accept based on a regional allocation set by PSRC. These allocations are generally proportional to a city's growth targets. PSRC assigned more credits to those cities expecting higher growth. For comparison, a sample of allocations for different cities includes:

- Seattle - 3,440 credits
- Everett - 1,491 credits
- Tacoma - 1,843 credits
- Mountlake Terrace – 92 credits
- Puyallup – 365 credits

Shoreline's allocation from PSRC is 231 TDR credits. The statute requires that, in order to participate in LCLIP, a city must commit to accepting between 20% and 100% of its allocated credits. This gives cities flexibility in using the tool. Rather than an all-or-nothing proposition, cities can choose to commit to several credits that reflect its own needs or projected likelihood of placement. The decision of how

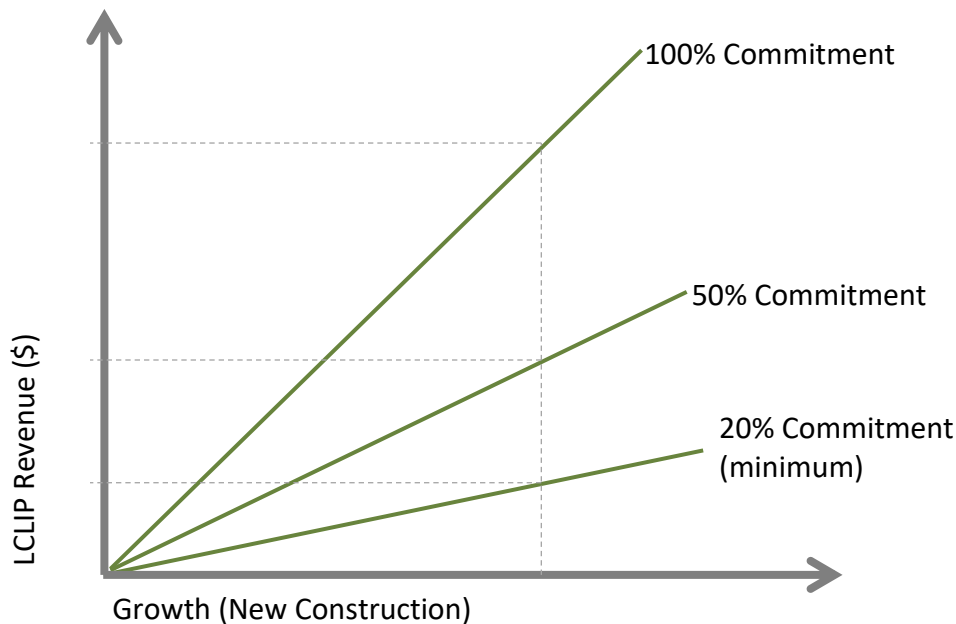
many credits to accept directly affects the amount of revenues a city retains. The statute links TDR use to revenue: the more credits a city commits to accepting, the more revenue the program generates. To illustrate, if Shoreline chooses to accept the minimum number of credits (231 credits \* 20% = 43 credits), its revenue will be 20% of the share it is eligible to retain. If Shoreline commits to half of its credits (116), the City will earn half of the revenue it can retain. If committing to its full complement of 231 credits, Shoreline will earn 100% of the revenue it can retain, the full 75% complement of the County’s share of property tax (as illustrated in the pie chart in Section 2.1 above).

Program revenue is a function of two factors:

- How many credits the city commits to accepting. Higher commitment = higher revenue
- New construction activity. More construction = higher revenue

The graph below illustrates the relationships between city TDR commitment, growth, and revenue.

**Exhibit 1: Conceptual LCLIP Revenue Scenarios**



In choosing how many credits to accept, the City is trying to select an amount of credits it anticipates new construction will place over a 20-year period to meet the threshold requirements (discussed below) and extend the program (and revenues) to the full 25 years. In doing so, the city is balancing the feasibility/likelihood of TDR being used by development against the amount of revenue LCLIP can generate. Part of the analysis in this study identifies how many TDR credits the City can expect to place based on assumptions about growth and credit utilization.

### **LCLIP Performance: Credit Placement Thresholds**

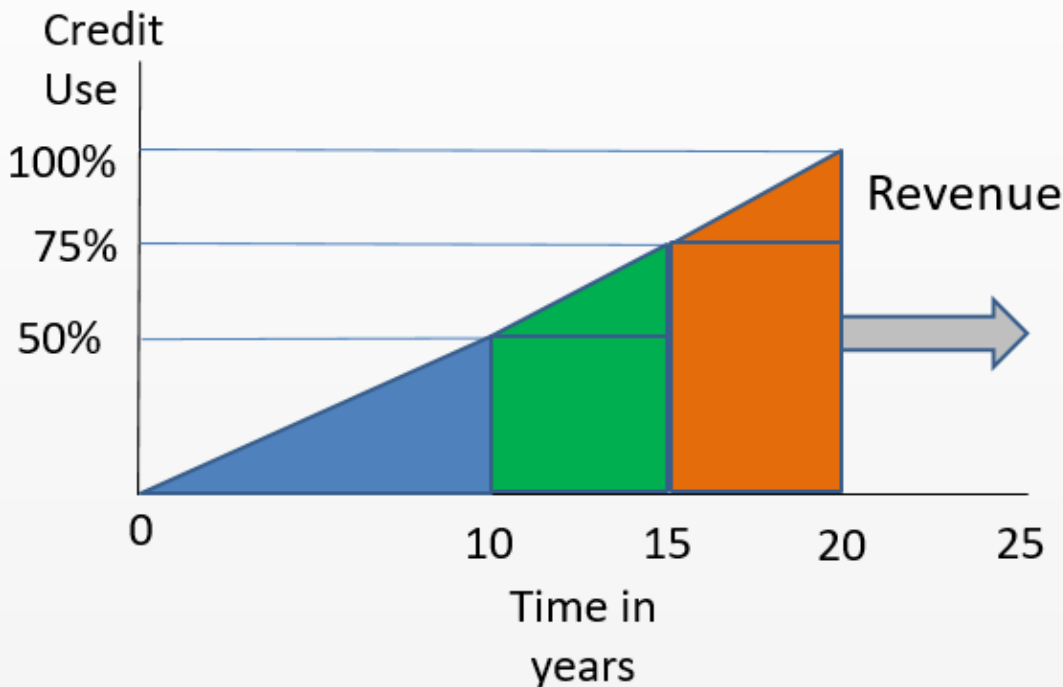
While LCLIP can run for a maximum of 25 years, the statute requires participating cities to demonstrate performance on the use of credits within their program district(s). Cities using LCLIP must meet a series of performance thresholds for placing credits in order to continue accessing the program revenues.

The purpose of these thresholds is to give counties assurance that cities are making progress towards their TDR placement commitments while counties are sharing their property tax revenues. The statute gives counties recourse if cities do not meet their TDR placement commitments – counties can stop revenues if cities do not hold up their end of the program.

Cities begin accruing revenue from the time they adopt an ordinance starting LCLIP. The earliest those revenues will be paid is in year 2 of the program and payments are made on an annual basis thereafter provided cities keep pace with the milestones laid out below.

LCLIP performance thresholds are as follows:

1. Placement of 25% of the specified portion of TDR credits is required to start the revenue stream. This is not a time-based milestone, but rather a performance-based milestone.
2. Placement of 50% of the specified portion of TDR credits is required by year 10 to extend it by 5 years.
3. Placement of 75% of the specified portion of TDR credits is required by year 15 to extend it by five years.
4. Placement of 100% of the specified portion of TDR credits is required by year 20 to extend it by five years to its conclusion.



In the example of LCLIP implementation in Seattle, program partners made an interpretation as to what was required for the city to collect revenue. Briefly, the difference in interpretation is whether the placement of 25% of the specified portion is required to start the program or whether the creation of the LCLIP program through ordinance is the trigger. **Should Shoreline adopt LCLIP, this question of timing will be resolved through an interlocal agreement with King County.**



## **LIPA(s) District Formation**

The statute defines the district(s) in which a city enrolls in LCLIP as a LIPA – Local Infrastructure Project Area. This is the designated area in which:

- TDR credits will be placed by market transfers and measured for performance monitoring.
- Infrastructure projects will be constructed, and funding will be used.
- The calculation of the new construction as the tax basis for LCLIP revenues will be based.

A city may have multiple and non-contiguous LIPAs if the areas meet the requirements of containing less than 25% of the city’s assessed value and don’t exclude any areas within them (i.e. no donut holes). While a city may create multiple LIPAs, LCLIP works on a cumulative citywide basis and not an independent district basis – meaning the same program parameters apply to all LIPAs regardless of start date and configuration. Therefore, if a city is considering multiple LIPAs, it is advantageous to establish them all at the program launch rather than adding them incrementally over time, which would result in foregone revenue.

## **2.4 Program Framework for LCLIP**

A strong LCLIP program for the City of Shoreline must position the City to maximize LCLIP revenues through structuring the following program parameters:

- **LIPA geography.** The City will want to create LIPAs that meets the nexus requirements stated above. However, creating districts where development is expected will maximize the program revenue potential.
- **TDR provisions.** The number of TDR credits used is a function of several factors:
  - The size and structure of the incentive component. The city must determine how much demand there may be for building projects that will utilize TDR. The placement of TDR credits through incentive mechanisms determines how developers will use the tool. For example, TDR may be among a menu of options that developers can choose from, it may be tiered with other options requiring developers to sequence options that may place TDR first or last in that sequence, or it could be the means by which developers access cost savings.
  - The nature of the incentive associated with TDR. Typical TDR incentives offer additional FAR or height; however, TDR can relate to any variety of opportunities associated with development (“conversion commodities”). Other examples include connecting TDR with reduced setbacks, structured parking requirements, or impervious surface limitations. In the context of Shoreline, the incentive may be a multifamily tax exemption, additional building height, reduction in parking requirements, or a reduction in on-site tree retention requirements.
  - The exchange rate for TDR. The amount of incentive a developer receives per TDR credit used in large part determines the extent to which a TDR consumes the incentive zoning available. The incentive created by the TDR exchange rate must be equal to (or exceed) a developer’s willingness- and ability-to-pay. Put a different way, TDR must be a profitable choice for developers otherwise they will not use it.

- **City credit commitment and program timing.** In order to optimize LCLIP revenues, the City has an incentive to meet all performance thresholds. Doing so means the city must commit to accepting several credits that anticipated growth can place through the private market over the timeline of the program. This element of LCLIP is the most difficult aspect to consider. Forecasting future development is challenging, much less determining the rate at which that development will use TDR in new construction.

## **3 Incentive Zoning and TDR Policy Review**

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Shoreline's existing policies support the use of TDR and LCLIP. Shoreline currently offers incentives to advance affordable housing and density goals, although not in the form of incentive zoning. Shoreline does not currently have a stand-alone TDR program, however the 185<sup>th</sup> Street subarea plan includes a TDR provision.

Shoreline's comprehensive plan language establishes a policy foundation for the use of LCLIP and TDR to encourage quality development, revitalize neighborhoods, and provide infrastructure that supports growth. Shoreline should look to the comprehensive plan goals and policies to determine areas that LCLIP funding should be directed towards. Shoreline may consider using LCLIP as a source of funding to meet the goals of catalyzing a master-planned, sustainable lifestyle destination in Aurora Square. Additionally, light rail station expansion areas would benefit from infrastructure investments as the city plans to work with stakeholders to identify and fund improvements that can be efficiently constructed in conjunction with light rail and other transit facilities.

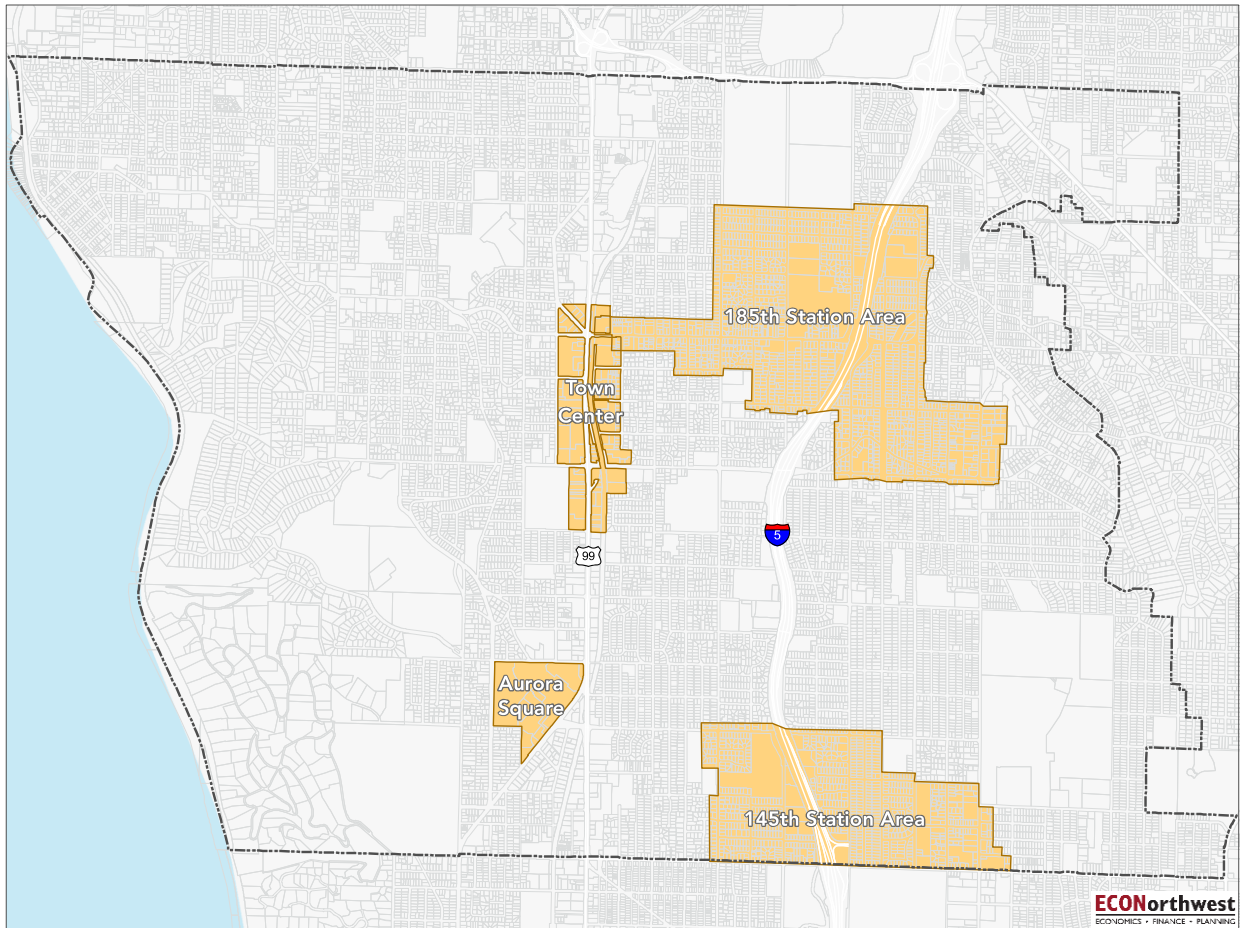
In addition, the city has other areas that encourage higher density land development in its Town Center (TC), Neighborhood Business (NB), and Community Business (CB) zones. These zones do not have current provisions in their code that allows the explicit use of TDR in them.

### **3.1 Study Area Context**

The 2015 study evaluated four different areas within Shoreline for LCLIP feasibility. These areas included the Town Center zone, Aurora Square, and the future Link light rail station areas at 145<sup>th</sup> Street and 185<sup>th</sup> Street. This area is shown in Exhibit 1 covers the area examined in 2015.

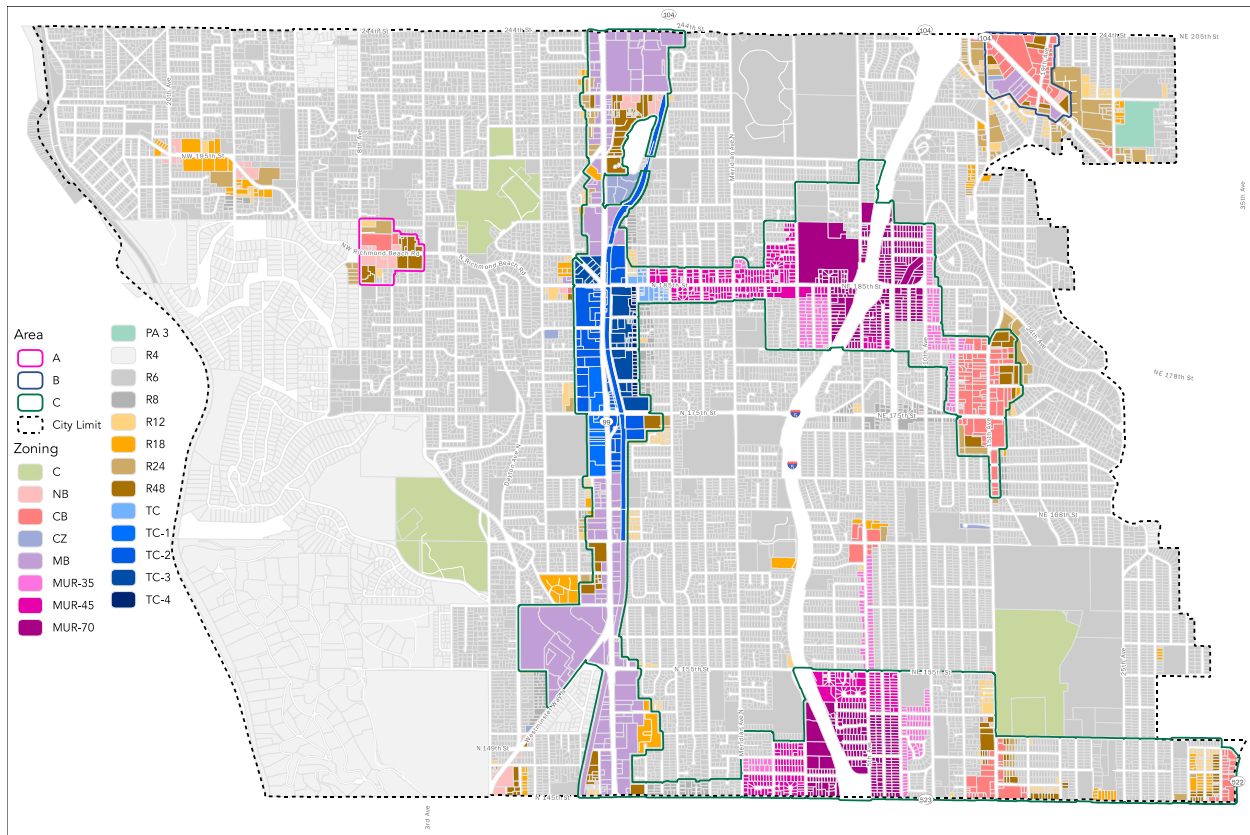
The updated study encompasses a larger geography (Exhibit 2). In addition to those areas already covered in the original study, the current review includes the corridors connecting the light rail stations to Aurora Avenue, an expanded area to the east of the 145<sup>th</sup> Street station area, and two separate areas of business and high-density residential land in the Hillwood and Echo Lake neighborhoods. The following maps show a comparison between the original and revised study areas.

Exhibit 1. Map of 2015 Study Area



Source: City of Shoreline, King County

Exhibit 2: Map of the 2019 Study Area



### 3.2 Review of Existing Development Regulations

One of the central objectives of updating the 2015 feasibility study is to identify ways for Shoreline to adopt a market-based approach to using TDR as a foundation for successful implementation of LCLIP. In other words, in order to make LCLIP viable as a source of infrastructure financing to support growth, the city must first create a predictable and usable market mechanism for TDR to work that aligns with existing regulations and policy intent. This section examines the city’s zoning code in the areas under consideration for including in LCLIP and identifies opportunities for adding TDR to the code through an incentive-based approach. A challenge is identifying ways to add TDR retroactively to an existing zoning code. The findings show areas for modifying regulations in a way that balance Shoreline’s desire to achieve multiple policy objectives while also setting the city up to use LCLIP successfully.

The policy, regulatory, and market context is different now than it was in 2015 when the city considered the original LCLIP report. In the previous analysis, one goal was to identify ways to include TDR into the subarea plans for the future light rail stations – creating something out of whole cloth. Now the goal is to fine tune existing zoning to incentivize multiple public benefits, including TDR and – by extension – LCLIP. Since the completion of the original report new construction has started and redevelopment in central areas is underway. The real estate market has responded to growth pressure and to the anticipated opening of the light rail stations in 2023. The chief findings of this regulatory

review are that the existing code would benefit from clarification and reconfiguration to more effectively achieve the land use patterns that the city desires in areas where it wants growth.

### Current Zoning Review

The geographical extent of the LCLIP study update focuses on the following areas and zones, organized around the proposed local infrastructure project areas (LIPAs, or the districts in which Shoreline might use LCLIP):

- MUR zones: all three zones in each of the light rail station areas, 35', 45', and 70'.
- TC zones: all TC zones along Aurora Avenue, TC 1, 2, 3, and 4.
- Business zones: MB, NB, and CB.
- Residential zones: R-48

### *Mixed-Use Residential*

The MUR-70' regulations allow for bonus heights but they neither have a formal incentive program nor specify exactly how projects can achieve bonus height. In the MUR-70' zone, the maximum building height is 70 feet, however, projects can gain additional height by satisfying the following requirements:

- Meeting LEED Gold standards,
- Providing affordable units,
- Providing structured parking for 90% of units, and
- Purchasing TDR credits at a price of \$5,000 per bonus unit.

The process by which projects can gain additional building height in the MUR zone is through a development agreement with the city. The elements to be included in developer agreements, as spelled out in SMC 20.30.355(D), reflect the priorities articulated by the city for what public benefits projects must provide in order to exceed maximum base heights: environmental building performance, long-term affordability, parking, and TDR. Code allows for a maximum building height of 140 feet under a developer agreement that provides the identified public benefits.

### *Town Center*

The TC zones 1, 2, and 3 have a base height of 70 feet while TC-4 is a transitional zone with a base height of 35 feet. These zones are intended for high intensity uses around transit and east-west connectivity, including residential uses. Currently no provision for bonus heights exist in the TC zones.

### *Business zones*

The Neighborhood, Mixed, and Commercial Business zones (NB, MB, and CB) encourage high density residential and mixed uses. The city has already seen multifamily residential development in the CB zone around 15<sup>th</sup> Avenue NE, for example. These zones have allowances for additional building height limited to mechanical facilities or rooftop amenities. No explicit provisions exist for higher occupied limits. There could be an opportunity for modest building height increases in these zones to increase TDR demand.

### R-48

Base height in the R-48 zone is limited to 35 feet, however provisions exist for increases. Development on R-48 lots that are adjacent to other multifamily and business zones is limited to 50 feet but may be increased to 60 feet with the approval of a conditional use permit.

### Challenges

The code establishes the developer agreement as the vehicle for projects seeking to build beyond the base height in the MUR-70' zone. This approach differs from the traditional approach by which cities regulate bonus heights: an incentive zoning program. Each approach has its tradeoffs.

The developer agreement has certain advantages. Chief among these is flexibility: a developer and the city can negotiate terms that meet specific needs of an individual property or project, resulting in a creative solution that may not otherwise be achievable. This method for determining bonus height, however, introduces challenges from a planning perspective. These include:

- A developer agreement is time-intensive for city staff to negotiate and draft.
- The code is ambiguous about aspects of the process, such as how much building height a project should be eligible to add in exchange for meeting the requirements.
- Developer agreements require legislative approval. This adds to the time, cost and complexity of the process.
- The certainty of the outcome is unclear for both the developer and the city.

A limitation of the current code is the cost implications of the requirements for gaining bonus height. To include requirements around LEED, affordability, parking, and TDR will hinder projects from exceeding the 70-foot base height. Feedback to the city from developers in pre-application meetings has echoed this perspective as has input from development consultants and builders.

Shoreline needs to make policy choices on how to prioritize the public benefits defined in an incentive zoning program. What are the most important objectives and what are the tradeoffs of each option? Are some public benefits a better fit as design standards? Would streamlining incentive choices create more certainty of use?

The overall goal is to make additional building height attractive using TDR in zones where it is consistent with city policy and growth objectives while lowering barriers to program use. Maximizing opportunities to place TDR credits throughout a range of zones and with a variety of incentives is important to increasing the certainty that Shoreline will achieve the conservation goals of LCLIP and generate revenue to fund infrastructure that supports this growth. The unique attributes of Shoreline's zoning and the need to retroactively insert TDR into regulations that have limited opportunity for bonus heights create a situation where program success will depend on a combination of the following factors:

- Enough value and growth to drive use of TDR to achieve marginal height gains where they are possible,
- Streamlining of process, lowering costs of public benefits, and creation of value in the use of TDR in the highest opportunity areas (MUR-70'), and

- Pursuit of a portfolio approach to incentives that generate value for developers in a diversity of ways that include both residential and nonresidential bonus options.

Recommendations for zoning changes include:

- Making height increases above 70 feet in the MUR-70' zone an administrative process with the use of TDR,
- Recalibrate the number or amount of public benefits required for projects exceeding 70 feet in the MUR-70' zone, for example by emphasizing TDR and affordable housing, and
- Make additional building height in other zones possible with TDR, such as the business zones (both NB and CB) and R-48.

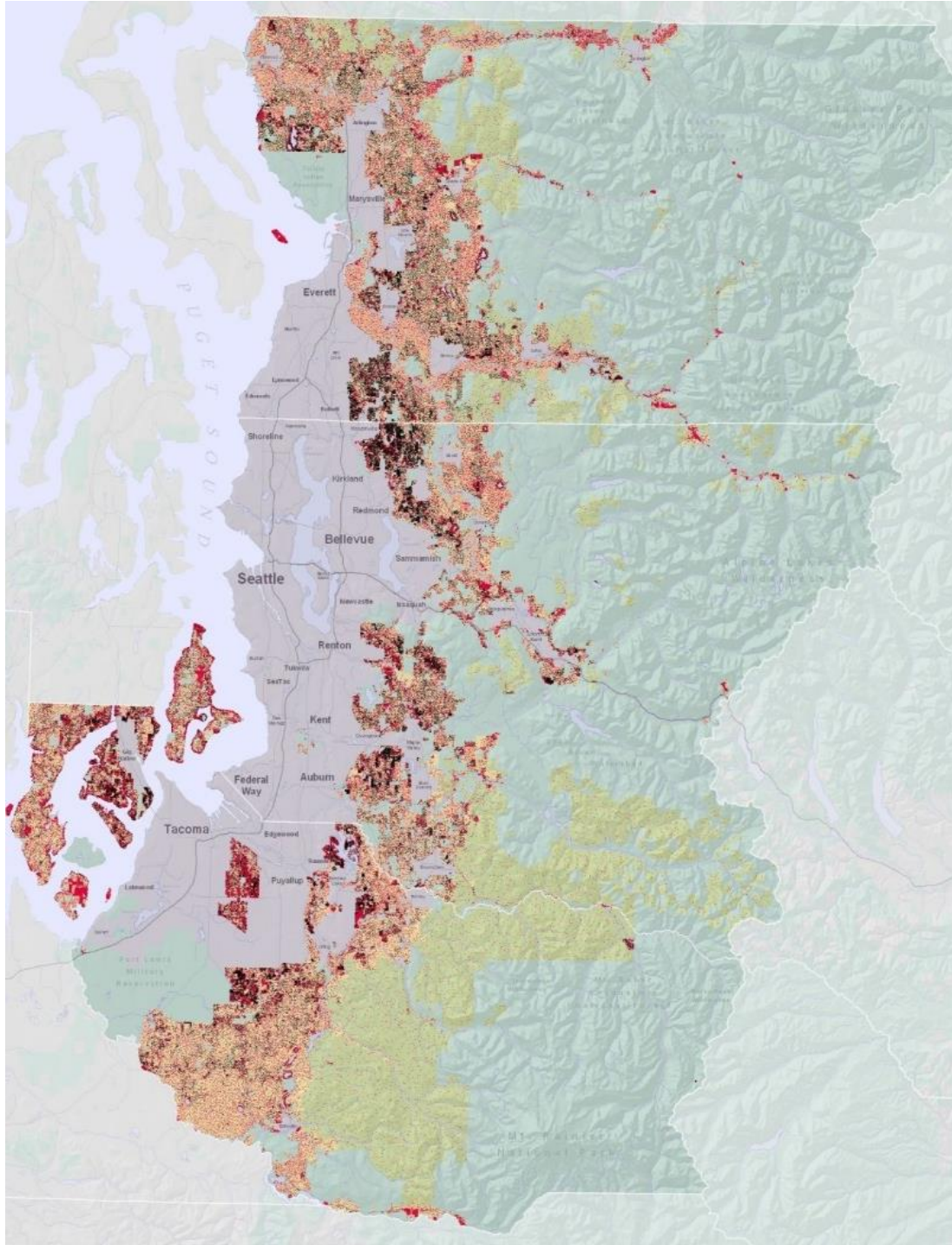
These recommendations are focused on zoning exclusively and are part of a broader suite of actions that include expanding development incentives and updating TDR exchange rates, which the report will cover in subsequent sections.

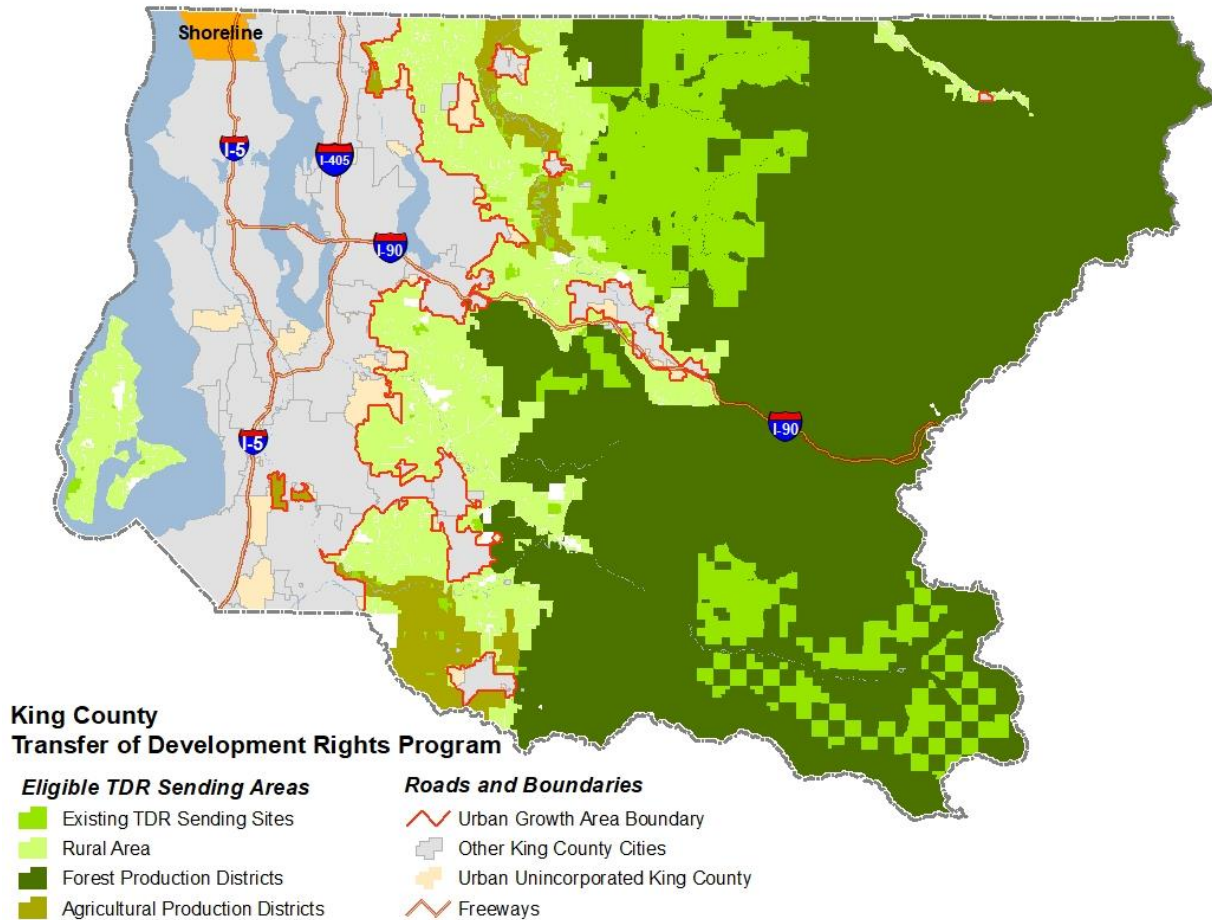
### **3.3 Sending Areas**

In establishing a TDR program, a city must identify those lands it wants to protect through use of the tool. These lands to be conserved are called “sending areas” and are those properties from which landowners can sell development rights in the form of TDR credits. In central Puget Sound TDR programs sending areas are often resource lands or areas where growth is not desired. One of the goals of LCLIP is to create a regional marketplace to conserve farms and forests of long-term commercial significance, as well as specific riparian and rural lands. To this end, the statute requires that participating cities make these designated lands in all three counties (Pierce, King, and Snohomish) eligible as sending areas from which developers may purchase TDR credits for use in urban projects.

Beyond this requirement, cities have the discretion to prioritize specific lands for conservation within the eligible sending areas. For example, when adopting LCLIP the City of Seattle prioritized farms within its foodshed and King County resource lands by awarding higher development bonuses for TDR credits purchased from those areas. While there is no statutory obligation for cities to establish preferences for certain types of conservation within the regional market, it is an option. The choice to set such priorities is a policy decision and is appropriate to explore as a conversation between the City and counties. As the jurisdictional county that would share its property tax revenue with Shoreline, King County has an interest on this point. The following maps illustrate the regional sending areas and those specific to King County. In the regional map, red dots represent available TDR credits from sending areas while the grey cities along the I-5 corridor show the 35 cities that are eligible to use LCLIP.







### 3.4 Receiving Areas

Another decision in TDR program design is deciding where the city wants to encourage growth. Places where developers can gain more value for projects by using TDR are called receiving areas. As a market-based tool, TDR works best when connected to demand for growth. Because this study is inherently focused on where growth will occur in Shoreline, the recommended receiving areas for the City coincide exactly with the geography of the study area.

A policy decision the City may consider is how to address future rezones outside the study area. For the purposes of using LCLIP, Shoreline should establish TDR receiving areas prior to (or concurrent with) adoption of the regional program. If, in the future, the City decides to rezone an area outside the defined LCLIP districts to higher densities, it may designate it as a TDR receiving area. This would not change how the City uses LCLIP, however it would achieve additional conservation benefits.

### 3.5 Existing Incentives

Real estate economics show that the value of building a home on a single-family lot in a rural area is considerably higher than the marginal value of an additional unit constructed in an urban multifamily

receiving area project. To address these different values and incentivize the use of TDR the benefit to developers in a project must exceed the cost of buying credits.

The City currently requires developers to provide affordable housing in certain zones. It also has provisions for additional building height in some zones, however, Shoreline does not currently have a formal incentive zoning program. Shoreline's zoning in the Study Areas suggests that a range of incentives in addition to building height are needed to increase certainty of TDR utilization.

The City currently only provides for TDR use in the MUR-70' zone for projects exceeding 70 feet. Opportunities related to building height include:

- Making additional building height possible (within existing code limits) in the R-48 zone with TDR, or increasing them in parts of the zone adjacent to other zones with higher intensity uses,
- Increase building height limits in the NB and CB zones to 70 feet with TDR in parts of the zone adjacent to higher intensity uses,
- Change the bonus mechanism in the MUR-70' zone to an administrative process. In other words, replace the developer agreement framework with an incentive program that includes TDR to achieve height increases.

If there is interest from the city in considering building height increases the following table shows where and how these options could work. The base height and max height reflect current zoning provisions. The max option reflects a potential new height limit that is within limits already identified (for mechanical components, for example) but would expand the occupied portions of the building to those heights. This could be implemented selectively across zones to reduce incompatible uses or heights. As an example, the code already identifies this in SMC 20.50.020 (A)(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.*

Zone	Base Height	Max Height	Max Option	Notes
NB	50	50	70	Adjacent to denser zones
CB	60	60	70	Adjacent to denser zones
MB	70	70	70	No change
TC (1, 2, 3)	70	70	70	No change
R-48	35	60	70	Adjacent to denser zones
MUR-70'	70	140	140	Administrative process

### 3.6 Alternative Incentives

There are two basic approaches to creating profitable incentives:

1. Award projects additional development value whose return exceeds the cost of TDR credits. These can take the form of bonus units, height, or floor area, for example, or
2. Create savings that are greater than the cost of buying TDR credits, by reducing parking requirements, for example.

This section examines alternative incentives that Shoreline may consider, recognizing that retroactively inserting such options into the zoning code will require balancing other policy priorities with TDR, such as affordable housing. The recommendations illustrate how the City could achieve this. Incentives explored here include:

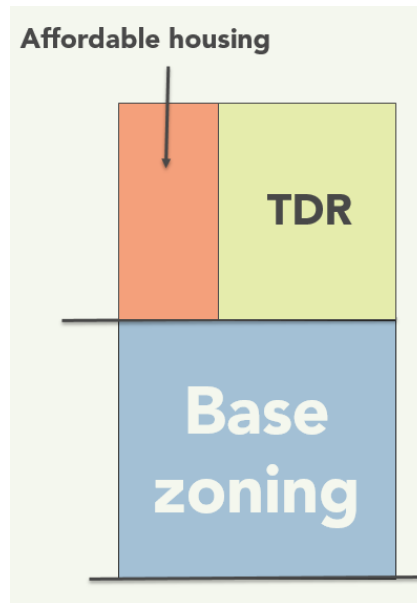
- Additional building height
- Parking reductions
- Property tax exemptions
- Tree exemptions
- TDR as an alternative to affordable housing
- Lowering incentive thresholds
- Administrative incentives

#### *Additional building height*

Shoreline’s MUR-70’ code currently allows for building heights above 70 feet and up to 140 feet if projects provide a range of public benefits. This incentive could be refined to allow for any additional height above base zoning up to the maximum specified through a combination of TDR and affordable housing. Additional height also appears to be an option in some of the business zones where code specifies different base and maximum heights. Using TDR to gain additional building height beyond

current maximums is an opportunity in the business zones (potentially in the portions that border other high intensity zones).

The public benefits of TDR and affordable housing are complementary, and it is possible to design an incentive program such that new construction provides both. One such approach is to use the “silo model,” in which a development must include both TDR and affordable housing in fixed proportions. This guarantees that no matter how tall the building, it will feature both benefits. The following graphic illustrates the relationship, recognizing that the proportion of each is a policy decision for the City to make. This graphic depicts approximately a 1/3:2/3 split between affordable housing and TDR as an example, but this could also be another proportion.



*Parking reduction*

Granting parking reductions in exchange for TDR use could be a valuable incentive, especially for structured parking in the MUR-70' zone (at taller building heights) and potentially other zones with high frequency transit service. Existing code (SMC 20.50.400(F)) gives the planning director discretion in granting parking reductions of up to 25% within ¼ mile of a light rail station. An opportunity for incentivizing use of TDR would be to grant administrative approval of a parking reduction with purchase of credits.

Currently the MUR-70' code requires structured parking for 90% of units as one condition for building above 70 feet. One way to design this incentive would be to set a ratio of stalls by which a project can reduce its parking if the project purchases a TDR credit. One consideration is that there would likely need to be a limit to how many parking spaces a project can reduce through TDR. New high-rise construction will still need to provide parking, however there may be flexibility on the amount in areas close to the light rail stations or transit corridors.

### *Property tax exemptions*

This is a valuable incentive when paired with additional building height and for projects built to base density. The 2015 study showed that pairing TDR with an 8-year multifamily tax exemption would be an effective driver of credit placement. The key will be to structure the exemption such that it balances the incentive program's ability to deliver affordable housing. Shoreline currently has affordability requirements for multifamily projects in several zones. Combining a property tax exemption approach with TDR under current regulations (as originally envisioned in the 2015 study) would entail a reorganization of the existing exemptions related to affordability.

### *Tree exemptions*

An incentive mechanism suggested by staff involves revising existing tree removal provisions in the MUR-70' zone to achieve a net increase in tree retention. SMC 20.50.310(A)(5) exempts from permit requirements removal of trees from property zoned NB, CB, MB and TC-1, 2 and 3, and MUR-70' unless within a critical area or critical area buffer. Having a healthy urban tree canopy remains a priority for Shoreline as demonstrated by a range of restoration efforts the City is pursuing. The policy decision to exempt tree removal from permit requirements in certain zones reflects a desire to encourage redevelopment focusing growth and employment in areas close to transit.

Revising tree permit requirements in MUR-70' would both support growth goals and create an opportunity for using TDR while promoting tree retention. If development potential is constrained by the presence of significant trees on a property, removal of those trees would allow for projects with a larger footprint. Instead of allowing tree removal in MUR-70' without a permit, tree removal could instead be conditional on the purchase of TDR credits. The amount of TDR credits needed to achieve this would be proportional to the additional building size the project would achieve. It would be important to structure this incentive so it would result in a net gain of trees for the City. This could be established by requiring tree replacement close to the project and by directing a portion of LCLIP revenues towards tree planting and maintenance within the LIPA.

### *TDR as an alternative to affordable housing*

As part of the subarea plans for the future light rail station areas the City originally proposed an arrangement by which developers could substitute the use of TDR for the provision of affordable housing in multifamily projects until 75 credits were placed in each subarea. At the time there was no opposition to the concept. It would have created a situation where the use of TDR and affordable housing in new construction were mutually exclusive, albeit for a defined and limited period. As originally envisioned the long-term effect on housing might not be great, however it creates an either/or dynamic between two important public benefits. This option is included in the report update primarily because it was an approach that the City came close to adopting in the light rail station subarea plans. The combined use of TDR and affordable housing (as described in the Additional Building Height incentive) in the bonus tier would be a way to promote both policy objectives in a complementary fashion. In the MUR-35' and 45' zones, TDR could also be offered as an alternative to affordable housing under ownership models.

*Changing incentive thresholds*

This approach is not by itself an incentive, however it involves changing the thresholds for using them. For example, by lowering a threshold projects in MUR-70' might need to use incentives for building height above 45 feet instead of for building height above 70 feet, as the code currently specifies. Alternatively, if its objective includes encouraging more efficient land use in the areas closest to the light rail stations, the City could change the affordable housing MFTE provisions such that they apply only to projects exceeding 70 feet in height. Other jurisdictions that have attempted this approach discovered that taking away something that developers previously got for free and making them buy it back through incentive zoning is unpopular, however the situation may be different in Shoreline if redevelopment at this scale in the MUR-70' zone has not yet materialized.

*Administrative incentives*

Administrative incentives fall into the cost savings category. By purchasing TDR credits developers receive expedited permitting or other process-oriented benefits. The value is increased certainty in project approval and lower holding costs. The tradeoffs are that these kinds of incentives can be difficult to deliver on if multiple projects want to reach the front of the line simultaneously, or if the City doesn't have the capacity to review multiple permits in a shortened timeframe. Furthermore, the costs of these incentives are borne by the City and it's unclear how to price the benefits in the form of an exchange rate. Input from City staff suggests that these factors would be unlikely to create a burden on permitting from a cost standpoint, however multiple concurrent projects could potentially create a capacity issue.

A change identified in the zoning review section (3.2) would be to make use of incentives an administrative decision rather than taking the approach of a development agreement, thereby increasing the efficiency and certainty of the process.

The consultant team recommends pursuing an incentive strategy that includes a portfolio of options. No single incentive is likely to drive enough TDR placement for the City to reach 231 credits, so combining a range of incentives into a suite of choices will increase the demand for TDR. The current issue for the city with respect to TDR is integrating incentive-based mechanisms into its existing infill growth strategy. Much of that is expressed as part of its TOD approach in its MUR zones where the main public benefit of the zoning code is affordable housing. Such a strategy could include:

- Focus TDR use in MUR-70' where most growth is anticipated. A combination of incentives would create a range of different values for projects. For example:
  - Additional building height above 70 feet
  - Parking reduction
  - Tree removal offset
- Expand TDR use in business zones, including MB, NB, CB, and R-48 to allow additional building height

### 3.7 Exchange Rate

An exchange rate is a mechanism used to normalize the value of development rights across the landscape. The value of building one home on a large rural lot is much higher than the value of adding one unit to a downtown apartment building. Therefore, one development right purchased from a rural sending area rarely equates to one additional unit in an urban receiving area. Instead, the value that the receiving area project gains from purchasing a TDR credit is expressed in terms of a ratio – one additional floor per 5 credits, for example. The developer needs to gain enough additional value to justify spending the money on a TDR credit. An exchange rate should be calibrated to achieve profitable development while also conserving sending area lands. Too low of an exchange rate means TDR is cost-prohibitive for developers. Too high of an exchange rate means the program could be conserving more land. The following table illustrates these relationships.

Exhibit 3: Sample TDR Exchange Rates

Sending Area	Receiving Area	Incentive Type	Development Bonus Unit	Exchange Rate (per Floor)
King County Agriculture	MUR-70	Height	Additional Floor	1 TDR credit
	MUR-45 Business zones	Height	Additional Floor	5 TDR credits
		Height	Additional Floor	5 TDR credits
King County Forest	MUR-70	Height	Additional Floor	1 TDR credit
	MUR-45 Business zones	Height	Additional Floor	8 TDR credits
		Height	Additional Floor	8 TDR credits
Snohomish County Agriculture	MUR-70	Height	Additional Floor	1 TDR credit
	MUR-45 Business zones	Height	Additional Floor	6 TDR credits
		Height	Additional Floor	6 TDR credits
Snohomish County Forest	MUR-70	Height	Additional Floor	2 TDR credits
	MUR-45 Business zones	Height	Additional Floor	9 TDR credits
		Height	Additional Floor	9 TDR credits
Pierce County Agriculture	MUR-70	Height	Additional Floor	2 TDR credits
	MUR-45 Business zones	Height	Additional Floor	9 TDR credits
		Height	Additional Floor	9 TDR credits
	MUR-70	Height	Additional Floor	2 TDR credits
	MUR-45	Height	Additional Floor	11 TDR credits



Pierce County Forest	Business zones	Height	Additional Floor	11 TDR credits
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These are preliminary examples to illustrate the types of exchange rates that the City might adopt. Final exchange rates would be established in Shoreline development code following further discussions among Shoreline, King County, Forterra and ECONorthwest.

In the sample table, the exchange rates take a range of values to reflect certain market factors. The first is sending areas. The exchange rates are calibrated to reflect the variations in TDR credit prices across the region, both in terms of geography and land type. Credit prices are different in all three counties and they also differ between farm and forest properties. In the sample table, a developer would buy more credits from Pierce County than from King, or from a forest property than a farm, because those are less expensive.

The second variation is by receiving area. The sample table shows that projects in the business zones need more TDR credits to gain an additional floor than do projects in the MUR-70' zone. Why this difference? The cost of adding one floor to a 50-foot tall building in a business zone is low compared to the additional cost of adding height to a 70-foot building. In the shorter building, there is no change to the construction type, while any increase above 70 feet requires a shift from podium construction to steel/concrete or mass timber. Although they use land more efficiently, these taller buildings can be significantly more expensive to build, which leaves less money available to use TDR in a way that makes it profitable.

The state statute requires that cities using LCLIP must make all regional sending areas eligible for transferring credits into receiving areas. Cities retain discretion on prioritizing sending areas, however, and adjusting exchange rates to award higher bonuses to certain lands is one approach to creating a preference.

### **3.8 TDR Credit Placement**

How might new construction in the proposed Shoreline receiving areas use TDR? The following scenario illustrates how a prototypical project might apply the tool. The first example shows a project in the MUR-45' zone under the status quo: a 4-story building containing 180 housing units on a lot slightly smaller than one acre. The second example shows how adding two floors to the building would increase the amount of housing by 25% and place five to 11 TDR credits. Assuming this building placed 10 TDR credits (two floors gained from King County farm credits), the market would need to build 23 such projects over a 20-year period to meet LCLIP credit placement goals.



<b>Zone</b>	MUR 45	MUR 45 with TDR Incentive
<b>Lot Size</b>	40,000 square feet	40,000 square feet
<b>Height</b>	45 feet	65 feet
<b>Stories</b>	4	6
<b>Use</b>	Housing	Housing with retail
<b>Housing Units</b>	180	225
<b>Parking Stalls</b>	180 (surface and structured)	225 (surface and podium)
<b>TDR Credits Placed</b>	0	5 to 22

Other permutations are also possible. For example, if this type of building used King County forest credits, the market would need to build 14 such projects over 20 years to meet the LCLIP credit placement goals. Thinking of credit placement in the context of buildings and the pace of construction is a helpful frame for visualizing what 231 TDR credits looks like on the ground.

### 3.9 Administrative Model

A program’s administrative model is the mechanism by which TDR transactions occur. It defines a city’s role in the process, which can vary from hands-on to light touch. An administrative model should make transactions simple for the buyer and the seller, as well as provide certainty and transparency on how the program works. The types of administrative model reviewed here include simple buyer-seller, private market with public support, and public-private partnership. A brief overview of each follows.

#### *Simple buyer-seller*

Under this model buyers and sellers of TDR credits find each other and negotiate private real estate deals to effect transactions. A city’s role is limited to recording the use of credits when applied to a project as part of the development permitting process.

### *Private market with public support*

This is a variation on the simple buyer-seller model with key differences. Elements that remain the same are that the buyers and sellers of credits negotiate private deals to transact TDR credits while the city processes and records the use of TDR credits. This model takes the city's role further, however, by augmenting the resources available to support a private market. Foremost among these is providing program and market information to help participants understand how the program works, how to find each other, and what is involved in a transaction.

### *Public-private partnership*

In this model the city would retain responsibility for essential administrative tasks (processing and recording use of TDR credits) while a private partner would market the program, recruit users, and facilitate transactions. In this approach the city would retain responsibility for central administrative functions that it already performs while the private partner would pursue deal-making that can be time-intensive and requires real estate market expertise.

### *TDR bank*

A bank is an entity in the marketplace that buys and sells TDR credits. A bank can be useful in that it conducts transactions that are beyond the scale of the private market, it reduces transaction costs for participants, and it simplifies the acquisition process for credit buyers. The consultant team did not explore the TDR bank option for Shoreline because King County operates one that is already used by urban developers and creating another bank specific to the City would be duplicative.

Regardless of the administrative model Shoreline chooses, King County will be an important partner in the implementation of a TDR program and LCLIP. Counties serve several roles essential to the function of a marketplace, including:

- Certifying TDR credits from sending areas,
- Operating TDR banks (where applicable), which buy credits from sending area landowners and sell them to developers, reducing uncertainty and transaction costs, and
- Tracking TDR use across the county and in other cities.

Shoreline would share program activity information with King County and the Washington State Department of Commerce, such as the use of TDR credits in new construction projects. King County and Seattle signed an interlocal agreement to establish the terms and conditions of TDR credit transfers when Seattle adopted LCLIP. Should Shoreline pursue LCLIP, King County may also wish to enter into a similar agreement with the City.

Shoreline can take a range of steps to achieve greater transparency, visibility, and usability for its TDR program. These are addressed as responses to questions from the perspective of program users.

*How do prospective participants learn about the program?*

The City can:

- Create a page on its website dedicated to TDR that
  - Explains the program and benefits to buyers and sellers, including a walk-through of the entire process
  - Links to relevant code chapters
  - Shows maps of receiving areas and identifies what incentives may be used in each
  - Includes a FAQ section
  - Lists staff contact information
  - Has downloadable electronic application forms
- Reach out to prospective developers and inform them of the opportunity to use TDR in the city. This can take the form of phone calls, a developer workshop, a webinar that the city posts on its website, mailing program summaries, or partnering with industry groups (realtors, Master Builders Association, chamber of commerce, etc.)
- Pursue media coverage to highlight the innovative aspects of the program and the benefits to residents

*What does a TDR credit get me?*

- Based on the market analysis for this study, the City should adopt exchange rates to define what density bonus a developer gains for purchasing a TDR credit. This is information that should be included on the city TDR website program overview, in code, and in a FAQ document.

*How do buyers and sellers find each other?*

- As part of the TDR web page, the city can provide resources for participants to connect. This can include contact information for the King County TDR program or private partners who can serve as sources for TDR credits.

*What does a TDR credit cost?*

- This is a simple question with a complicated answer, but for the purposes of encouraging program activity it is important to make market data publicly available. Each developer will calculate a willingness to pay that varies depending on individual project factors and each landowner will have a unique price expectation. King County publishes sales data of transactions as a public resource to share information about the TDR market.

*What does the city have to do?*

At minimum, the City's responsibilities in administering the TDR program involve:

- Establishing a review process for the use of TDR credits in receiving area projects. This includes setting a point in the development process at which an applicant must furnish certified TDR credits (or a substitute, such as an option agreement), such as at issuance of building permit or prior to certificate of occupancy.
- Tracking TDR credits used in receiving area projects, sharing credit use with King County so it can extinguish credits applied to new construction and reporting to the Washington State Department of Commerce on an annual basis.

Additional responsibilities may include:

- Making an annual report to planning commission and city council on TDR program activity.
- Marketing the program, recruiting participants.

*What are the steps in a transaction?*

This needs to be spelled out both in code and in program overview materials that the City publishes, including on its website. Some programs, like Snohomish County, have drafted visual flow charts to illustrate the process. The basic elements include:

For the buyer –

1. Developer holds pre-application meeting with city.
2. Developer and city discuss use of TDR and other incentive components to achieve bonus density.
3. City calculates number of TDR credits developer needs to achieve desired project density based on exchange rate and other program elements.
4. Developer seeks TDR credit seller, negotiates a price, closes a transaction, and furnishes necessary documentation to city (this can be an option agreement or original TDR certificates, as the city prefers) at the established point in the development process.

*What happens after the transaction?*

- The city tracks TDR credit use and communicates program activity to King County so the two jurisdictions can coordinate their respective sides of the process.

## 4 LCLIP Revenue Assessment

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The LCLIP revenue assessment tests several parameters to better understand the impact of different TDR mechanisms and development growth variables as drivers of potential LCLIP revenues. LCLIP revenues are dependent on a few different inputs, primarily the LIPA area and the projected amount of growth within that area. The next two sections discuss these in detail.

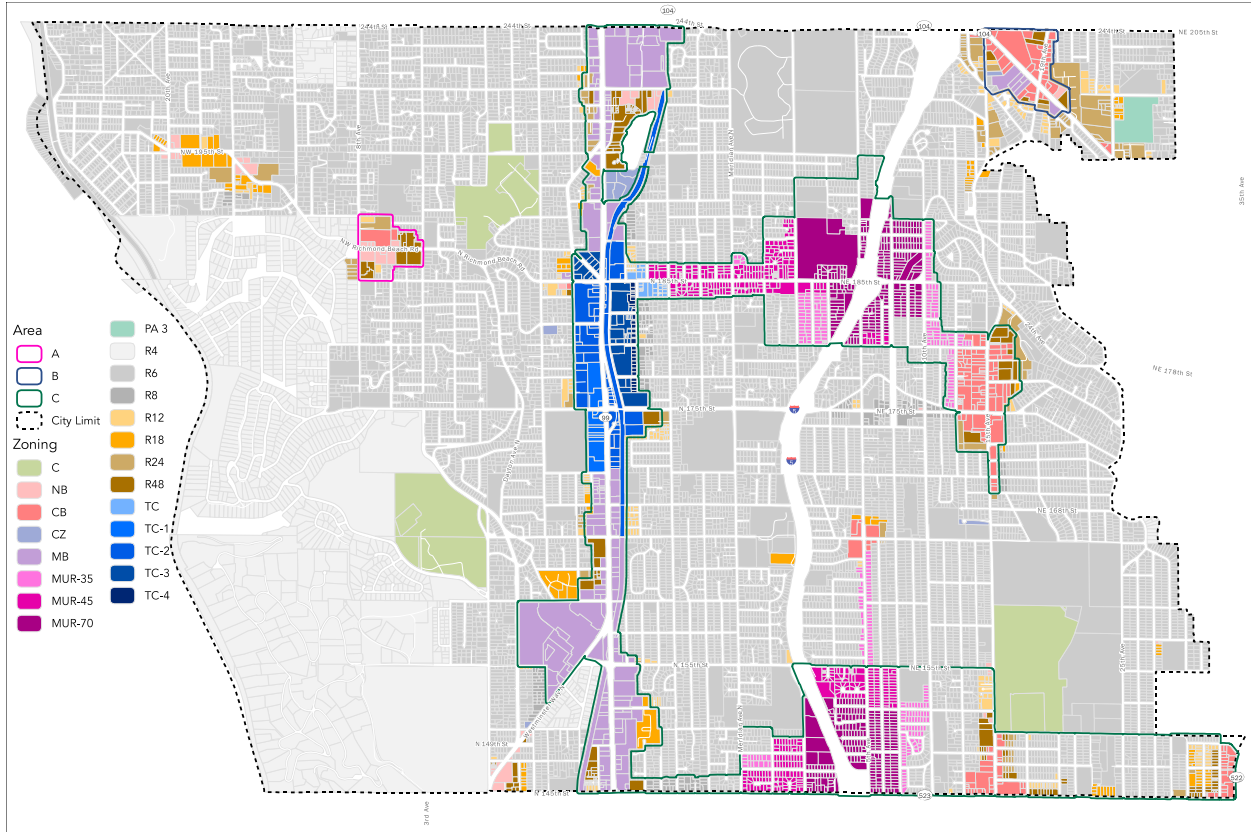
### 4.1 LIPA Opportunities

In the 2015 study the analysis focused initially on a combination of four discrete geographies. Upon reviewing the revenue-generating potential for the Study Areas, the analysis showed that collectively these areas represented only 14% of the City's total assessed value. Two key features of LCLIP are that revenue is a function of growth and cities may capture the incremental revenue from up to 25% of their assessed value. It is to Shoreline's advantage to maximize the assessed value included in the LIPA in order to fully achieve the program's revenue potential. Specifically, the city should select LIPAs in areas where it is planning the most assessed value expansion. Subsequent revenue projections were based upon an expanded Study Area that extended north and south along Highway 99 from the Town Center, which is shown in Exhibit 4. There are three LIPAs that cover the principal higher density areas of the city/

Land values have changed in the intervening time since the publication of the initial LCLIP study. The current, revised analysis recalculated the Study Area to include extensions of the original geography as well as two additional LIPAs. Collectively, these three LIPAs represent 22% of the City's assessed value at the time of the analysis. The following maps depict current Study Area.

The revised LIPA configuration was designed with input from Shoreline and King County staff to optimize program benefits (both revenues and conservation). The updated LIPAs include corridors between Aurora Avenue and the light rail stations, reflecting Shoreline's desire to improve connectivity among major commercial and transit centers. New, separate LIPAs were added in the Echo Lake and Hillwood neighborhoods to include redevelopment potential in the high-density residential and commercial zones.

#### Exhibit 4. Expanded LIPA Area



## 4.2 LCLIP Revenue Testing – Scenarios

### Overview

Using a LCLIP revenue model designed for the City, the analysis assessed the number of TDR credits potentially placed and corresponding revenues generated through the LCLIP program. There is a baseline forecast with a higher and lower bound estimate. Each estimate assumes different levels of growth to test how sensitive the revenues are to the assumed amount of growth. Given the TDR exchange rates and LIPA geography, it is estimated that future growth can accommodate the full PSRC allocation of 231 development rights.

### TDR Mechanism

The revenue analysis assumes that the primary mechanism used to place TDR credits is through the following areas.

- MUR-70' zones
  - Additional building height above 70 feet
  - Parking reduction
  - Tree removal offset
- Height bonus in MB, NB, CB, and R-48

All new multi-family residential development would use the 12-year MFTE program with affordable housing requirements.

The MFTE program would delay a portion of revenue to the City until the 12-year exemption expired. After the exemption expires the value would be added to the City's assessed value used in calculating how much revenue the City is receiving under the program. The delay in adding new construction value will somewhat reduce the amount of LCLIP revenues to the City over the life of the program. The City would also realize slightly less in total property tax revenue due to the delay in the addition of new construction value as well. It is important to note, however, that the revenues from other sources (sales tax, B&O tax, utilities tax, etc.) would likely exceed the foregone revenue from the 12-year property tax exemption.

### Assumptions

The analysis uses several common assumptions for all scenarios. The analysis assumes that the LCLIP program would start in 2021 and run for 25 years. For a program starting now the net present value is a useful measurement of projected revenue, as it is adjusted for inflation. For a program starting in the future it is helpful to consider the revenue stream over time in nominal terms (not adjusted for inflation). Considering both values provides a more complete picture.

All scenarios assume the price of TDR credits ranging from is \$20,000 and increase to \$41,000 per the sending areas below.



**Exhibit 5: Assumed Sending Site Costs**

Sending Area	Cost Assumptions (per Development Right)
King County Agriculture	\$41,000
King County Forest	\$28,000
Snohomish Coouty Agriculture	\$35,000
Snohiomish County Forest	\$25,000
Pierce County Agriculture	\$25,000
Pierce County Forest	\$20,000

**LCLIP Revenue Results**

Under these assumptions the private market would be able to place all the City’s 231 TDR credits and meet each performance threshold without public support. As a result, the LCLIP program would produce significant funding benefits to the city. Assuming a 100% specified ratio (the City commits to all 231 credits), the program could generate \$8.3 to \$12.8 million (net present value, \$13.9 to \$18.9 million in nominal terms) over the 25-year period.

**Exhibit 5. Summary Lower Bound Estimate**

TDR Credits Used	231	
Revenues	2020 Dollars (Present Value)	Nominal (Non-Inflation Adjusted)
Total LCLIP Revenues	\$16 Million	\$27.0 Million
City Allocation Revenues	\$7.5 Million	\$12.6 Million
County Allocation Revenues	\$8.5 Million	\$14.4 Million
City TDR Acquisition Cost	\$0	\$0
<b>City Net Revenue</b>	<b>\$8.3 Million</b>	<b>\$13.9 Million</b>

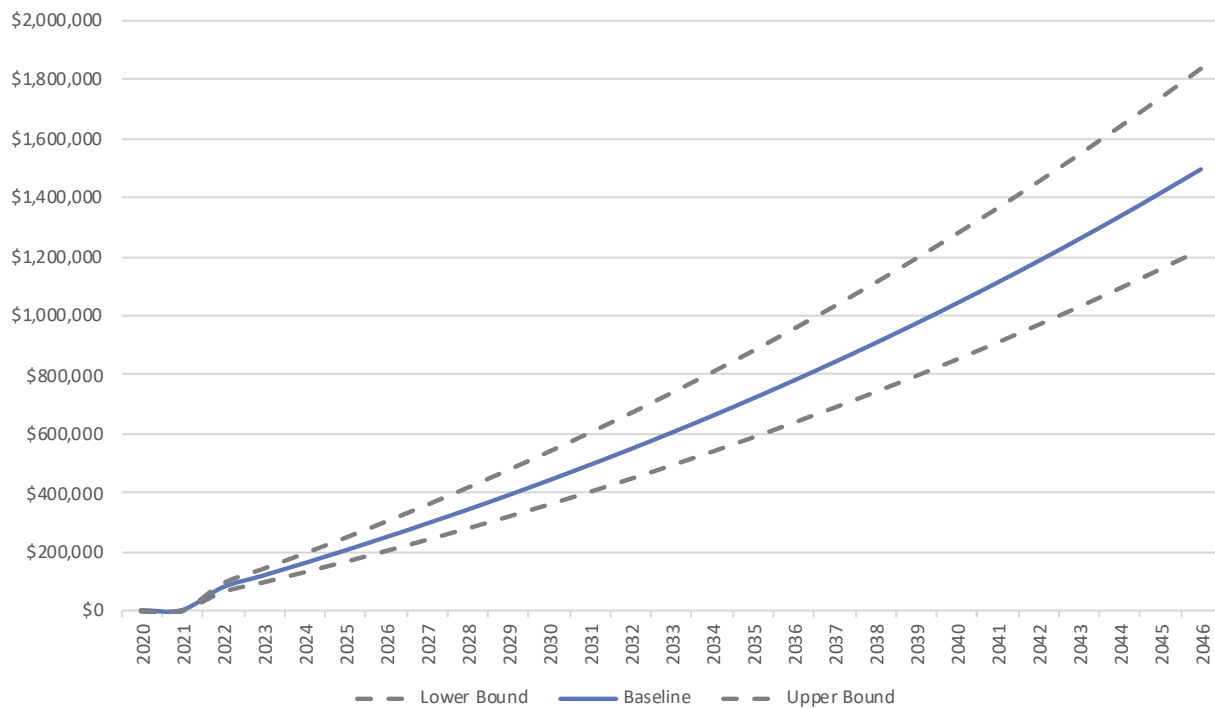
Source: ECONorthwest. Note all figures in 2020 dollars; 25-year present value at 3% discount rate

**Exhibit 5. Summary Upper Bound Estimate**

TDR Credits Used	231	
Revenues	2020 Dollars (Present Value)	Nominal (Non-Inflation Adjusted)
Total LCLIP Revenues	\$24.1 Million	\$40.5 Million
City Allocation Revenues	\$11.3 Million	\$18.9 Million
County Allocation Revenues	\$12.8 Million	\$21.6 Million
City TDR Acquisition Cost	\$0	\$0
<b>City Net Revenue</b>	<b>\$12.8 Million</b>	<b>\$18.9 Million</b>

Source: ECONorthwest. Note all figures in 2020 dollars; 25-year present value at 3% discount rate

**Exhibit 6. Annual LCLIP Revenues**



Source: ECONorthwest

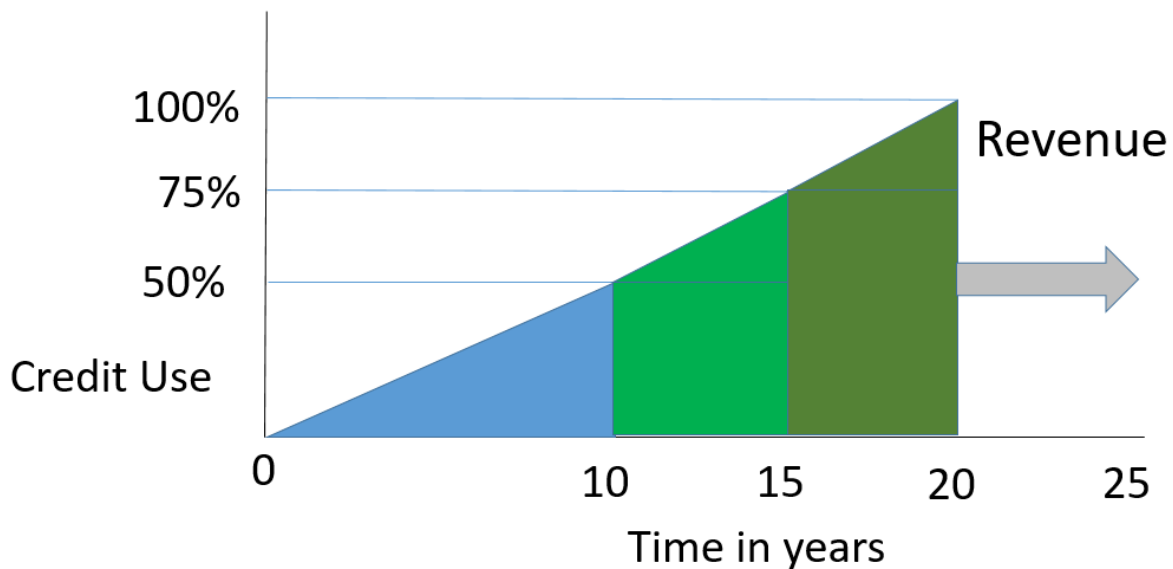
**4.3 Risks and Requirements**

A city’s decision to participate in LCLIP does not guarantee program success. As described already, several factors determine revenue and conservation outcomes, primarily the amount of redevelopment that occurs and how well calibrated the TDR mechanism is to place credits as a result

of that growth. A goal of this study update is to identify an implementation strategy by which Shoreline can use TDR to optimize the benefits of LCLIP and maximize the likelihood of program success. That being said, cities want to know the ramifications of using LCLIP and what the consequences are if they are unable to achieve program objectives.

**Risks**

An unknown factor in pursuing LCLIP is that anticipated redevelopment may not occur at either the pace or the scale at which a city needs in order to meet program obligations. Projecting future growth is difficult and, while the analysis in this report is based on the best available information and reasonable assumptions, there is some degree of uncertainty in predicting land use patterns. The design of LCLIP recognizes this uncertainty in the timeline of the performance milestones and the consequences of missing them. The following diagram illustrates the schedule of TDR placement needed to keep the program running:



The best way to achieve the objectives of LCLIP is to adopt an implementation strategy that is most likely to succeed. This includes creating appropriate incentives for using TDR, exchange rates matched to the market, and an administrative model that meets the needs of participants. If, however, the demand for growth doesn't materialize, what happens? The short answer is that counties have the option to end the program. This means three things:

1. Counties can stop sharing revenue if cities fall short of performance milestones. The result is that cities forgo all future earnings. This is an opportunity cost as the compounding effect of LCLIP means that revenues are highest in the later years of the program.
2. There is no penalty or fee to cities if the program ends early.
3. Cities retain all the revenue already collected. They do not have to pay back anything.

Two scenarios illustrate potential outcomes of missed program milestones.

In the first scenario, imagine that Shoreline adopts LCLIP and commits to accepting all 231 TDR credits. Under the statute, the City must place half of those, or 116 credits, by the end of year 10. Over the first 9 years of the program new construction has placed 101 credits. No pipeline projects

that could use TDR will materialize by the end of the year and it appears that the City will fall short of its placement goal by 15 credits. If the program ends the City will not earn any further revenue. Shoreline and King County could negotiate an extension to the program, as it is in both jurisdictions' interests to do so and the shortfall could be made up by a future project. Shoreline might purchase 15 credits with City funds to meet its TDR goal and could re-sell those credits into future projects. Shoreline and King County might negotiate an alternative arrangement that allows the City to continue the program. The result is that the two parties agree to extend LCLIP for another five years.

In the second scenario (same assumptions), imagine that the pace of growth has been far below expectations and new construction has placed 50 credits by the end of year 9. Facing a gap of 66 credits to meet the placement target within a one-year period and low growth rates, the City may not wish to buy the remaining credits to satisfy program requirements. The result is that King County ends the program at year 10. This scenario is unlikely, however, as the City will be monitoring program use continually and will know if it's on track to reach TDR placement goals. If placement is not high enough, the City will have time in which to adjust the program to increase TDR use.

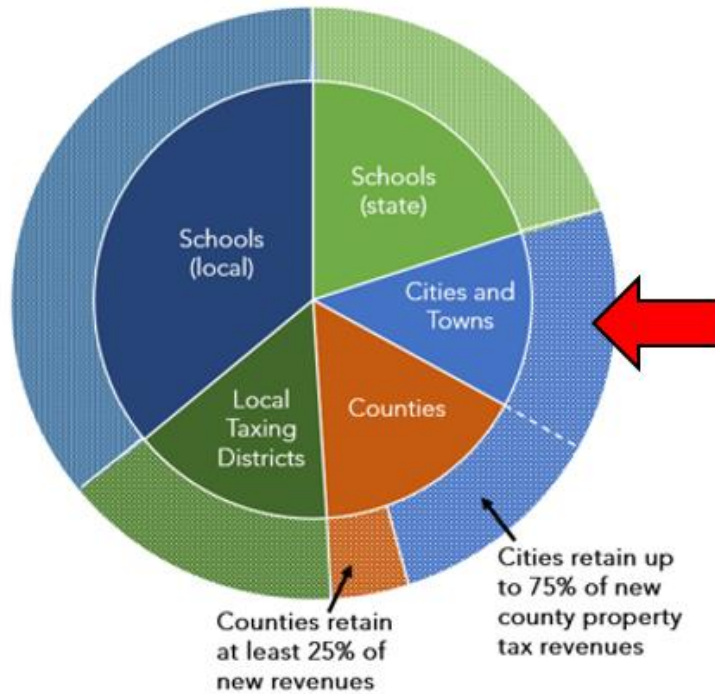
As a general statement, there is low risk to cities to participate in LCLIP. The main risk is the opportunity cost of not earning future revenues if a city does not meet TDR credit placement goals. Since it's unlikely that a city would start LCLIP if the conditions for success were not favorable, the likelihood of missing placement milestones would largely be driven by external factors, such as a market downturn.

In either scenario described above, a city has an additional option, which is to buy the balance of TDR credits itself to meet the placement goals. This is allowed by statute and gives a city the opportunity to intervene if the private market alone does not meet credit placement goals. Purchasing TDR credits with City funds would offset a portion of the financial gain through LCLIP but depending on the situation it could result in a city earning more than the expense over the duration of the program.

Another issue identified by cities that are considering multifamily property tax exemptions (MFTE) as a mechanism for placing TDR credits is that these tax exemptions will erode their overall revenue. For example, if a city uses TDR as a means for developers to access MFTE, the city forgoes revenues on those projects for a portion of LCLIP's duration. While that may be the case, the bigger picture tells a different story. Property tax is not the only source of revenue to a city from new construction. A city also collects sales and B&O taxes, among others. The revenues from sales tax during construction and ongoing taxes collected after occupancy in most cases will more than offset the loss of property tax through MFTE. That is revenue that would not otherwise be generated but for MFTE, which can create enough savings to justify building a project. Although MFTE may reduce LCLIP revenue, in the broader context a city still earns more revenue than it would have – through a multitude of sources – absent MFTE.

## **Requirements**

Cities pursuing LCLIP assume certain responsibilities identified in the statute. Beyond those already discussed, cities must commit to allocating their own portion of property tax revenue from new construction in the LIPAs to infrastructure improvements in those areas. To return to the earlier visual example of tax revenue distributions through LCLIP, the red arrow in the following graphic shows the portion of earnings a city must direct to infrastructure funding in LIPAs (which is separate from and additive to the revenues retained from counties).



This requirement does not cover continued property tax assessments on existing buildings, it pertains only to new construction for the limited duration of LCLIP. Some cities have raised the concern that this requirement constrains their use of tax funds, however it is important to consider two factors on this point. First, because a city using LCLIP is committing to use revenues for infrastructure, this program requirement represents an expenditure on capital improvements that a city would make anyway. Second, because revenues from new construction in LIPAs must go towards infrastructure, property tax revenues from other parts of the city that would otherwise go into the capital facilities budget can be used for other purposes. The net result is flexibility in how cities deploy property tax revenues while ensuring that infrastructure investments in high-growth areas are adequately funded.

## 5 LCLIP Program Findings and Recommendations

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### 5.1 Summary of Findings

#### **There is strong policy case for LCLIP in Shoreline.**

The Study Area, including Town Center, Aurora Square, the future light rail station areas, major east-west corridors, and two business/high density districts can play a central role in the city meeting its growth targets. These areas have the capacity to accommodate most of the City's new residents and employment, plus they have a need for capital facilities to support this growth. Residential capacity, particularly in the area where the city is planning on more intense land development, can use TDR (and, by extension, generate LCLIP funding) through use of the multi-family tax exemption program. The study area can benefit from infrastructure improvements to support redevelopment, especially around improving access to transit. Flexible funding from LCLIP can provide Shoreline with a revenue source to help make those investments.

The 2015 study found that a moderate growth scenario could generate \$4.4 million (net present value, \$8.5 million in nominal terms) while a more aggressive growth scenario could generate \$7.3 million (net present value, \$13.9 million in nominal terms). Assuming a 100% specified ratio (the City commits to all 231 credits), the program could generate \$8.5 to \$12.4 million (net present value, \$14.4 to \$21.6 million in nominal terms) over the 25-year period.

Looked at another way, if the City wanted to bond against future revenue, the relevant revenue figures would be the range of \$8.5 million to \$12.4 million. If the City instead wanted to collect the revenue and spend it as it comes in, the relevant revenue figures would be \$14.4 million to \$21.6 million.

#### **A market-driven approach to TDR placement can make LCLIP viable.**

Shoreline currently has TDR provisions in portions of the light rail station areas. In their current form they are unlikely to achieve the desired outcome because of the overall cost of including an array of public benefits in taller developments. Revisions to the development code that prioritize use of TDR, simplify the process, and offer more ways to use TDR should result in a market-driven approach in which new projects place credits in areas where the City desires growth.

Shoreline can augment the MFTE approach by combining it with TDR for projects in the commercial zones. An overall market-based strategy of offering an appropriate suite of incentives in areas expecting growth will maximize the likelihood of program success. However, some changes to affordable housing provisions would improve the capacity for new construction to provide multiple public benefits.

#### **Timing the start of LCLIP**

As demand for growth around the future light rail station areas emerges (and continues in business districts), this will drive further redevelopment. New projects are already emerging in Town Center and redevelopment at Shoreline Place is another project that will influence LCLIP utilization. There are two

main approaches to how to time the start of LCLIP. Each has its own advantages and tradeoffs. The City can weigh which factors matter most to plan for adoption in a way that best meets local needs.

One timing strategy involves waiting to start LCLIP until a developer proposes a new construction project that would place TDR credits. By launching the program just prior to such a project, the City achieves two objectives: making progress towards its TDR goals and ensuring revenue from the outset of the program. This approach mitigates – to some extent – the risk that redevelopment won't achieve program TDR credit placement goals. One tradeoff is that it would not capture the revenue of other new construction that happens in the interim that doesn't use TDR – in other words, the City might forgo revenue by waiting. Additionally, this approach postpones action, potentially reducing the likelihood of the program being adopted at some indeterminate future point.

The other strategy involves adoption of LCLIP now (or as soon as is feasible). This approach ensures that no value will be missed by waiting. Staff reports that three new construction projects within the proposed program area have already started the permitting process. Adopting LCLIP prior to completion of these projects would ensure that they generate revenue. A tradeoff to this approach is that the 20-year clock on TDR use begins without any credit placement. If the City makes code changes that result in greater certainty of TDR use in future projects, it mitigates the risk of missing credit placement goals.

A simple summary of the choice is this: adopt LCLIP now with the certainty of revenue from proposed new construction while relying on future redevelopment to place credits pursuant to code changes, or defer adoption to ensure some progress towards TDR credit placement goals with an opportunity cost of foregone revenue from known redevelopment.

## **5.2 Recommendations**

Shoreline can pursue a range of actions to maximize the benefits of LCLIP while minimizing the risks of not meeting performance milestones. In thinking about using LCLIP, the City should consider a suite of actions that collectively would take advantage of conditions for the program to succeed.

### **Potential LCLIP Approaches**

The 2015 report proposed three potential approaches to proceeding with LCLIP: no action, participate at the maximum level, and time the start of the program to a known project. The update to that report proposes a modified sequence of steps.

#### *No Action in the Immediate Future*

The “no action” alternative remains an option. While it was appropriate to consider in the context of the conditions informing the 2015 report, subsequent changes have introduced new factors influencing this choice. Since then, Shoreline adopted a subarea plan for the 145<sup>th</sup> Street light rail station area. Now both station areas have zoning that supports transit-oriented development. Additionally, growth has continued in multiple areas within the City. Multifamily projects are in various stages of completion, showing that a market for growth exists in advance of light rail service. Furthermore, opening of the light rail stations is less than three years away, which is a different timeline for prospective development than at the date of the original report (at which point opening was 8 years

distant). Finally, the LCLIP revenue projections are higher than in the original analysis, so the opportunity cost of not using the tool goes up accordingly. Conversely, because both light rail station area plans were adopted with limited and functionally constrained TDR provisions, retroactively expanding the use of TDR in existing zoning would be a complex (but not insurmountable) task.

*Set the stage for LCLIP success with a sound TDR framework*

This is the first of two steps for using LCLIP. Before proceeding to LCLIP adoption, Shoreline could pursue code changes outlined in this (updated) report to create a viable TDR program. This would give the City a solid foundation with a complete set of mechanics and the administrative structure for using the tool. With a TDR program in place that is designed to anticipate the demand for growth that should accompany expanded regional transit service, Shoreline will be positioned to adopt LCLIP when the conditions are best suited for success.

*Prepare LCLIP legislation and identify conditions for adoption*

Secondly, subsequent to (or concurrent with) TDR program creation, Shoreline can prepare legislation for adopting LCLIP. The City could draft an ordinance containing all the components specified by the statute (see Implementation Road Map below) and introduce it at a time that best supports City needs – either as soon as feasible or when a new project comes forward that would use TDR, depending on the City’s strategic preference around timing the start of LCLIP. This would be the opportune time to negotiate an interlocal agreement with King County, so it is also ready for adoption. In either approach, all legislation and agreements should be ready for consideration on short notice, giving Shoreline the ability to act quickly.

The 25-year clock begins on the effective date of a city’s LCLIP ordinance. It is inefficient to start the clock either in the absence of new construction or of TDR credit placement – the program would neither generate revenue nor achieve conservation for an unknown period. In order to take full advantage of LCLIP’s benefits, Shoreline should set the program in motion when either a project (or projects) would create value or use TDR credits, depending on City priorities. Implementing this adoption strategy would require a specific sequence of actions:

1. Design and adopt TDR program framework
2. Draft LCLIP implementing ordinance
3. Negotiate interlocal agreement with King County
4. Track development activity in proposed LCLIP areas
5. When a development comes forward that would use TDR, bring LCLIP ordinance (and interlocal agreement, if applicable) through the legislative process for adoption

**Summary recommendations for path to LCLIP implementation**

- Create a TDR program first.
- Commit to all 231 credits to maximize revenues.
- Establish LIPAs that encompass the revised study area geography to include the widest possible growth potential and increase the opportunity for TDR placement.
- Prepare all the groundwork for adoption of LCLIP so the City may start the program when ready (now or later, depending on council direction).



- Make the necessary code changes to implement TDR within the development code.

Furthermore, in moving forward the City should monitor the following conditions:

- Indications that confirm market interest in TDR, such as development applications that have been or are expected to be proposed that will need TDR credits in different zones.
- Analysis of the expected use of TDR credits confirms a reasonably high likelihood of meeting threshold requirements for TDR use in the LCLIP district.
- Infrastructure projects have been identified that qualify under the LCLIP program. This does not have to be a new, standalone plan. It can include investments already identified in the capital improvement plan.
- As needed, a shared strategy approach with King County or another partner agency should be included in an approach to retiring TDR credits.

### Summary recommendations for TDR program framework

- Receiving area is the geography of the study area.
- Sending areas are consistent with the intent of the LCLIP statute – make all regional resource lands eligible.
- TDR incentives are a suite of options including additional building height, parking reductions, and tree replacement.
- Incentives are streamlined to prioritize TDR and other public benefits like affordable housing.
- Projects gain incentives at a rate determined by market analysis (exchange rates are based in empirical understanding of the development market).
- Set development thresholds and exchange rates for accessing incentives at levels where TDR will be used.
- Administrative model is easy to use for all parties and the City provides information and resources to support participation.

## 6 Implementation Road Map

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Should the city of Shoreline choose to pursue LCLIP, the following next steps are necessary to implement the program:

**Step 1:** Identify a specific geographic area for increased density that will become a local infrastructure project area (“LIPA”). The LIPA must:

- Include contiguous land (no “islands” within a LIPA)
- Not include more than 25% of the total assessed taxable property within the city
- Not overlap another LIPA
- In the aggregate, be of enough size to 1) use the City’s “specified portion” of transferable development rights (unless the City has purchased the transferable development rights to reserve for future development), and 2) not be larger than reasonably necessary
- Contain all public improvements to be financed within its boundaries

**Step 2:** Accept responsibility for all or a share (a “specified portion”) of the transferable development rights allocated from the Puget Sound Regional Council to the city. Consider whether to include any rights from another city through an interlocal agreement.

**Step 3:** Adopt a plan for development of public infrastructure within the LIPA. The plan may be referenced in the adopting ordinance and appended to the interlocal agreement with King County. The plan must:

- Utilize at least 20% of the city’s allocated share of transferable development rights
- Be developed in consultation with the Department of Transportation and the county where the LIPA is located
- Be consistent with any transfer of development rights policies or development regulations adopted by the city
- Specify the public improvements that will be financed
- Estimate the number of transferable development rights that will be used
- Estimate the cost of the public improvements

**Step 4:** Adopt transfer of development rights policies or implement development regulations or make a finding that the city will receive its specified portion within one or more LIPAs or make a finding that the city will purchase its specified portion. Adoption of transfer of development rights policies or implementation of development regulations must:

- Comply with the Growth Management Act
- Designate a receiving area(s)
- Adopt developer incentives, which should be designed, at the City’s election, to:
  - Achieve the densities or intensities in the City’s plan
  - Include streamlined permitting strategies
  - Include streamlined environmental review strategies
- Establish an exchange rate, which should be designed to:

- Create a marketplace where transferable development rights can be bought and sold
- Achieve the densities or intensities in the city's plan
- Provide for translation to commodities in addition to residential density (e.g., building height, commercial floor area, parking ratio, impervious surface, parkland and open space, setbacks and floor area ratio)
- Allow for appropriate exemptions from land use and building requirements
- Require that the sale of the transferable development rights be evidenced by its permanent removal from the sending site (such as through a conservation easement on the sending site)
- Not be based on a downzone within the receiving area

The City may elect to adopt optional comprehensive plan element and optional development regulations that apply within the LIPA

**Step 5:** Hold a public hearing on the proposed formation of the LIPA. Notice must be provided to the county assessor, county treasurer, and county within the proposed LIPA of the City's intent to create the area. Notice must be provided at least 180 days in advance of the public hearing.

**Step 6:** Adopt an ordinance or resolution creating the LIPA. The ordinance or resolution must:

- Describe the proposed public improvements
- Describe the boundaries of the proposed LIPA
- Provide the date when the use of local property tax allocation revenues will commence and a list of the participating tax districts (the city and county)

A certified copy of the adopted ordinance or resolution must be delivered to the county assessor, county treasurer and each participating tax district

**Step 7:** Provide a report along with the county to the Department of Commerce by March 1<sup>st</sup> of each year. A requirement of participating in the LCLIP program is for Counties in cooperation with cities, to provide the Department of Commerce with a report on March 1<sup>st</sup> of every other year. Should the City of Shoreline choose to participate, the City in cooperation with King County would compile a report containing the following information:

- Number of cities within the county participating in LCLIP; and,
- The number of TDR transactions that have occurred; and,
- The number of acres conserved through the program, broken out by land type, agricultural, forest, or rural; and,
- The number of TDR credits transferred; and,
- The number of TDR credits transferred into the cities; and,
  - The total number of new residential units in the city; and,
  - The number of additional residential units allowed due to TDR credit transfers; and,
  - The amount of additional commercial space allowed due to TDR credit transfers; and,
  - The amount of additional building height allowed due to TDR credit transfers; and,
  - The amount of structured parking spaces reduced due to TDR credit transfers; and,
  - The amount of additional parking spaces allowed due to TDR credit transfers; and,
  - The amount of additional impervious surface allowed due to TDR credit transfers; and,

- The amount of property tax revenues per city received from the county; and,
- A list of public improvements paid for or financed by the received revenues; and,
- The names of businesses locating within the district as a result of the public improvements; and,
  - The number of permanent jobs created in the district as a result of the public improvements; and,
  - The average wages and benefits received by the employees; and,
- The date at which any indebtedness issued for LCLIP financing is expected to be retired.

# 1 Appendix A to Shoreline LCLIP Feasibility Analysis: Supplemental Scenarios

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Following a presentation to Shoreline City Council on July 27, 2020, council members requested additional context and examples to illustrate a wider range of potential scenarios under which the City could implement LCLIP. Based on requests from council members, the consultant team prepared a supplemental analysis that demonstrates a more graduated array of options for how LCLIP could work based on a range of factors. These scenarios provide additional detail to inform council decision-making on how to proceed with LCLIP, noting that the consultants' recommendations remain consistent with those in the main body of this report: Shoreline will gain the most value and achieve the most conservation through the program by using it to the fullest potential.

The following scenarios reflect three different configurations of how Shoreline might implement LCLIP based on council direction and preferences. A summary table comparing all of the options follows the narrative descriptions and discussion. As a reminder of the dynamics of LCLIP, revenue is a function of three factors:

- Geography. The more assessed value a city includes in the program (up to a maximum of 25%), the more revenue it will generate.
- TDR use. The more credits a city commits to placing, the more revenue it will generate.
- Growth. The more new construction that occurs, the more revenue it will generate.

The three scenarios represent small, medium, and large choices in terms of scale of utilization.

## **Scenario One – Station Emphasis**

This scenario limits program use to a geography containing only zones in the light rail station subareas (MUR-70' and MUR-45'), which represents 5% of the city's total assessed value. The incentives offered include additional building height, parking reduction, and multifamily tax exemptions (MFTE). The types of construction suited for these zones are midrise – potentially constructed from cross-laminated timber – and stacked flats. In this scenario, a single midrise project would place 14 TDR credits, netting a return on investment of approximately \$420,000. A stacked flat project would place 2 TDR credits, netting a return of approximately \$58,000.

If Shoreline commits to half of its total TDR allocation – 115 credits – then the City could achieve this placement through a combination of 6 midrise projects and 15 stacked flat projects over a 20-year period. In other words, each station area might see 3 midrise projects and 7 or 8 stacked flat projects. With this combination of TDR placement, geography, and growth, LCLIP would generate between \$3.2 million and \$6.3 million over the term of the program, or \$1.9 million to \$3.8 million net present value (the amount for which the City could bond should it choose that revenue stream). This amount of revenue would fund the following combination of projects in the capital improvement plan:

If the City commits to its full TDR allocation – 231 credits – it could achieve this placement through a combination of 12 midrise projects and 29 stacked flat projects over a 20-year period. This permutation would generate \$6.3 million to \$12.6 million over the duration of the program, or \$3.8 million to \$7.5 million NPV.

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This amount of revenue would fund combinations of the following projects in the capital improvement plan:

- Parks repair and replacement, playground replacement, and turf and lighting repair
- Sidewalk Rehabilitation Program through 2022, and install new sidewalks on 1<sup>st</sup> Ave NE from N 145<sup>th</sup> St. to N 155<sup>th</sup> St. and from N 192<sup>nd</sup> St. to NE 195<sup>th</sup> St.

In order to implement this scenario, the City would need to change the existing MUR incentive structure to award one additional story in MUR-45', emphasize TDR and affordable housing in the MUR-70' zone, award parking flexibility for TDR in one or both of these zones, and pair these incentives with MFTE.

For illustration purposes, the following images are examples of what midrise cross-laminated timber construction and 5-story stacked flats could look like.



## **Scenario Two – Expanded Emphasis**

This scenario broadens program use to a geography containing zones in the light rail station subareas (MUR-70' and MUR-45') as well as Town Center zones (TC-1/2/3), which represents 15% of the city's total assessed value. The incentives offered include additional building height, parking reduction, and multifamily tax exemptions (MFTE). The types of construction suited for these zones are midrise – potentially constructed from cross-laminated timber – podium, and stacked flats. In this scenario, a single midrise project would place 14 TDR credits, netting a return on investment of approximately \$420,000. A podium project would place 6 credits, netting a return of approximately \$186,000. A stacked flat project would place 2 TDR credits, netting a return of approximately \$58,000.

If Shoreline commits to half of its total TDR allocation – 115 credits – then the City might achieve this placement through a combination of 4 midrise projects, 8 podium projects, and 12 stacked flat projects over a 20-year period. In other words, each station area might see 2 midrise projects, 4 podium projects, and 6 stacked flat projects. With this combination of TDR placement, geography, and growth, LCLIP would generate between \$6.3 million and \$9.5 million over the term of the program, or \$3.8 million to \$5.7 million net present value.

This amount of revenue would fund improvements to pedestrian and bike connectivity along N 195<sup>th</sup> St. from 5<sup>th</sup> Ave NE to the I-5 pedestrian bridge, as well as citywide surface water small projects and park restroom improvements.

If the City commits to its full TDR allocation – 231 credits – it could achieve this placement through a combination of 8 midrise projects, 16 podium projects and 16 stacked flat projects over a 20-year period across both light rail station areas and Town Center. This permutation would generate \$12.6 million to \$18.9 million over the duration of the program, or \$7.5 million to \$8.2 million NPV.

This amount of revenue would fill the existing funding gap for constructing the 148th St. non-motorized bridge.

In order to implement this scenario, the City would need to change the existing MUR incentive structure to award one additional story in MUR-45' and TC zones, emphasize TDR and affordable housing in the MUR-70' zone, award parking flexibility for TDR in one or both of these zones, and pair these incentives with MFTE.

For illustration purposes, the following images show examples of podium construction.





## **Scenario Three – Full Utilization**

This scenario broadens program use to a geography containing zones in the light rail station subareas (MUR-70' and MUR-45') as well as Town Center zones (TC-1/2/3), plus multifamily and business zones (MB, NB, CB, R-48) which represents 23% of the city's total assessed value. This geography strikes a balance of demonstrable nexus between growth and infrastructure need with the potential to generate revenue and achieve conservation. The incentives offered include additional building height, parking reduction (limited to the MUR zones), and multifamily tax exemptions (MFTE). The types of construction suited for these zones are midrise – potentially constructed from cross-laminated timber – podium, and stacked flats.

If Shoreline commits to half of its total TDR allocation – 115 credits – then the City might achieve this placement through a combination of 4 midrise projects, 8 podium projects, and 6 stacked flat projects over a 20-year period across the program geography. In other words, each station area might see 2 midrise projects and 4 podium projects, while the stacked flat projects are distributed across the MUR-45', TC-1/2/3, business, and R-48 zones. With this combination of TDR placement, geography, and growth, LCLIP would generate between \$9.5 million and \$12.6 million over the term of the program, or \$5.7 million to \$7.5 million net present value.

This amount of revenue would fund improvements to the Westminster Way N and N 155<sup>th</sup> St. intersection, as well as upgrades to pump stations 26 and 30.

If the City commits to its full TDR allocation – 231 credits – it could achieve this placement through a combination of 8 midrise projects, 16 podium projects and 11 stacked flat projects over a 20-year period. A development pattern might look like 4 midrises and 4 podium projects in each light rail station area, 8 podium projects in Town Center, and the stacked flats spread across the business zones and R-48. This permutation would generate \$18.5 million to \$25.2 million over the duration of the program, or \$8.2 million to \$15.1 million NPV.

This amount of revenue could fund the majority of the cost of improvements to the I-5 and NE 145<sup>th</sup> St. interchange.

In order to implement this scenario, the City would need to change the existing MUR incentive structure to award one additional story in MUR-45', TC zones, and business/R-48 zones; emphasize TDR and affordable housing in the MUR-70' zone; award parking flexibility for TDR in one or both of these zones; and pair these incentives with MFTE.

## **Discussion**

The scenarios outlined here present Shoreline with a continuum of options for how it might participate in LCLIP. The additional detail also provides more context around the development patterns that would support success of the program. In evaluating opportunities for using LCLIP, many factors inform the decision of whether to adopt the tool and how best to use it. One of the most influential factors determining the success of the program is how much growth the City can expect, as this will affect both how many TDR credits it can place and how much revenue it will earn. Anticipating future growth is difficult to project, so the consultant team has taken a conservative approach to modeling its estimates. Given the recent and current range of projects constructed in the City, is it reasonable to expect the addition of 30 to 40 multifamily projects over a 20-year program? Is an average rate of 1 ½ to two new projects per year in line with what the City has been

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experiencing and expects to see? Do these development patterns support Shoreline’s goals for the light rail station areas, Town Center, and business zones? Will the projected revenues make a meaningful contribution to parks, mobility, or stormwater improvements that will support growth and enhance the quality of life for its residents?

Each scenario presents tradeoffs. Smaller scale implementation, both in terms of geography and credits placed, will generate lower revenues. Full utilization of the program will generate higher revenue and will necessitate more extensive zoning and incentive program updates to realize these benefits. The opening of the light rail stations in 2023 will improve connectivity between Shoreline and the rest of the region. The resulting growth that the City anticipates could create additional public benefits for the community.

### Summary Table of Scenarios

	Station area emphasis	Expanded emphasis	Full Utilization
Geography	Both light rail station subareas	Both LR areas + Town Center	LR areas + TC + business zones (3 LIPAs)
% AV	5%	15%	23%
Incentives	Height: MUR-70 > 70' to max	Height: MUR-70 > 70' to max	Height: MUR-70 > 70' to max
	Height: MUR-45 +1 story	Height: MUR-45 +1 story	Height: MUR-45 +1 story
	Parking reduction	Height: TC 1/2/3 from 70'-85'	Height: TC 1/2/3 from 70'-85'
	MFTE	Parking reduction (MUR zones only)	Height: +1 story in business/R-48 zones
		MFTE	Parking reduction (MUR zones only)
Construction types	Midrise (up to 140' in MUR-70')	Midrise (up to 140' in MUR-70')	Midrise (up to 140' in MUR-70')
	Wood frame stacked flats	Podium 7-story (TC)	Podium 7-story (TC)
		Stacked flat 5-story (MUR-45)	Stacked flat (MUR-45/Business/R-48)
Credits placed in prototypical project	Midrise = 14	Midrise = 14	Midrise = 14
	Stacked flat = 2	Podium = 6	Podium = 6
		Stacked flat = 2	Stacked flat = 2
Development patterns:			
115 credits (50% allocation)	Combo of projects over 20 years = 21	Combo of projects over 20 years = 18	Combo of projects over 20 years = 14
231 credits (100% allocation)	Combo of projects over 20 years = 41	Combo of projects over 20 years = 36	Combo of projects over 20 years = 30 to 35
Revenue:			
115 credits nominal	\$3.2M - \$6.3M	\$6.3M - \$9.5M	\$9.5M - \$12.6M
115 credits NPV	\$1.9M - \$3.8M	\$3.8M - \$5.7M	\$5.7M - \$7.5M
231 credits nominal	\$6.3M - \$12.6M	\$12.6M - \$18.9M	\$18.9M - \$25.2M
231 credits NPV	\$3.8M - \$7.5M	\$7.5M - \$8.2M	\$8.2M - \$15.1M
CIP - what improvements could this revenue fund?	Parks repair/replacement	Ped/bike connectivity on 195th St	Pump station upgrades
	Sidewalk rehabilitation program	Surface water improvements	Westminster Way/155th intersection
	New sidewalks on 1st Ave NE	148th St non-motorized bridge	Most improvements to I-5/145th interchange
Code changes needed	Change MUR incentive structure to emphasize TDR and affordable housing	Change MUR incentive structure to emphasize TDR and affordable housing	Change MUR incentive structure to emphasize TDR and affordable housing
	Parking flexibility	Parking flexibility	Parking flexibility
	MFTE	MFTE	MFTE
		Add one story to TC 1/2/3	Add one story to TC 1/2/3, business, R-48

#### Notes on updated analysis

Some of the findings differ between the analysis performed for the March 2020 draft of this report and the November 2020 additions, including revenue projections, TDR credit placement rates, and development patterns. These differences reflect refinements to credit placement rates and credit pricing assumptions, including an average weight of projects by square footage. Revenues increase as a result of development models attributing more growth to station areas owing to a more robust incentive package and more incremental density in updated scenarios compared to those modeled in the March report. Within each scenario, the greater degree to which the City offers incentives that

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enable development at larger scale (both in terms of height and the number of projects), the more opportunities this creates to use TDR and the more revenue will

